

RESOLUTION # 13-04

Case No. Colerain ZA2003-05: Monte Vista III - Vail Court

*Approval of Application for a Zone Change from
"A" Single Family Residence to "A" Community Unit Plan*

WHEREAS, Ameritek Custom Homes, applicant, and Timothy Stenger and Charles Sterneberg, owners, filed Case No. ZA2003-05, an application for an amendment of a section of the zoning map from "A" Single Family Residence to "A" Community Unit Plan, for the property located north of the terminus of Vail Court and Snyder Road (Book 510, Page 350, Parcels 30 and 297 and Page 360, Parcel 81); and

WHEREAS, the Colerain Township Zoning Commission held a public hearing on January 20, 2004 and recommended approval of the proposed amendment to the Board of Trustees; and

WHEREAS, on February 24, 2004, the Board of Trustees held a public hearing on the said amendment, and continued such hearing to March 9, 2004 to allow the applicant the opportunity to address the concerns of surrounding neighbors, and the concerns of the Board of Trustees; and

WHEREAS, the Colerain Township All Hazard Mitigation Plan, previously adopted by the Board of Trustees, has identified flooding as the number one natural disaster to which the township is subject; and

WHEREAS, the Hamilton County Regional Planning Commission has determined that non-flood zone flooding in Hamilton County is becoming a serious problem as a result of current development trends; and

WHEREAS, Section 33.1.1 of the Colerain Township Zoning Resolution requires that the location and planning of building sites and the amount, arrangement and treatment of open space will ensure a satisfactory living environment and will be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property will not be adversely affected; and

WHEREAS, the Board of Trustees is mindful that township zoning has as its purpose the promotion of the public health, safety, and morals of the community within its zoning jurisdiction; and

WHEREAS, the Board of Trustees has carefully reviewed said application and all pertinent documents, and has considered all comments received in the public hearings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees unanimously accepts the recommendation of the Colerain Township Zoning Commission that the application be approved, with

the additional conditions set forth in this resolution, for the reason that with the additional conditions, the application is consistent with the "Community Unit Plan Regulations". Therefore the Board believes the amendment to be in keeping with good land use planning and is not in conflict with the best interest of the Township and the Public.

BE IT FURTHER RESOLVED that the plan be subject to the conditions and declarations of Article 19 and Article 26, inclusive and subject further to the following covenants:

1. Final Development Plan

1.1 The Zoning Resolution, required site plans or drawings, terms, covenants and conditions of approval which are depicted or noted on the Final Development Plan or contained in this Resolution are to be considered complimentary and what is required by one shall be as binding as if required by all.

1.2 No Final Development Plan shall be approved by the Colerain Township Zoning Commission before:

- A. detailed plans for grading, landscaping (indicating quality/quantity), exterior lighting and freestanding signs are submitted;
- B. all other "Requirements For Submission" of the Final Development Plans have been satisfactorily met;
- C. the Final Development Plan complies with the intent of this Resolution, the Zoning Resolution, the Preliminary Development Plan and all other complementary regulations and documents;
- D. the Final Development Plan complies with site plan recommendations of applicable development review agencies;
- E. the Final Development Plan complies with the following additional requirements or standards:
 - 1. That the development contain no more than 47 single family lots;
 - 2. That the development comply with the Hamilton County Subdivision Rules and Regulations;
 - 3. That as part of the Final Development Plan process, all limits of clearing be properly marked prior to any clearing on the job site and inspected by the zoning inspector for compliance;

4. That further subdividing of this development shall be prohibited to assure conservation of all open space areas;
5. That the designated open space areas as shown on the development plan shall be maintained by a Homeowners Association;
6. That specific language identifying permitted and prohibited uses in the open space areas shall be shown on the Final Development Plan;
7. That plans indicating lighting, landscaping and signage shall be submitted as part of the Final Development Plan review and approval process;
8. That access be permitted only as shown on the approved development plan, and future access to Mullen Road is prohibited;
9. That the following requirements for stormwater control be implemented:
 - a. The detention of storm water shall occur in 2 stages:
 - i. Stage 1 shall allow the discharge of a 1 year pre-developed peak rate and provide for the detention of a post-developed site 10 year storm.
 - ii. Stage 2 shall allow the discharge of a 5 year pre-developed peak rate and provide for the detention of a post-developed site 50 year storm.
 - b. The terms "predeveloped peak rate" and "post-developed site" shall have the same meanings as in Section ST 711 of Article VII of the Hamilton County Public Works Department Storm Water Rules and Regulations, and "5 year storm" and "50 year storm" shall be calculated in the manner set forth in said Rules and Regulations.
 - c. The applicant's civil engineer shall design the outflow areas of the detention basins with sufficient rock channel protection to reduce the energy of the stormwater exiting the detention basins, to avoid erosion of the natural drainage courses into which the water is discharged.
 - d. That all Stormwater Rules and Regulations of the Hamilton County Public Works Department be followed, except that any

requirement contained herein which is more stringent than the Public Works Department regulations shall supercede the Public Works department regulation.

- e. All stormwater runoff from all impervious surfaces on this site shall be directed to the detention basins to be constructed for the development, including stormwater flowing down the rear of lots 83 through 86 inclusive which shall be channeled by swales or piping to the said detention basins.
- f. All drawings and specifications shall be signed and sealed by the Applicant's professional engineer to confirm compliance with this resolution.
- g. On hillsides in the areas designated as open space on the final development plan, hardwoods or other appropriate trees with root system characteristics sufficient to stabilize said hillsides against sliding of earth or erosion shall be planted in such numbers and in such locations as the applicant's landscape architect shall prescribe to accomplish the intention and goal of this provision.

10. That any future modifications to the Final Development Plan be submitted as a major or minor amendment to the Final Development plan.

11. That prior to the approval of the Final Development Plan, the applicant develops a plan of action agreeable by both Colerain Township and Green Township concerning emergency response and services to the proposed development due to site access constraints.

12. The development will include sidewalks, street lights with underground utilities.

13. The developer shall provide a greenspace easement 20 feet in width at the rear of Lot 74 to serve as a buffer for the adjacent property owner. There shall be landscaping installed within this easement to provide visual screening between the adjoining property and the development, containing such trees, shrubs, and plants as the developer's landscape architect shall prescribe in order to accomplish the purpose and intent of this provision.

14. The applicant's geotechnical engineer shall be utilized during detail design, and shall certify on that the development as proposed on the final development plan shall not aggravate or create hillside slippage

- F. The methodology and criteria for effectuating and evaluating compliance with performance related covenants and conditions is noted on the Final Development Plan and accepted by the Township Zoning Administrator.

2. Construction Permits

- 2.1 No Zoning Certificate shall be issued by the Office of the Zoning Administrator before:
- A. a Final Development Plan in compliance with Section 1 above, has been received and approved by the Colerain Township Zoning Commission, and
 - B. construction documents submitted for permit are fully coordinated and consistent with the approved Final Development Plan.
- 2.2 No building permit for actual construction shall be issued by the Department of the Building Commissioner before a Zoning Certificate is received from the Colerain Township Zoning Administrator.

3. Final Compliance Documents

- 3.1 No Final Zoning Inspection Certificate shall be issued by the Colerain Township Zoning Administrator before the development complies with all requirements in this Resolution as defined in Covenant 1.1, and the following documents are received and accepted by the Colerain Township Zoning Administrator:
- A. a summary report from the Hamilton County Engineer certifying that the approved plans and specifications for roadway and access improvements, either on-site or off-site, have been completely implemented, and that required rights-of-way have been dedicated,
 - B. a summary report from the applicant's registered engineer or surveyor as required by and addressed to the Director of Hamilton County Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; The Director of the Hamilton County Public Works shall inform the Colerain Township Zoning

Administrator when such letter is received and accepted,

- C. a summary report from Metropolitan Sewer District, County Board of Health or the Ohio Environmental Protection Agency certifying that the approved plan and specifications for sanitary sewer and waste treatment have been completely implemented,
- D. a summary report from the registered landscape architect who prepared the plan, certifying completion of the landscape plan, and soil erosion and sedimentation control measures as specified on the approved plan; also noting any deviations and reasons for such deviations,
- E. a summary report from the Colerain Township Fire Prevention Officer , certifying that the approved plan and specifications for fire prevention have been completely implemented, and
- F. a summary report from the applicant's registered engineer or surveyor or attorney certifying that required easements for access, utilities or other purposes have been recorded in the Office of the Hamilton County Recorder.
- G. a summary report from the applicant's geotechnical engineer certifying that the development plan has been implemented and construction has occurred in such a manner that the development will not aggravate or create hillside slippage.

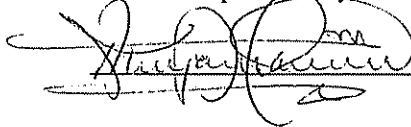

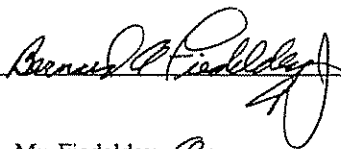

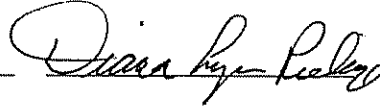

4. Maintenance of Improvements

- 4.1 All aspects of this development including property improvements, landscaping, ground cover, etc. as required in the specifications, covenants, conditions, requirements, and limitations of the Final Development Plan and/or contained in this Resolution shall be continually maintained by the owner of the property until the development ceases to exist. Enforcement shall be by the Office of the Colerain Township Zoning Inspector, with all discrepancies being considered Zoning Resolution violations

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the approved Preliminary Plan be directed by the Clerk of Colerain Township to the Applicant and his Agent for this Amendment, and to the Hamilton County Recorder.

CERTIFICATE OF ADOPTION

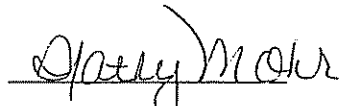
This resolution was adopted at a regularly convened meeting of the Board of Township Trustees of Colerain Township, Ohio, in session the 23rd day of March, 2004 and shall become effective at the earliest time permitted by law.


Mr. Corman 

Mr. Fiedelvey 

Mrs. Rielage 

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by this Board of Trustees in session this 23rd day of March, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of Trustees of Colerain Township, Ohio, this 23rd day of March, 2004.



Kathy Mohr, Clerk

Board of Township Trustees

Colerain Township, Ohio