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RESOLUTION # 37-04

Case No. ZA-2004-06
BRUNSWICK VILLAGE
Approval of Application for Zone Change from
an existing "DD" Planned Multiple Residence
to an "OO" Planned Office District

WHEREAS, Frank Lazarovski, Applicant/Owner, filed Case No. Colerain ZA2004-06, an application for a Zone Amendment from an existing "DD" Planned Multiple Residence to an "OO" Planned Office District, for the parcel located at 3614 Benhill Drive, north side of Benhill Dr., 200 ft. west of Blue Rock Rd. (Book 510, Page 80, Parcels 191 and 298), said site containing 0.5246 gross acres, 0.4556 net acres.

WHEREAS, the Hamilton County Regional Planning Commission held a public hearing on August 5, 2004, and recommended denial of the proposed amendment (2-3 vote); and

WHEREAS, the Colerain Township Zoning Commission held a public hearing on August 17, 2004 and recommended approval of the proposed amendment (3 to 0); and

WHEREAS, on October 12, 2004 the Board of Trustees held a public hearing on said amendment and reviewed all pertinent documents and received public comment, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees approves the recommendation by the Colerain Township Zoning Commission that the application for zone amendment be approved, and the Board of Trustees does hereby approve the said amendment, with the specific conditions contained in this Resolution, for the reason that the amendment would be in the best interest of the Township and the public, and is in keeping with good land use planning.

BE IT FURTHER RESOLVED that the plan be subject to the regulations and declarations of Article 20 ("OO" Planned Office District) and other applicable sections of the Colerain Township Zoning Resolution, including, but not necessarily limited to area regulations, building setbacks, streetscape, landscaping, buffering and screening, signage, lighting, and parking lot standards, and subject further to the following covenants:

Final Development Plan

- 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

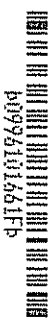
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TRANSFER NOT NECESSARY

RAW
DUSTY RHODES
COUNTY AUDITOR

see PB 393 Pg 20



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or contained in this Resolution amending the zone map are to be considered complimentary and what is required by any 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 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 plan be revised to include a minimum 20-foot boundary buffer along the northern and western property line adjacent to the single-family property on parcel 510-80-190, with no impervious surface.
- 2. That, the development plan be revised to list proper material identification, and comply with the interior landscaping, site perimeter screening, and berming requirements of the Colerain Township Zoning Resolution Article 29.

- A. That, a minimum of 1 tree and 3 shrubs be provided in a 15 space or less parking lot.
- B. That, in addition to the landscaping shown on the development plan, a 10-foot minimum streetscape buffer with a landscape berm of 4-feet in height be provided between the street right-of-way and the building setback.
- C. That, between the proposed building, parking lot and adjacent single-family property on parcel 510-80-190, a row of evergreen shrubs be provided that will be six (6) feet in height and 73% opacity within two years.

3. That, during the construction process, if any existing vegetation is destroyed or damaged along the northern property line, that the applicant replace the vegetation with similar landscaping or as approved by the Zoning Commission.
4. That, prior to any type of occupancy of the proposed facility all landscaping, buffering, and perimeter streetscape be fully implemented.
5. That, a detailed signage plan be submitted as part of the plan review and Final Development Plan review approval process, showing detailed wall and directional signage proposed, which must be in compliance with Article 30 of the Colerain Township Zoning Resolution, and that there be no freestanding sign permitted on the site.
6. That, the required detailed lighting plan that complies with Article 31 of the Zoning Resolution be submitted as part of the plan review and Final Development Plan approval process: lighting to be full cut-off to the north, west and south, no lighting is to project outward from property; lighting is to be on a timer so that it is turned off from 10 pm to 6 am, and no wall packs shall be installed at the rear or side of the building.
7. That, the dumpster shall be fully screened from view on all sides by a wall enclosure, matching the building materials with a solid gate on the front. Dumpster pick-up service shall be allowed only between the hours of 7:00AM to 7:00 PM.
8. That, no exterior display or storage be permitted on the premises.
9. That, the Final Development Plan provides sidewalk upgrades along Benhill Road and that no waivers be granted in the future,
10. That, the use of the property be limited to Office related uses, excluding retail and residential uses.
11. That, the proposed building shall have a minimum rear yard buffer setback of 20 feet with the intent to increase boundary buffers in the front yard.
12. That, the proposed building be a maximum of one story in height.
13. That, parcels 510-80-191 and 519-80-298 be consolidated.
14. That, access to the subject site only be obtained only through parcel 510-80-192, and that an easement or declaration of easement be recorded to provide same.
15. That, an easement or declaration of easement be recorded providing for shared parking between the subject site and the existing development on parcels 510-80-192 and 510-80-73.

Variances:

1. That, a variance be granted from Article 20, Section 20.3.2, permitting a minimum rear yard setback of 30 feet where the required rear yard setback is 40 feet.
2. That, a variance be granted from Article 28, Table 28-4 permitting a 10-space on-site parking lot, so as long as Conditions #2A and #10 above are satisfied, where the requirement for the proposed use is 15 parking spaces.

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

2. **Construction Permits**

2.1 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 Inspector upon receipt of the required detailed site plan and construction documents.

3. **Final Compliance Documents**

3.1 No Final Zoning Inspection Certificate shall be issued by the Colerain Township Zoning Inspector before the development complies with all requirements in this Resolution, and the following documents are received and accepted by the Colerain Township Zoning Inspector:

- 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
- 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 Inspector 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 Colerain Township Fire Prevention Officer, certifying that the approved plan and specifications for fire prevention have been completely implemented, and

E. a summary report from the applicant's registered engineer or surveyor or attorney certifying that required easements for access, utilities or other purpose have been recorded in the Office of the Hamilton County Recorder.

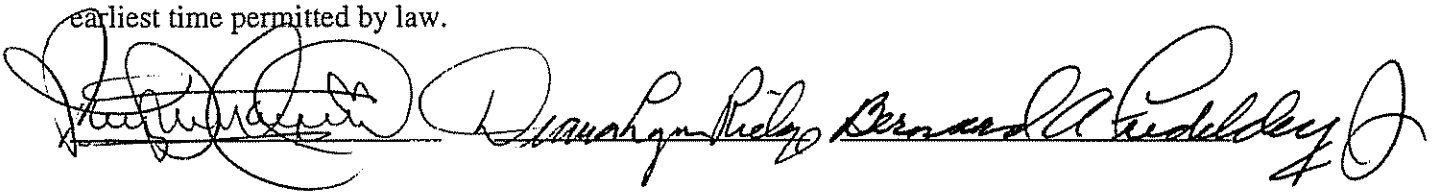
4. Maintenance of Improvements

4.1 All aspects of this development including property improvements, landscaping, ground cover, etc. as required in the specifications, covenants, conditions, requirements, and limitations 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 be directed by the Clerk of Colerain Township to the Applicant and his Agent for this Amendment, to the Colerain Township Zoning Commission, the office of the Colerain Township Zoning Inspector, the Department of the Building Commissioner, the County Engineer Permit Department, and the Metropolitan Sewer District.

CERTIFICATE OF ADOPTION

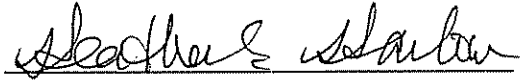
This resolution was adopted at a regularly scheduled meeting of the Board of Township Trustees of Colerain Township, Ohio, in session the 26th day of October, 2004 and shall become effective at the earliest time permitted by law.


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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 26th day of October, 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 26th day of October, 2004.

A handwritten signature in cursive script, appearing to read "Heather E. Harlow", is written over a horizontal line.

Heather E. Harlow, Clerk

Board of Township Trustees

Colerain Township, Ohio