

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 13 th day of November, 2012, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dennis P. Deters, Jeffrey F. Ritter, Melinda Rinehart

Mr./Ms. Deters introduced the following resolution and moved its adoption:

RESOLUTION NO. 61 -12

Case No. ZA2012-0004

VAN ZANDT FREEHOLD COMPANY LTD PLANNED DISTRICT-BUSINESS
Approval of rezoning of property on Galbraith Rd, parcel number 510-71-86 from R-7 Multi-Family Residential District to PD-B Planned District-Business

WHEREAS, Applicant, Van Zandt Freehold Company, LTD., proposes to rezone parcel 510-71-86; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on August 2, 2012 voted to recommend approval of the requested zone change from R-7 Multi Family 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 August 21, 2012, and, after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits and other materials submitted, voted 4-0-1 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 October 9, 2012, 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 application for zone change and Preliminary Development Plan, with conditions and variances 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 parcel 510-71-86 designated as R-7 Multi Family Residential District to PD-B Planned Business District, together with the Preliminary Development Plan and conditions and variances set forth below, for the reason that the amendment would be in the best interest of the Township and the public, it is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,

BE IT FURTHER RESOLVED that the Board approves the following variances as part of this zoning amendment:

Variance 1. §8.3.1 Site Development Standards. Table 8-2: The minimum permitted lot size shall be 0.31 acres where 20,000 square feet (0.46 acres) is required; and that the front yard shall be 12 ft., side yard 14.77 ft., and rear yard 30 ft., where a 30 ft. front yard, 25 ft. side yard, and 35 ft. rear yard are required.

Variance 2. Table 9-2: No common open space be required where a 15% common open space is required for planned developments.

Variance 3. Table 14-1: That the minimum required side buffer yard width shall be 15 ft. where 40 ft. is required and that the minimum required rear buffer yard width shall be 9 ft. where 30 ft. is required.

Variance 4. §14.5.2(C)(4) Buffer Design Standards and §8.3.5 Site Development Standards: To allow accessory building 17 ft. from the east property line and parking within 9 ft. of the south property line.

BE IT FURTHER RESOLVED that the zoning amendment 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; and,
- E. the Final Development Plan complies with the following additional requirements or standards:
 - 1. Buffers to the south and east shall be maximized to the furthest extent possible;
 - 2. Landscaping in front of the building shall be maintained as shown;
 - 3. Landscaping, with adjustments recommended by the Landscape Advisory Board, shall be installed and approved prior to occupancy of the site;
 - 4. Existing tree in center of the back yard buffer shall be maintained;
 - 5. Construction signage and temporary fencing shall be installed around the existing tree to remain in the rear yard during site construction;
 - 6. Sign shall be installed as shown, with address corrected; and,
 - 7. 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 Office, 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 Hamilton County Recorder and the office of the Colerain Township Zoning Inspector.

1. 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 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 §121.22 of the Ohio Revised Code; and

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

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

Vote Record: Mr. Deters AYE, Mr. Ritter AYE, Ms. Rinehart AYE

ADOPTED this 13th day of November, 2012.

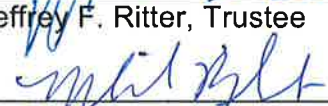
BOARD OF TRUSTEES:



Dennis P. Deters, Trustee



Jeffrey F. Ritter, Trustee




Melinda Rinehart, Trustee

ATTEST:



Heather E. Harlow,
Fiscal Officer

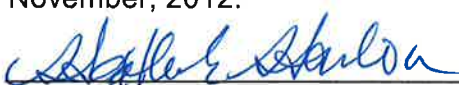
Resolution prepared by and approved as to form:



Lawrence E. Barbieri (0027106)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 13th day of November, 2012.



Heather E. Harlow,
Colerain Township Fiscal Officer