

First Reading: July 16, 2009  
Second Reading: Dispensed

RESOLUTION NO. 2009 - 91

**A RESOLUTION APPROVING A SITE PLAN FOR THE GILLIGAN OIL COMPANY DEVELOPMENT, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY**

**WHEREAS**, application was made by Gilligan Oil Company (the "Applicant") on behalf of Nick Zimmerman and Jean Ann Zimmerman (the "Owners") for approval of a site plan for the Gilligan Oil Company Development located at 8051 Montgomery Road, Sycamore Township, Ohio, being Auditor's Parcel No. 600-0080-0706-00 (the "Real Property"); and

**WHEREAS**, the Real Property is located in the "E"- Retail District with an SPI overlay; and

**WHEREAS**, the proposed use of the Real Property requires that the Real Property obtain approval of a site plan; and

**WHEREAS**, on May 11, 2009 and June 8, 2009, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval; and

**WHEREAS**, on June 8, 2009, the Sycamore Township Zoning Commission unanimously recommended approval of the site plan for the Real Property with certain conditions; and

**WHEREAS**, on July 16, 2009, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for site plan approval for the Gilligan Oil Company Development;

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

**SECTION 1.**

Subject to the conditions attached to this Resolution as Exhibit A, the site plans, specifications, and renderings submitted in the application for the Gilligan Oil Company Development and presented to the Board of Township Trustees at its public hearing and meeting held on July 2, 2009 are hereby approved.

**SECTION 2.**

The approval of the site plan granted herein is subject to the conditions contained on the attached Exhibit A which are made a part of this Resolution 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 strict compliance with the plans, specifications, and renderings submitted in the Application approved by this Resolution, including the conditions attached as 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 the 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 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

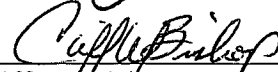
Mr. Kent YES

Mr. Weidman YES

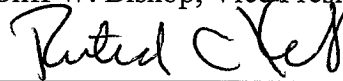
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 16th day of July, 2009.



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 16th day of July, 2009.



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

**APPROVED AS TO FORM:**

  
R. Douglas Miller, Law Director

## EXHIBIT A


1. Except as noted below, the owner/applicant shall adhere to all aspects of the Sycamore Township Zoning Resolution, including but not limited to, regulations concerning freestanding signs, dumpster enclosures, streetscape buffers, and lighting. Additionally, the large freestanding pylon sign shall be removed.
2. No outdoor advertising, bench billboards, or light post advertising shall be permitted on the site.
3. No outdoor display or sale of merchandise shall be permitted in any area of vehicular use.
4. No telecommunications towers are permitted on the site.
5. The boundary buffers, streetscape buffers, and interior landscaping as shown on the revised plans must be irrigated.
6. A landscape plan compliant with the zoning resolution shall be approved by staff prior to the issuance of a Zoning Certificate.
7. The canopy columns must have a brick or stone wrap to match the main building.
8. The streetscape buffer shall be planted with the required number of trees. Cleveland Select Pear trees may be substituted for canopy trees.
9. The dumpster surround must match building brick.
10. The Owner/Applicant shall explore the possibility of sharing the dumpster with the Bob Evans site to realign parking on the site.
11. All fuel dispensing pumps shall be inoperable when there is no attendant on duty.

The Site Plan is approved with the following variances:

1. No boundary buffer is required on the east property line.
2. The canopy may encroach in the required setback along the east property line.
3. The main structure may have a minimum setback of six (6) feet from the north property line and 5.67 feet from the west property line.
4. The proposed freestanding sign may be located in the required streetscape buffer.
5. The parking ratio may be calculated based on the required spaces of the net area of the restaurant portion of the site and the net area of the retail /convenience store portion of the site. Dedicated parking spaces for the gas pumps are not required as the loading area for the pump typically serves as a parking space.
6. Except as set forth above, no other interior landscaping is required.

**PROOF OF PUBLICATION**

I hereby certify that I have published this Resolution on July 21, 2009 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