

First Reading: October 14, 2008

Second Reading: Dispensed

RESOLUTION NO. 2008 - 90

**A RESOLUTION APPROVING A SITE PLAN FOR THE
TRANTER INVESTMENT COMPANY DEVELOPMENT, DISPENSING WITH THE
SECOND READING, AND DECLARING AN EMERGENCY**

WHEREAS, application was made by Richard Tranter (the "Applicant") on behalf of Tranter Investment Company (the "Owner") for approval of a site plan for the Tranter Investment Company Development located at 7778, 7772, 7762, 7774, and 7776 Montgomery Road in Sycamore Township, being Auditor's Parcel Nos. 600-0211-0340-00, 600-0211-0338-00, 600-0211-0339-00, 600-0211-0033-00, and 600-0211-0032-00 (the "Real Property"); and

WHEREAS, the Real Property is located in the "E"- Retail District; and

WHEREAS, because of the proposed use of the Real Property, it is necessary that the Real Property receive a review and approval of its site plan; and

WHEREAS, on September 15, 2008, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval; and

WHEREAS, on September 15, 2008, the Sycamore Township Zoning Commission unanimously recommended approval of the site plan for the Real Property with certain conditions; and

WHEREAS, on October 2, 2008, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for site plan approval for the Real Property;

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1.

Subject to the conditions attached to this Resolution as Exhibit A, the site plans, specifications, and renderings submitted in the application for the Tranter Investment Company Development and presented to the Board of Township Trustees at its public hearing and meeting held on October 2, 2008 are hereby approved.

SECTION 2.

The approval of the site plan granted herein is subject to the conditions contained on the attached Exhibit A which are made a part of this Resolution as if fully rewritten herein.

SECTION 3.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed in compliance with the plans, specifications, and renderings submitted in the Application approved by this Resolution, including the conditions attached as Exhibit A.

SECTION 4.

No Zoning Certificate shall be issued by the Zoning Administrator until:

- A) a Zoning Compliance Plan in compliance with this Resolution has been received and approved by the Zoning Administrator;
- B) all documents submitted for zoning certificates are fully coordinated and consistent with the approved Zoning Compliance Plan;

No building permit for actual construction shall be issued by the Hamilton County Building Commissioner before a Zoning Certificate is received from the Zoning Administrator.

SECTION 5.

No Final Zoning Certificate shall be issued by the Zoning Administrator until the development complies with all requirements contained in this Resolution and the Zoning Compliance Plan and, unless waived by the Zoning Administrator, the following documents are received and approved by the 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 developer's registered engineer or surveyor as required by and addressed to the Hamilton County Director of Public Works Department certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; the Director of Public Works shall inform the Zoning Administrator when such letter is received and approved;
- C) a summary report from the Metropolitan Sewer District or Hamilton County Board of Health certifying that the approved plans and specifications for sanitary sewer and waste water 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 and noting any deviations and the reasons for such deviations;
- E) a summary report from the Sycamore Township Fire Chief certifying that the approved plan and specifications for fire prevention and control have been completely implemented, and
- F) a summary report from the applicant's registered engineer, surveyor or attorney certifying that required easements for access, utilities, or other purposes have been recorded in the Office of the Hamilton County Recorder.

SECTION 6.

All aspects of the development of the Real Property including, but not limited to, drainage, property improvements, lighting, landscaping, and ground cover, as set forth in the plans, specifications, covenants, conditions, requirements and limitations of the Zoning Compliance Plan and contained in this Resolution shall be continually maintained by the owner of the property. Any failure to so maintain the development shall be considered a violation of the Sycamore Township Zoning Resolution and shall be subject to all penalties and remedies thereunder.

SECTION 7.

The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 8.

This Resolution is hereby declared to be an emergency measure necessary for the public peace, health, safety and general welfare of the Township. The reason for the emergency is to provide the approval for the development in a timely manner in order to avoid any delays in permit approval and construction.

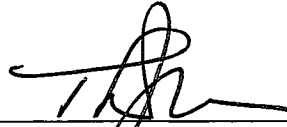
VOTE RECORD:

Mr. Bishop YES

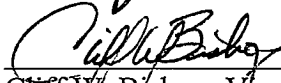
Mr. Kent YES

Mr. Weidman YES

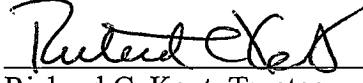
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 14th day of October, 2008.



Thomas J. Weidman, President



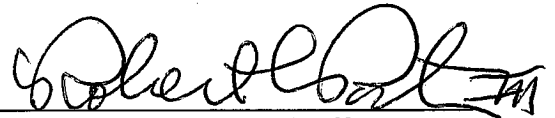
Cliff W. Bishop, Vice President



Richard C. Kent, Trustee


AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 14th day of October, 2008.



Robert C. Porter, III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:



R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on October 20, 2008
by posting in the five most public places as established by the Board of Township Trustees
such places being the Township Hall, Bob Meyer Park, Bechtold Park, North Sycamore
Recreational Facility, and the North Fire Station, Station 93.

A handwritten signature in black ink, appearing to read "Robert C. Porter, III", written over a horizontal line.

Robert C. Porter, III, Fiscal Officer,
Sycamore Township

EXHIBIT A

1. Except as noted below, the development shall adhere to all aspects of the Sycamore Township Zoning Resolution, including but not limited to, freestanding signs, and dumpster enclosures.
2. No outdoor advertising, bench billboards, or light post advertising shall be permitted on the site.
3. No outdoor display or sale of merchandise shall be permitted in any vehicular use area.
4. No telecommunications towers shall be permitted on the site.
5. A landscape plan shall be approved by staff prior to the issuance of a Zoning Certificate.
6. The applicant shall work to eliminate spaces on the St. Vincent property prior to the issuance of a Zoning Certificate.
7. A five foot landscape buffer must be planted along the eastern boundary of the site adjoining the neighboring property.
8. The driveway entrance shall be reduced to 28'6" with the following variances:
 - a. The boundary buffers shall be reduced and planted as shown on the plan submitted on 09-08-2008; and
 - b. Vehicular use and interior landscaping is not required other than those areas shown on the plans submitted on 09-08-2008
 - c. The streetscape buffer shall include a minimum of 4 trees or as approved by staff