

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at 5:30 p.m., on the 12<sup>th</sup> day of April, 2016, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Michael Inderhees, Greg Insko, Jeffrey F. Ritter

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

**RESOLUTION NO. 15-16**

**Case No. ZA1998-01**

**DISCOUNT TIRE**

Approval of a Major Modification to a Final Development Plan  
Parcel Nos. 510-0101-0038, 510-0101-0039, and 510-0104-0112

WHEREAS, the Applicant, Todd Mosher, RA Smith National proposes a Major Modification to a Final Development Plan; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on March 3, 2016 voted unanimously to recommend approval with conditions of the requested Major Modification to a Final Development Plan; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on March 15, 2016, 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 with conditions of the application for a Major Modification to a Final Development Plan with conditions and variances; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on April 12, 2016, 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 Major Modification to a Final Development Plan with conditions and variances as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Colerain Township, Hamilton County, Ohio accepts the recommendation of the Colerain Township Zoning Commission for a Major Modification to a Final Development Plan, and that the Board of Trustees does hereby approve the request for parcel nos. 510-0101-0038, 510-0101-0039, and 510-0104-0112 designated as Planned District-Residential, for the reason that the Major Modification to a Final 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** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the Major Modification to the Final Development Plan shall be subject to the following:

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.

2. The Major Modification to the Final Development Plan shall be subject to the following conditions and variances:

Conditions:

1. That the plan be modified to reduce the paved area by about 871 square feet to meet the maximum impervious area of 77%.
2. That a variance be granted to allow for up to seven additional parking spaces since the proposed use of the Big Lots building may place additional demands for parking on the development and parking is shared among the uses on the site.
3. That the wall sign on the North side of the building not exceed 72 square feet and the wall sign on the Colerain front be reduced in size not to exceed the 60 square feet allowed by section 15.8.2(D)(1) since the building will be clearly visible from the street and the monument sign will give additional visibility.
4. That the existing vegetation along the common property line with the assisted living development be left undisturbed or be enhanced through the planting of evergreen trees.
5. That two ornamental lights be installed behind the sidewalk on Colerain spaced 60 feet apart in accordance with the Colerain Avenue Streetscape Plan.
6. That ample noise reduction measures be incorporated into the plan as to not disturb the bank and assisted living facility to the south of the property and opposite the service bay doors.
7. That a pedestrian walkway shall be installed from the front of the building to the existing public sidewalk on Colerain.

Variances:

1. Table 12-11 - That the illumination levels be permitted to exceed the 0.5 foot candles along the northern and western property lines internal to the commercial development.
2. Table 14-1 – That a minimum 20-foot wide buffer yard shall be permitted adjacent to the PD-R multifamily site to the south where a 40 foot buffer yard is required and that a 10 foot wide buffer shall be permitted adjacent to the B-1 portion of the site to the south where a 30 foot buffer is required, provided that all buffer areas include landscape materials consistent with the Zoning Resolution.
3. Section 12.11.1(C)(1) – That a variance be granted from the requirement that each side of the building facing a public street shall include at least one customer entrance.

3. Construction Permits

3.1 No Zoning Certificate shall be issued by the Office of the Zoning Administrator before:

- A. A Final Development Plan in compliance with Section 2 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.

3.2 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.

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

Vote Record: Mr. Inderhees Aye, Mr. Insko Aye, Mr. Ritter Aye, Ms. Rinehart Aye

ADOPTED this 10<sup>th</sup> day of April, 2016.

BOARD OF TRUSTEES:

Michael Inderhees  
Michael Inderhees, Trustee

Greg Insko  
Greg Insko, Trustee

Jeffrey F. Ritter  
Jeffrey F. Ritter, Trustee

ATTEST:

Heather E. Harlow  
Heather E. Harlow,  
Colerain Township Fiscal Officer

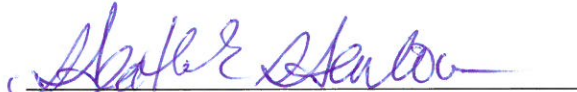
Resolution prepared by and approved as to form:

[Signature]

AST.  
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 12<sup>th</sup> day of April, 2016.

  
Heather E. Harlow  
Colerain Township Fiscal Officer