

RESOLUTION # 19-05

Case No. ZA-2005-0003
Stone Creek Towne Center

Approval of Application for Zone Change from an **From an** **From Groupe**
existing "A-2" Single Family Residence & "EE" Planned Retail **Hamilton County Recorder's Office**
to an "EE" Planned Retail **05-96257 Type: AZR**
Filed: 06/15/05 09:06:05 AM \$60.00
Off. Rec.: 09961 01648 F 6 357

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Acc PB 393 Pg 19

WHEREAS, Trinity Development, Inc., Applicant, and Guardian Savings Bank FSB, Elliot Allan Hilsinger, and 21 Haverkos Court property owners listed and authorized in application, Owners, filed Case No. Colerain ZA2005-0003, an application for a Zone Amendment from an existing "A-2" Single Family Residence District & "EE" Planned Retail District to an "EE" Planned Retail District, for the parcels located at southwest corner of Interstate 275 and Colerain Avenue and Haverkos Court, (Book 510, Page 111, Parcels 20, 22, 23, 24, 39, 40, 51, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 42, 43, 49, 50, 53, 234, 300 and Page 183, Parcels 43, 29, 44), said site containing 64.9553 Acres.

WHEREAS, the Hamilton County Regional Planning Commission held a public hearing on April 18, 2005, and recommended approval of the proposed amendment (4 to 1 vote) with conditions; and

WHEREAS, the Colerain Township Zoning Commission held a public hearing on April 19, 2005 and recommended approval of the proposed amendment (5 to 0 vote) with conditions; and

WHEREAS, on May 10, 2005, the Board of Trustees held a public hearing on the 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 21 ("EE" Planned Retail 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

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TRANSFER NOT NECESSARY
RPW
DUSTY RHODES
COUNTY AUDITOR

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 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:

CONDITIONS:

1. That the Final Development Plan includes final detailed lighting, signage and landscape plans as approved by the Board of Trustees.
2. That the screening/buffering along the southern property line be designed by a registered landscape architect to create an effective year around visual screen for the adjacent single family homes. Staff shall consult with the adjoining property owners with regard to the installation and location of a fence on the property line of the site. Staff, in consultation with the applicant's registered landscape architect shall determine whether a fence shall be installed, the materials and design thereof, and the location of the same.
3. That the proposed development plan be revised to comply with the Hamilton County Thoroughfare Plan, and that the required traffic study be satisfied per ODOT's request. All recommended traffic signalization and improvements must be implemented as required of the applicant.

4. The total building gross square footage area be limited to a maximum of 501,083 sq. ft.
5. The Final Development Plan shall contain all details on landscaping (existing and proposed plantings) and a clearing limits plan as approved by the Landscape Advisory Board and Board of Trustees after coordination with abutting neighbor input. No clearing and grubbing shall begin prior to proper flagging of the clearing limits, and verification by the Zoning Administrator. All trees 12" in diameter and above on the neighboring property line must be flagged and given proper care for protection and preservation. Deciduous trees shall be 2 ½" in caliber at planting, with a minimum 6 ft. high evergreens encouraging, spruce trees.
6. The owner must dedicate to the Board of Hamilton County Commissioners a minimum of 60 ft. public right-of-way from the centerline of Colerain Avenue.
7. The parking be provided to satisfy the requirements of Article 28-Parking.
8. The Final Development Plan shall include on-site and off-site improvements if recommended by the County Engineer to assure adequate access at both points at Haverkos and Colerain Avenue.
9. The Final Development Plan shall include appropriate protection and screening along the south property line with an increase in buffer yard to the south to a minimum of 75 ft., as approved by the Board of Trustees.
10. The Final Development Plan shall comply in all other respects with the regulations of the Zoning Resolution.
11. That all right-of-way improvements for the new roadway comply with the rules and regulations under the jurisdiction of the County Engineer or regulating agencies such as Public Works.
12. That no outside storage be allowed on the premises, except for seasonal sales which may occur only between the months of March through July. Inventory/goods must be displayed only in the 95 by 135 sq. ft. area shown on the preliminary plan. No waivers or variances shall be granted. Snipes signs, and special event signage along street right-of-way areas are prohibited.
13. That sidewalks be installed as required by the Colerain Township Sidewalk Plan, all sidewalks damaged as a result of construction and improvements shall be restored to standard.
14. That the truck deliveries be limited to the hours of 7:00 a.m. to 11:00 p.m. only for the junior anchor stores. Truck idling shall be prohibited on the entire site between 11 p.m. and 7 a.m., and the same shall be posted on the site by proper signage. Deliveries to the Meijer store between the hours of 11 p.m. and 7 a.m. shall be kept to the minimum necessary for the store's operation, and such deliveries shall be accomplished in a manner such that noise relating thereto does not create a nuisance for the adjoining owners,

as represented by Mr. Greg Heath, the Meijer representative at the public hearing before the Board of Trustees.

15. Dumpsters shall be properly located on the final development plan with required screening. Trash pick-up shall be permitted only between 7:00a.m. to 7:00 p.m. Architectural design and material treatment shall match the main building materials.
16. That a 3 ft. high knee wall be installed along the front of the Meijers' fenced-in garden center area.
17. The lighting levels at the residential boundaries shall remain at 0 foot-candle level. Wall packs (security lighting) shall be installed on the building at a maximum height of 14 feet, and shall be directed inward and shall not be directed to the abutting residential properties. Twelve (12) ft. high interior decorated lamps shall be installed along the pedestrian ways.
18. That existing large billboard sign shall be removed. The applicant shall be permitted to install a 44 ft. high highway sign with a maximum square ft. face area of 256 sq. ft.; the individual restaurants shall be allowed ground monuments having a maximum height of 5 ft. as approved by the Board of Trustees.
19. That the Meijer's applicant/designer shall make a good faith effort to review the proposed building elevations to allow the design to blend in with the overall development.
20. That the storm water detention/retention be between the 5-year predevelopment storm event and the 75 year postdevelopment storm event. The discharge rate shall be designed to the 5 year predevelopment storm event.
21. That helicopter traffic approach and departure to and from the proposed heli-pad be required to follow a travel path N - S along Colerain Avenue, E - W along I-275 only, and shall be in compliance with F.A.A. regulations.
22. That the walking trail in proximity to Sagebrush be setback to minimum of 30 ft. to the abutting residential property located on parcel 510-191-0054.
23. No gas pumps shall be permitted.
24. Junior tenants shall have barrier screen walls installed at the south side of the building for the purpose of visually screening delivery trucks from the adjoining properties.
25. That the implementation of the landscape buffer to the south occur prior to final grading of the sloped buffer area.

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.

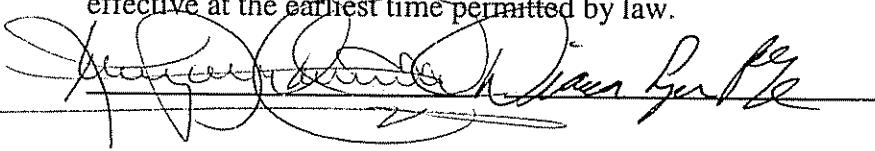
4. Maintenance of Improvements

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.

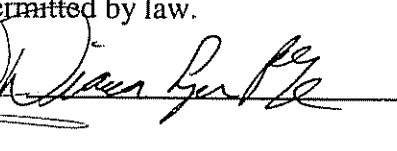
BE IT FURTHER RESOLVED, that a certified copy of this Resolution be directed by the Clerk of Colerain Township to the Applicant and his Agent for this Amendment, to the Colerain Township Zoning Commission, the office of the Colerain Township Zoning Inspector, the Department of the Building Commissioner, the County Engineer Permit Department, and the Metropolitan Sewer District.

CERTIFICATE OF ADOPTION

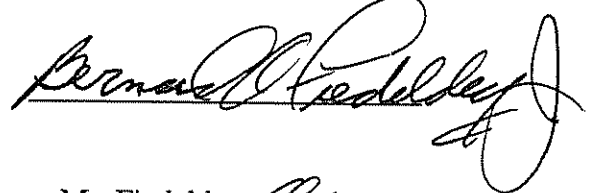
This resolution was adopted at a regularly scheduled meeting of the Board of Township Trustees of Colerain Township, Ohio, in session the 11th day of May, 2005 and shall become effective at the earliest time permitted by law.



Mr. Corman *Ayl*



Mrs. Rielage *Ayl*



Mr. Fiedeldey *Ayl*

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 10th day of May, 2005. *11th*

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 10th day of May, 2005. *11th*



Heather E. Harlow, Clerk
Board of Township Trustees
Colerain Township, Ohio