

**The Board of Trustees of Colerain Township, County of Hamilton, Ohio**, met in regular session at ~~7:00~~ p.m., on April 26, 2011 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Dennis P. Deters; Mr. Jeffrey F. Ritter, and Mr. Joseph R. Wolterman

Mr. Jeffrey F. Ritter introduced the following resolution and moved its adoption:

**RESOLUTION NO. 31 -11**

Case No. ZA2011-01

**AMERICAN SCAFFOLDING PLANNED DISTRICT-BUSINESS**

*Approval of rezoning of a portion of 7161 Eagle Creek Rd from R-2 Estate Residential to PD-B Planned District-Business*

WHEREAS, Applicant, American Scaffolding, proposes to replace a nonconforming commercial structure, being Hamilton County Auditor's parcel 510-440-144; and

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on March 8, 2011 voted to recommend approval of the requested zone change from R-2 Estate Residential District to PD-B Planned Business District, together with the proposed preliminary development plan; and

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on March 15, 2011, and, after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted 5-0 to recommend approval of the application for zone change and preliminary development plan, with conditions; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on April 12, 2011, 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 2-1 to approve the application for zone change and preliminary development plan with conditions 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 a zone change for that portion of said parcel 510-440-144 designated as R-2 Estate Residential District to PD-B Planned Business District, together with the proposed preliminary development plan (the "Preliminary Development Plan"), for the reason that the amendment and Preliminary Development Plan 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; and

BE IT FURTHER RESOLVED that the Board approves the following variances as part of the Preliminary Development Plan:

Variance 1. §13.4.2 Public sidewalk. Installation of sidewalk along Eagle Creek is hereby waived. *The applicant has agreed to pay into the Colerain Township Sidewalk Fund;* and  
Variance 2, §13.4.3(C) Design Standards: Surface. The requirement for paved surface is hereby waived; and

BE IT FURTHER RESOLVED that the Preliminary Development 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 reflects the variance approved above, and complies with the following additional requirements or standards:
  - 1. the 150 foot open space buffer shall be preserved hillside and shall remain undisturbed;
  - 2. future construction beyond the proposed two-story structure shall require the installation of the required 15-foot streetscape buffer along Harrison Avenue;
  - 3. the Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.

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 Section 1, above, 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. Woo Herman seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters noy, Mr. Ritter AYE, Mr. Wolterman AYE

ADOPTED this 26<sup>th</sup> day of April, 2011.


BOARD OF TRUSTEES:

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Dennis P. Deters, Trustee

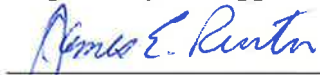
  
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Jeffrey F. Ritter, Trustee

  
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Joseph R. Wolterman, Trustee

Attest:


  
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Heather E. Harlow,  
Fiscal Officer

Prepared by and approved as to form:

  
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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 26<sup>th</sup> day of April, 2011.

  
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Heather E. Harlow,  
Colerain Township Fiscal Officer