

RESOLUTION # 41-07

Case No. ZA 2007-02  
Metalworking Group

*Approval of the rezoning of Pippin Road Parcel from R-6 Urban Residential District to PD-B Planned Business.*

WHEREAS, applicant MWG Real Estate, LLC, dba the Metalworking Group, proposes a zone change from R-6 Urban Residential District to PD-B Planned Business for a vacant parcel of land on the east side of Pippin Road, 653 feet south of Compton Road, (parcel no. 510-62-217) to construct a parking lot with 45 spaces, to provide parking for employees of Applicant's light manufacturing facility on the parcel adjoining to the north; and

WHEREAS, the Hamilton County Regional Planning Commission heard the case on June 6, 2007, and recommended approval of the plan as presented, with the condition that the pedestrian lighting for the walkway be screened; and

WHEREAS, the Colerain Township Zoning Commission conducted its public hearings on the case on June 19, 2007, and, after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted to recommend of the application with conditions; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on August 14, 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 two yeas to one nay to accept the recommendation of the Zoning Commission with the conditions recommended by the Zoning Commission, 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 below, 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:
  - 1. Parcels 510-53-411 and 510-62-217 shall be consolidated;
  - 2. A final landscape plan shall be submitted to the Landscape Advisory Board for its approval, prior to submittal of the Final Development plan, incorporating that Board’s recommendations;
  - 3. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution;
  - 4. Modifications to the existing detention pond shall accommodate Hamilton County Public Works requirements;
  - 5. No commercial vehicles shall be permitted on the site of the parcel which is the subject of the zone change;
  - 6. Outdoor storage shall not be permitted on the site.
  - 7. Any fence to be built on the site shall be approved by the Landscape Advisory Board.
- 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.

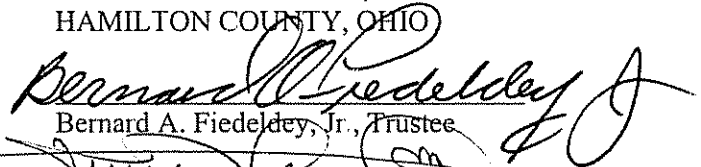
4. Maintenance of Improvements

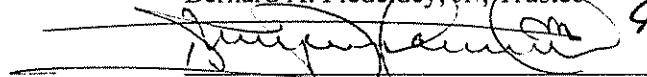
4.1 All aspects of this development including property improvements, landscaping, ground cover, etc. as required in the specifications, covenants, conditions, requirements, and limitations of the Final Development Plan and/or contained in this Resolution shall be continually maintained by the owner of 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.

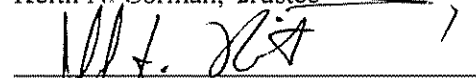
BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the approved Preliminary Plan be directed by the Fiscal Officer of Colerain Township to the Applicant and his Agent for this Amendment, to the Hamilton County Recorder, Zoning Commission, the office of the Colerain Township Zoning Inspector,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

Adopted in regular session on this 11<sup>th</sup> day of September 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

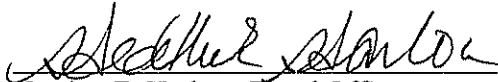
This resolution was adopted at a regularly scheduled meeting of the Board of Township Trustees of Colerain Township, Ohio, in session the day number day of Month, year and shall become effective at the earliest time permitted by law.

Mr. Corman Aye      Mr. Fiedelvey Aye      Mr. Ritter Aye

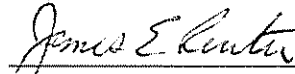
CERTIFICATE OF FISCAL OFFICER

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 11<sup>th</sup> day of September, 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 11<sup>th</sup> day of September 2007.

  
Heather E. Harlow, Fiscal Officer  
Colerain Township

Approved as to form:

  
James E. Reuter  
3025 W. Galbraith Road  
Cincinnati, Ohio 45239-4222  
(513) 521-8400  
Attorney for Board of Trustees