

RESOLUTION # 33-67

Case No. ZA 2007-01  
Stone Creek Towne Center Phase II  
*Approval of rezoning of 9811 & 9845 Colerain Avenue and 9818 Haverkos Court to PD-B  
Planned Business.*

WHEREAS, applicant Trinity Development seeks to construct a 30,038 square foot retail facility (proposed to be a Best Buy store); a 3,200 square foot bank; and additional retail space (6,000 square feet), and accordingly filed an application to change the zoning for 9811 & 9845 Colerain Avenue and 9818 Haverkos Court (Hamilton Co. Auditor Parcel Nos. 510-111-52, 263, 299, 55 and 44), currently owned by Steve Castrucci, LLC, from R-4 Suburban-Medium Residential, B-2 General Business, and PD-B Planned Business, to PD-B Planned Business; and

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on May 3, 2007, voted 5-0 to recommend approval with conditions; and

WHEREAS, the Colerain Township Zoning Commission conducted its public hearings on the case on May 15, 2007, and, after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted unanimously to recommend of the application with conditions; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on June 12, 2007, 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 unanimously to accept the recommendation of the Zoning Commission, with conditions, as set out in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees accepts the recommendation of the Colerain Township Zoning Commission that the application for zone amendment be approved, and the Board of Trustees does hereby adopt the said amendments as set out above with the conditions and modifications set out herein, for the reason that the amendments would be in the best interest of the Township and the public, they are consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and are in keeping with good land use planning.

BE IT FURTHER RESOLVED, that the plan shall be subject to the following conditions:

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), and exterior lighting 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, and, contains the following conditions or restrictions:
  - 1. The Final Development Plan shall include a signage plan including any new freestanding signs and all wall signage location and maximum size;
  - 2. The parking area shall include additional landscaped median(s) and islands in accordance with Section 13.3.4; and the total number of parking spaces shall not exceed 196;
  - 3. The dumpster and compactor shall be properly screened, compactor use shall be permitted from 8:00am to 9:00pm;
  - 4. No outside storage or sales shall be permitted;
  - 5. The southbound right turn lane shall be extended to Haverkos Lane per ODOT recommendation;
  - 6. Truck idling shall be prohibited on the entire site from 11:00pm to 7:00am and shall be posted on the site by proper signage;
  - 7. Landscaping in the Final Development Plan shall be reviewed by the Landscape Advisory Board prior to submittal;
  - 8. All parcels included in this zone change and development proposal shall be consolidated;
  - 9. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution;
  - 10. Landscaping along Haverkos Lane and Colerain Avenue shall be irrigated along the entire perimeter;
  - 11. Lights on south and west sides of Best Buy shall be redesigned to reduce bleed onto residential neighbors, including lowering poles to 12' on the west, and using wall fixtures directed onto compactor, install area, and corner turn area at a maximum height of 15';
  - 12. Wall packs shall be replaced with cut-off fixtures;

13. The install area door shall be kept closed except when vehicles are entering or exiting;

14. Any outside audio must comply with the Colerain Township Noise Resolution.

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

## 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. Final Compliance Documents

3.1 No Final Zoning Inspection Certificate shall be issued by the Colerain Township Zoning Administrator before the development complies with all requirements in this Resolution as defined in Covenant 1.1, and the following documents are received and accepted by the Colerain Township Zoning Administrator:

A. A summary report from the applicant's registered engineer or surveyor, or attorney, certifying that the parcels have been consolidated, as specified herein.

B. A summary report from the registered landscape architect who prepared the plan, certifying completion of the landscape plan.

## 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 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, that a certified copy of this Resolution and the approved Preliminary Plan be directed by the Fiscal Officer of Colerain Township to the Applicant and his Agent for this Amendment, to the Hamilton County Recorder, 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.

Adopted in regular session on this 10<sup>th</sup> day of July, 2007.

BOARD OF TRUSTEES  
COLERAIN TOWNSHIP,  
HAMILTON COUNTY, OHIO

  
Bernard A. Fiedeldej, Jr., Trustee

  
Keith N. Corman, Trustee

  
Jeffrey F. Ritter, Trustee

#### 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 10<sup>th</sup> day of July, 2007, and shall become effective at the earliest time permitted by law.

Mr. Corman Aye

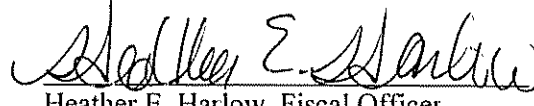
Mr. Fiedeldej Aye

Mr. Ritter Aye

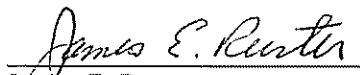
#### CERTIFICATE OF FISCAL OFFICER

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 10<sup>th</sup> day of July, 2007.

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 10<sup>th</sup> day of July, 2007.

  
Heather E. Harlow, Fiscal Officer  
Colerain Township

Approved as to form:

  
James E. Reuter  
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Cincinnati, Ohio 45239-4222  
(513) 521-8400  
Attorney for Board of Trustees