

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 13th day of January, 2015 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. Talley introduced the following resolution and moved its adoption:

RESOLUTION NO. 2-15

Case No. ZA2014-07

KROGER MARKETPLACE

Approval of a Zone Map Amendment and Preliminary Development Plan
Northwesterly Quadrant at the Intersection of
Colerain Avenue and Springdale Road (16 parcels) – PD-B Planned District-Business

WHEREAS, the Applicant, Vandercar, proposes a Zone Map Amendment and Preliminary Development Plan; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on December 4, 2014 voted 5-1 to recommend approval of the requested Zone Map Amendment and Preliminary Development Plan; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on December 16, 2014, and after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted 3-1-1 to recommend approval of the application for a Zone Map Amendment and Preliminary Development Plan with conditions and variances; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on January 13, 2015, 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 a Zone Map Amendment and Preliminary Development Plan with conditions and variances as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Colerain Township Board of Trustees accepts the recommendation of the Colerain Township Zoning Commission for a Zone Map Amendment and Preliminary Development Plan, and that the Board of Trustees does hereby approve the request for the northwesterly quadrant at the intersection of Colerain Avenue and Springdale Road, Parcels 510-103-8, 510-103-9, 510-103-10, 510-103-11, 510-103-12, 510-103-13, 510-103-19, 510-103-20, 510-103-21, 510-103-22, 510-103-26, 510-103-27, 510-103-28, 510-103-195, 510-103-18, 510-103-202 designated as PD-B Planned District-Business, for the reason that the Zone Map Amendment and Preliminary Development Plan would be in the best interest of the Township and the health, safety, morals and welfare of the public, 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 Final 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 complementary 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:

Conditions:

- 1. No Final Development Plan shall be approved before the receipt of a traffic study acceptable to the Zoning Administrator and consistent with the proposed plan
- 2. The applicant shall satisfy the requirements of the Hamilton County Soil and Water Conservation District and Hamilton County Planning & Development's Stormwater Division;
- 3. The applicant shall install a 12' fence, similar in materials to the fence used to buffer the Kroger Marketplace in Harrison, Ohio, between the site and any adjoining residentially zoned property.
- 4. The applicant shall be required to get approval of a minor modification to the final development plan for the JD Byrider site to reflect the changes that the final development plan that will be caused by the proposed Kroger Marketplace.
- 5. Applicant shall permit cross access to adjacent parcel(s) to the west, today being Cincinnati Savings Bank, if parcel(s) are redeveloped to permit access to signalized ingress and egress from or onto Springdale Road. Cross access shall be memorialized in a cross access easement and shall be granted by Kroger so long as property is not redeveloped as a full service grocery, pharmacy or fuel station. Kroger shall be given review and approval rights related to the location of the access.

Variances:

- 1. Section 14.5.2 - Lot Buffers: Applicant shall be permitted to construct a drive-aisle within the 30' lot buffer as depicted on the proposed Preliminary Development Plan.
- 2. Section 9.3.7 - Dedication of Common Open Space: Applicant shall be permitted to forgo the dedication of Common Open Space.

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. Maintenance of Improvements

3.1 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 by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Inspector.

2. 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

3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and

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

Mr./Ms. Deters 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 January, 2015.

BOARD OF TRUSTEES:

[Signature]
Dennis P. Deters, Trustee

[Signature]
Jeffrey F. Ritter, Trustee

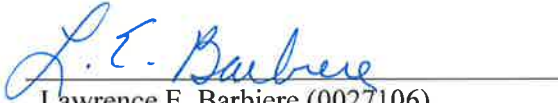
[Signature]
Melinda Rinehart, Trustee

Attest:



Heather E. Harlow
Colerain Township Fiscal Officer

Resolution 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 Jan, 2015.



Heather E. Harlow
Colerain Township Fiscal Officer