

First Reading: May 21, 2009
Second Reading: Dispensed

RESOLUTION NO. 2009 - 55

A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR THE KENWOOD TOWERS REAL ESTATE DEVELOPMENT, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY

WHEREAS, application was made by Kenwood Towers LLC (the "Owner") for approval of a major adjustment to a site plan site plan for construction of a hotel, office building and parking garage at 8010 Montgomery Road, Hamilton County Auditor's Parcel Number 600-0080-0006-00 in Case Number 2009-04MA; and

WHEREAS, on March 9, 2009, after proper notice having been given, the Sycamore Township Zoning Commission held public hearings to consider the application for approval of a major adjustment for the Kenwood Towers Real Estate Development in Case Number 2009-04MA; and

WHEREAS, the real property in Case No. 2009-04MA, consists of the real property located at 8010 Montgomery Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 600-0080-0006-00 (the "Real Property");

WHEREAS, the Real Property is located in the "OO"- Office District with a Planned Unit Development (PUD) overlay requiring a site plan approval for any changes from the originally approved plan; and

WHEREAS, on March 9, 2009 in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the application with certain conditions and communicated its recommendation to the Board of Township Trustees; and

WHEREAS, on May 7, 2009, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for the major adjustment to the planned unit development for Kenwood Towers Real Estate Development;

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. The Application of Kenwood Towers LLC as set forth in the plans and specifications as presented to the Board of Township Trustees on May 7, 2009 is hereby approved.

SECTION 2. The approval of the site plan granted herein is subject to the conditions set forth on the attached Exhibit A as if fully rewritten herein.

SECTION 3.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed in complete compliance with the plans, specifications, and renderings submitted at the public hearing on May 7, 2009, and in compliance with the conditions set forth in Section 2 and thereby, the attached Exhibit A.

SECTION 4.

No Zoning Certificate shall be issued by the Zoning Administrator until:

- A) a Zoning Compliance Plan in compliance with this Resolution has been received and approved by the Zoning Administrator;
- B) all documents submitted for zoning certificates are fully coordinated and consistent with the approved Zoning Compliance Plan;

No building permit for actual construction shall be issued by the Hamilton County Building Commissioner before a Zoning Certificate is received from the Zoning Administrator.

SECTION 5.

No Final Zoning Certificate shall be issued by the Zoning Administrator until the development complies with all requirements contained in this Resolution and the Zoning Compliance Plan and, unless waived by the Zoning Administrator, the following documents are received and approved by the Zoning Administrator:

- A) a summary report from 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 any required rights-of-way have been dedicated;
- B) a summary report from the developer's registered engineer or surveyor as required by and addressed to the Hamilton County Director of Public Works Department certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; the Director of Public Works shall inform the Zoning Administrator when such letter is received and approved;
- C) a summary report from the Metropolitan Sewer District or Hamilton County Board of Health certifying that the approved plans and specifications for sanitary sewer and waste water 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 and

noting any deviations and the reasons for such deviations;

- E) a summary report from the Sycamore Township Fire Chief certifying that the approved plan and specifications for fire prevention and control have been completely implemented, and
- F) a summary report from the applicant's registered engineer, surveyor or attorney certifying that required easements for access, utilities, or other purposes have been recorded in the Office of the Hamilton County Recorder.

SECTION 6.

All aspects of the development of the Real Property including, but not limited to, drainage, property improvements, lighting, landscaping, and ground cover, as set forth in the plans, specifications, covenants, conditions, requirements and limitations of the Zoning Compliance Plan and contained in this Resolution shall be continually maintained by the owner of the property. Any failure to so maintain the development shall be considered a violation of the Sycamore Township Zoning Resolution and shall be subject to all penalties and remedies thereunder.

SECTION 7.

The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 8.

This Resolution is hereby declared to be an emergency measure necessary for the public peace, health, safety and general welfare of the Township. The reason for the emergency is to provide the approval for the development in a timely manner in order to avoid any delays in permit approval and construction.

VOTE RECORD:

Mr. Bishop YES

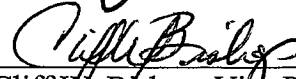
Mr. Kent YES

Mr. Weidman YES

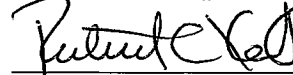
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 21st day of May, 2009.



Thomas J. Weidman, President



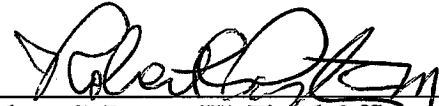
Cliff W. Bishop, Vice President



Richard C. Kent, Trustee

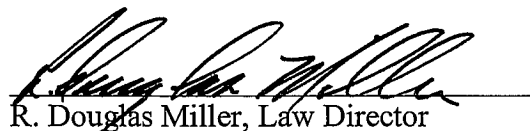
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 21st day of May, 2009.



Robert C. Porter, III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:



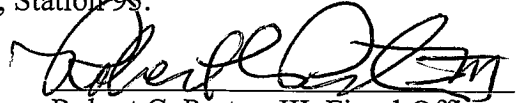
R. Douglas Miller, Law Director

EXHIBIT A

1. Except as provided in this Resolution, the Owner shall adhere to all aspects of the Sycamore Township Zoning Resolution.
2. The height, number of structures, and location on the site shall be exactly as those shown on the plans presented at the public hearing on May 7, 2009.
3. The setbacks of all structures shall be no less than those shown on the plans presented at the public hearing on May 7, 2009.
4. Interior landscaping must meet the requirements of the Sycamore Township Zoning Resolution.
5. No light spillage, either direct or indirect, is permitted from the parking structure on the south and east sides.
6. The open floors of the parking structure must be enclosed or shielded on the south and east sides so that vehicles, vehicle lights, and lights are not visible from any residential district.
7. No dumpsters, other trash handling facilities, or loading areas are permitted to face any residential district and must be located a minimum of 300 feet from any residential district.
8. All stormwater facilities are to meet or exceed the Hamilton County Stormwater requirements.
9. The existing freestanding highway sign shall be removed by June 22, 2009. If the signage is not removed, the approval for this site plan will be null and void.
10. No building signs are permitted on the south or east elevations.
11. The final landscaping plan is subject to staff approval and must meet the minimum requirements of the Sycamore Township Zoning Resolution. The landscaping shall include a sprinkler system sufficient to provide water to the landscape improvements.
12. The south boundary buffer shall be landscaped so that it will provide a completely opaque landscape screen of the parking garage within 3 years of construction of the garage. This landscaping shall be continually maintained.
13. Within three years of the construction of the parking garage, the east boundary buffer must provide a completely opaque landscape screen of the parking garage where the garage is not shielded from view by the adjoining FBI/GSA structure from the surrounding residential properties.

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on _____
by posting in the five most public places as established by the Board of Township Trustees
such places being the Township Hall, Bob Meyer Park, Bechtold Park, North Sycamore
Recreational Facility, and the North Fire Station, Station 93.



Robert C. Porter, III, Fiscal Officer,
Sycamore Township