

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 6:00 p.m., on the 8th day of September, 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. Deters introduced the following resolution and moved its adoption:

RESOLUTION NO. 37-15

Case No. ZA2015-03

WHITE OAK GARDEN CENTER

Approval of a Zone Map Amendment and Preliminary Development Plan
Parcels 510-0080-0081, 510-0080-0082, 510-0080-0085, 510-0080-0086, 510-0080-0175, 510-0080-0346, 510-0080-0347, 510-0080-0366, 510-0080-0367 – PD-B Business Planned Development

WHEREAS, the Applicant, Jeff Webeler, White Oak Garden Center, proposes a Zone Map Amendment and Preliminary Development Plan; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on August 6, 2015 voted to recommend approval of the requested Zone Map Amendment and Preliminary Development Plan with conditions and variances; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on August 18, 2015, 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 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 September 8, 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 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 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 parcels 510-0080-0081, 510-0080-0082, 510-0080-0085, 510-0080-0086, 510-0080-0175, 510-0080-0346, 510-0080-0347, 510-0080-0366, 510-0080-0367, be designated as PD-B Business Planned Development, 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 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:

Conditions:

- 1. The applicant must submit a site plan demonstrating that the 15% open space requirements set forth in section 9.3.7 of the zoning resolution have been met.
- 2. Hermes Drive shall be paved.
- 3. Any proposed parking area within the 15-foot streetscape buffer yard along Hanley Road must be removed, or a Revocable Agreement letter must be provided by the Hamilton County Engineer’s office.
- 4. The streetscape buffer yard and landscaping along the Hanley Road street frontage must meet the requirements of Section 14.5.1 of the zoning resolution.
- 5. The applicant must provide the required landscape plantings or an equivalent off-site buffer along the northern half of the western property boundary.
- 6. The applicant must satisfy any requirements of the Hamilton County Engineer, such as right-of-way dedication and traffic impact analysis report.
- 7. Zoning staff and applicant shall work on the details of the sidewalks for the payment in lieu of program.

Variances:

- 1. Section 13.4.1 (E) – That the northern entrance to the site on Blue Rock Road shall be permitted to remain 40 feet from the intersection of Blue Rock Road and Hanley Road where a 50 foot separation is required.
- 2. Section 13.4.4 (D) & 14.5.1 – That the site shall be permitted a streetscape buffer yard of 0 feet along Blue Rock Road where a streetscape buffer of 15 feet is required and shall be permitted no plantings or landscaping where plantings and landscaping is required within the streetscape boundary buffer.
- 3. Table 14-1 – That the site shall be permitted with the current buffer yard where a 30-foot boundary buffer yard is required along the boundary of the adjacent residential lot on Hanley Road.

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. Fuller 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 8th day of September, 2015.

BOARD OF TRUSTEES:



Dennis P. Deters, Trustee



Jeffrey E. Ritter, Trustee



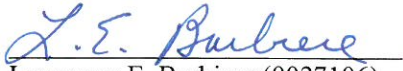
Melinda Rinehart, Trustee

ATTEST:



Heather E. Harlow,
Colerain Township 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 8th day of September, 2015.



Heather E. Harlow
Colerain Township Fiscal Officer