

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 5:30 p.m., on the 12th day of December, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Michael Inderhees, Greg Insco, Jeffrey F. Ritter

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

RESOLUTION NO. 50-17

Case No. ZA2010-06

LIBERTY NURSING

Approval of a Major Modification to a Preliminary Development Plan
Parcel No. 510-0203-0005

WHEREAS, the Applicant, Jonathan Woche, McBride Dale Clarion representing Liberty Nursing Properties proposes a Major Modification to a Preliminary Development Plan; and,

WHEREAS, the Hamilton County Regional Planning Commission heard the case, and on November 2, 2017 voted unanimously to recommend approval with conditions of the requested Major Modification to a Preliminary Development Plan; and,

WHEREAS, the Colerain Township Zoning Commission conducted its public hearing on the case on November 21, 2017, and after consideration of the recommendation of the Regional Planning Commission, and all public comments, exhibits, and other materials submitted, voted 3-2 to recommend approval with conditions of the application for a Major Modification to a Preliminary Development Plan with conditions and variances; and,

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case on December 12, 2017, 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 Preliminary 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 Preliminary Development Plan, and that the Board of Trustees does hereby approve the request for parcel no. 510-0202-0005 designated as Planned District-Residential, for the reason that the Major Modification to a 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 by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the Major Modification to the Preliminary 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 ("FDP") 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.

2. The Major Modification to the Preliminary Development Plan shall be subject to the following conditions and variances:
 1. That a common open space plan in compliance with the Colerain Township Zoning Resolution shall be submitted as part of the Final Development Plan.
 2. That the FDP include compliance with the Architectural Design Standards described in Section 12.11 of the Colerain Township Zoning Resolution to be applied to this phase of development including the Façade Massing Offset Requirement and Customer Entrance requirements for all non-service entries into the building and assisted living spaces.
 3. That the northwestern existing, mature and healthy vegetation that is able to remain, remains; and that the rest of the approximately 400 feet of frontage along Livingston Road (north of the main entry driveway) be newly landscaped at a rate of double what is required per Section 14.5.2(B) for lot line buffers with a mix of vegetation.
 4. That no existing vegetation located on the south side of the main entry driveway along the southern property line be disturbed during or after the construction of this phase of development.
 5. That the previous allowable total maximum number of 148 beds permitted between the two buildings is increased to a new allowable total maximum number of 248 beds permitted between the two buildings.
 6. That the sidewalk installation requirement be waived as Liberty Nursing Center was approved for a Sidewalk Waiver and paid a fee in-lieu of sidewalks during Phase I of construction.
 7. The Final Development Plan shall comply in all other respects with the Colerain Township Zoning Resolution.
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 Colerain Township 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. 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 ay, Mr. Ritter Aye

ADOPTED this 17th day of December, 2017.

BOARD OF TRUSTEES:

[Signature]
Michael Inderhees, Trustee

[Signature]
Greg Insko, Trustee

[Signature]
Jeffrey F. Ritter, Trustee

ATTEST:

[Signature]
Heather E. Harlow,
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

[Signature]
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 17th day of December, 2017.

[Signature]
Heather E. Harlow
Colerain Township Fiscal Officer