

RESOLUTION # 35-05

Case No. ZA-2005-06

KLEI MOWERS

Approval of Application for Zone Change from an
existing "AA" Single Family Residence
to an "EE" Planned Retail

WHEREAS, Dennis Klei of Klei Mowers, Applicant, and Thomas & Ronald Klei, Tr., Owners, filed Case No. Colerain ZA2005-06, an application for a Zone Amendment from an "A" Single Family Residence District & Non-Conforming Use to an "EE" Planned Retail District for the parcel located at 10345 Colerain Avenue, Cincinnati, Ohio 45251 (Book 510, Page 182, Parcels 6, 7, 91, 92, 113 and 114), said site containing 4.7427 gross acres.

WHEREAS, the Hamilton County Regional Planning Commission held a public hearing on May 5, 2005, and recommended approval of the proposed amendment (4 to 0 vote) with conditions; and

WHEREAS, the Colerain Township Zoning Commission held a public hearing on May 17, 2005 and recommended approval of the proposed amendment (5 to 0 vote) with conditions and variances; and

WHEREAS, on August 9, 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 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, typical building elevations, and floor plans shall be submitted as part of the FDP approval process and shall not exceed 25' in height.
2. That, the Final Development Plan comply with the minimum buffer requirements, interior landscaping, site perimeter screening, and requirements of the Colerain Township Zoning Resolution Article 29 and as approved on the Preliminary Plan. That, between the proposed building, parking lot and adjacent single-family properties to the north and south, a row of evergreen shrubs be provided, that will be six (6) feet in height and 73% opacity within two years.
3. That, clearing limits be shown on the site plan and that during the construction process, if any existing vegetation is destroyed or damaged within approved buffer areas, that the applicant replace the vegetation with similar landscaping or as approved by the Zoning Commission. That the clearing limits not exceed 50 ft. west of the proposed building.
4. That, the landscape plan be designed so as to specifically screen the detention pond, headwall, and discharge channel from the adjoining residential property along the northern property line,
5. That, prior to any type of occupancy of the proposed facility all landscaping, buffering, and perimeter streetscape be fully implemented.
6. That, the existing pylon and ground mounted signs if required to be removed by ODOT are relocated ten feet out of the right-of-way and brought into compliance with Article 30. No additional pylon signs or off-premises signage are permitted on the site. A detailed signage plan must be submitted as part of the approval process, showing any proposed wall and directional signage, which must be in compliance with Article

30 of the Colerain Township Zoning Resolution.

7. That, a detailed lighting plan submitted only include the 3 light fixtures denoted and complies with Article 31 of the Zoning Resolution be submitted as part of FDP approval process including lowering the foot-candle requirement to .01, and that no wall packs shall be permitted on the sides of the buildings.
8. That, the trash dumpster shall be located as approved on the Preliminary Plan, and be fully screened from view on 3 sides by a 8 ft. wall enclosure, matching the building materials, and landscaping materials. Dumpster pick-up service shall be allowed only between the hours of 8:00AM to 7:00 PM.
9. That all right-of-way widths and road standards, fire hydrants, etc. must comply with the regulations of the appropriate public agencies.
10. That, the uses of the property be only those specified on the Preliminary Development Plan, and change from those uses shall require a modification to an FDP.
11. That outdoor storage be prohibited and be limited to outside display demonstration only.
12. The proposed building setback to the south/east shall be increased to equal 50 ft. minimum.
13. All new future buildings or additions must meet the setback requirements with the most current Zoning Resolution for "EE" Planned Retail.
14. All storage trailers and wood faced building are to be removed from the site.
15. That additional riprap (20ft.X8ft. Min. area) be installed at the outlet area of the detention pond to reduce water velocity.
16. All new drives, parking and dumpster pad are to be asphalt or concrete.

VARIANCES:

The following variances are needed regarding the pre-existing structures:

1. That, a variance be granted from Article 21, Section 21.3.2, allowing a setback distance of 8 feet and 25 feet between the existing building structures on Parcel 510-182-113 and the side lot lines.
2. That, a variance be granted from Article 29, Section 29.7, allowing a buffer distance of 8 feet and 25 feet between the existing building structures on Parcel 510-182-113 and the side lot lines.

- 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.

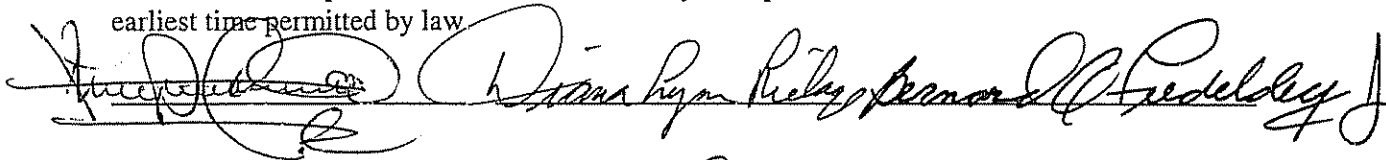
4. Maintenance of Improvements

- 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 13th day of September, 2005 and shall become effective at the earliest time permitted by law.



Mr. Corman *Aye*

Mrs. Rielage *Aye*

Mr. Fiedeldej *Aye*

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 13th day of September, 2005.

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 13th day of September, 2005.



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