

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 7:00 p.m., on December 8, 2009 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Bernard A. Fiedeldey, Jr.; ~~Mr. Jeffrey T. Katter~~, and Mr. Joseph R. Wolterman

Mr. Fiedeldey introduced the following resolution and moved its adoption:

RESOLUTION NO. 62-09

Case No. ZA2009-01

PRECHTEL ROAD PLANNED DISTRICT-RESIDENTIAL

Approval of rezoning of 9998 & 10032 Prechtel Road from R-3 Suburban-Low Residential District to PD-R Planned District-Residential

WHEREAS, applicant proposes to develop a 14-lot subdivision; and

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on October 1, 2009 voted to recommend approval of the zone change; and

WHEREAS, the Colerain Township Zoning Commission conducted its public hearings on the case on October 17, 2009, and, after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted unanimously to recommend approval of the application with conditions; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on November 24, 2009, 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 3-0 to approve the amendment as set forth 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 adopted, and the Board of Trustees does hereby approve the said amendment 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 conditions set forth below:

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), exterior lighting and freestanding signs 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 The open space as presented shall be accessible to all property owners;
- 2 The existing lots shall be consolidated prior to the resubdivision of the property and filing of the Record Plat of Subdivision;
- 3 The trees along the perimeter shall be maintained to the greatest extent possible;
- 4 There shall be a Homeowners' Association, membership in which by all lot owners shall be required by Restrictive Covenants or other Declaration prepared by the applicant and recorded in the Hamilton County Recorder's Office. The Homeowner's Association shall be responsible for care and maintenance of the open space and improvements thereon, and of the landscaped areas identified on the preliminary plan and/or final development plan;
- 5 All utilities shall be placed underground;
- 6 Street lighting shall consist of ground-mounted, decorative fixtures;
- 7 Homes shall be constructed of brick only, except for limited use of alternative materials where necessary;
- 8 The retention pond shall include a fountain or aerator;
- 9 All front and rear downspouts shall connect to the retention basin;
- 10 The open space along Prechtel Road shall be fully landscaped and irrigated; and
- 11 Sidewalks shall be provided along Prechtel Road and along the length of both sides of the street(s) within the development

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 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 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 Administrator 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 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; also noting any deviations and reasons for such deviations,
- E. 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
- F. 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 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 be directed by the Fiscal Officer of Colerain Township to the Colerain Township Zoning Commission, the Hamilton County Recorder, the office of the Colerain Township Zoning Inspector, the Department of the Building Commissioner, the County Engineer Permit Department, and the Metropolitan Sewer District.

Action Taken in Open Meeting

That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

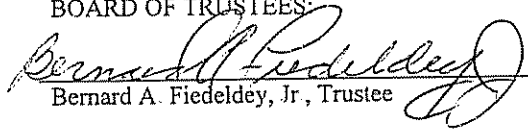
Effective Date. That this Resolution shall be effective at the earliest date allowed by law.

Mr. Wolterman seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

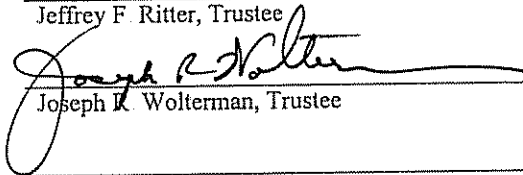
Vote Record: Mr. Fiedeldey Aye, Mr. Ritter Absent, Mr. Wolterman Aye

ADOPTED this 8th day of December, 2009.

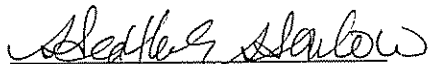
BOARD OF TRUSTEES:


Bernard A. Fiedeldej, Jr., Trustee


Jeffrey F. Ritter, Trustee


Joseph K. Wolterman, Trustee

Attest:



Heather E. Harlow,
Fiscal Officer

Prepared by and approved as to form:


James E. Reuter (0011414)
3025 W. Galbraith Road
Cincinnati, Ohio 45239-4222
(513) 521 - 8400
Attorney for Board of Trustees

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Fiscal Officer, this 8th day of December, 2009.


Heather E. Harlow,
Colerain Township Fiscal Officer