

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at 5:30 p.m., on the 12<sup>th</sup> day of August, 2014, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Dennis P. Deters, Jeffrey F. Ritter, Melinda Rinehart

Mr./Ms. Deters introduced the following resolution and moved its adoption:

**RESOLUTION NO. 48-14**

**Case No. ZA2014-02  
FOREVERGREEN LANDSCAPING  
Approval of a Preliminary Development Plan  
Parcel 510-440-38,39,42**

WHEREAS, the applicant, Stony Land Company, proposes a Preliminary Development Plan; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on June 5, 2014 voted unanimously to recommend approval of the requested Preliminary Development Plan; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on June 17, 2014, and after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted unanimously to recommend approval of the application for a Preliminary Development Plan with conditions; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on August 12, 2014, and after consideration of the recommendation of the Regional Planning Commission, the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted \_\_\_\_\_ to approve the application for a Preliminary Development Plan with conditions as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees accepts the recommendation of the Colerain Township Zoning Commission for a Preliminary Development Plan, and that the Board of Trustees does hereby approve the request for parcel 510-440-38,39,42 for the reason that the Preliminary Development Plan would be in the best interest of the Township and the health, safety, morals and welfare of the public, is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,

**BE IT FURTHER RESOLVED** that the Final Development Plan shall be subject to the conditions set forth below:

**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:

Conditions:

- 1. The applicant shall designate at least 15% or 0.384 acres as Common Open Space on the property before FDP approval and submit a revised copy of the Preliminary Development Plan. An easement must be recorded per §9.3.7.
- 2. Buildings shall be permanent in nature. Temporary buildings on the site shall be regulated by §10.4 of the Zoning Resolution.
- 3. That outdoor lighting and outdoor storage areas shall meet the requirements of Article 12 of the Colerain Township Zoning Resolution.
- 4. That an existing wooded area on the northeast corner of the property shall be preserved and include additional landscaping as determined by the Colerain Township Zoning Resolution.
- 5. That all signage shall comply with Article 12.4 and Article 15 of the Colerain Township Zoning Resolution.
- 6. That the design of parking areas shall comply with Article 13 of the Colerain Township Zoning Resolution
- 7. That parking area landscaping shall be installed in compliance with Article 14.6 of the Colerain Township Zoning Resolution

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. Maintenance of Improvements

- 3.1 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 by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Inspector.
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and
3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
4. That this Resolution shall be effective at the earliest date allowed by law.

Mr./Ms. Chick seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters aye, Mr. Ritter aye, Ms. Rinehart aye

ADOPTED this 12<sup>th</sup> day of August, 2014.

BOARD OF TRUSTEES:

[Signature]  
Dennis P. Deters, Trustee

[Signature]  
Jeffrey F. Ritter, Trustee

[Signature]  
Melinda Rinehart, Trustee

Attest:

[Signature]  
Heather E. Harlow  
Colerain Township Fiscal Officer

Resolution approved as to form:

A handwritten signature in blue ink, appearing to read "L.E. Barbieri", is written over a horizontal line.

Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

#### AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer  
this 12<sup>th</sup> day of August, 2014.

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

Heather E. Harlow  
Colerain Township Fiscal Officer