

First Reading: February 4, 2010
Second Reading: Dispensed

RESOLUTION NO. 2010 - 07

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT PLAN FOR THE
FNC KENWOOD GROUP AND DISPENSING WITH THE SECOND READING**

WHEREAS, application was made by FRCH Design/Midland Atlantic (the "Applicant") on behalf of FNC Kenwood Group for approval of a major adjustment to a site plan for the FNC Kenwood Group (formerly Midland Atlantic) in Case Number 2009-16MA; and

WHEREAS, on December 14, 2009 and January 11, 2010, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of a major adjustment for the FNC Kenwood Group in Case Number 2009-16MA; and

WHEREAS, the real property in Case No. 2009-16MA, consists of the real property located at 7815 – 7865 Montgomery Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Numbers 600-0210-0861-00; 600-0210-0865; 600-0210-0846-00; 600-0210-0835-00; 600-0210-0862-00; 600-0210-0863-00; (the "Real Property");

WHEREAS, the Real Property is located in the "EE"- Retail District with a Planned Unit Development (PUD) overlay, all of which is subject to the Kenwood Special Public Improvement Overlay District; and

WHEREAS, because the proposed use of the property is a major adjustment to a previously approved PUD plan, which has been previously approved and amended in Sycamore Township Zoning Case Numbers, 2005-07MA, 2005-26MA, 2006-21MA and 2007-13MA and because the Real Property is in the Kenwood Special Public Improvement Overlay District, it is necessary that the development receive a site plan approval as a major adjustment; and

WHEREAS, on January 11, 2010, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

WHEREAS, on February 4, 2010, 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;

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

SECTION 1.

Subject to Section 2 of this Resolution, the site plans, specifications, and renderings submitted and presented to the Board of Township Trustees at its public hearing and meeting held on February 4, 2010 are hereby approved.

SECTION 2.

The approval of the site plan granted herein is subject to the conditions contained in 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 compliance with the plans, specifications, and renderings submitted herein and approved by this Resolution, including the conditions in Section 2 (Exhibit A) and all prior decisions of the Board for the development not in conflict with this Resolution.

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

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 and prior decisions of the Board not in conflict with 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 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.


VOTE RECORD:

Mr. Bishop Yes

Mr. Kent No

Mr. Weidman Yes

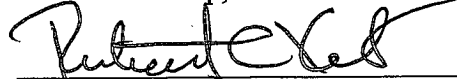
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 4th day of February, 2010.



Thomas J. Weidman, President



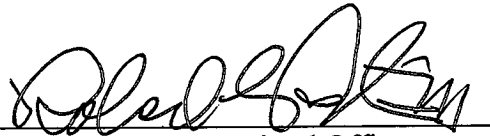
Cliff W. Bishop, Vice President



Richard C. Kent, Trustee

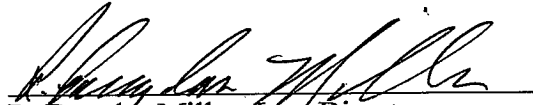
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 4th day of February, 2010.



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

APPROVED AS TO FORM:


R. Douglas Miller, Law Director

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 Sycamore Township Government Complex, Bob Meyer Park, Bechtold Park, the Robert L. Schuler Sports Complex, and the Clete McDaniel Sports Complex.

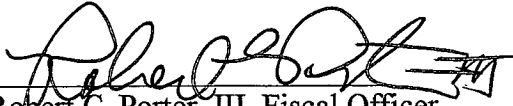

Robert C. Porter, III, Fiscal Officer,
Sycamore Township

EXHIBIT A

1. All conditions previously placed on the Real Property in prior applications and approvals shall remain in full force and effect unless modified by this Resolution.
2. The Applicant shall obtain and file with the Township an executed shared parking agreement with the Good Shepherd Church for all 116 parking spaces. The Applicant shall use its best efforts to keep the shared parking agreement in place.
3. No lights are permitted on the rear of the structure except for any lights required for the proposed emergency egress. The lights shall be residential in style and intensity and must be completely shielded from view by any residential property.
4. All food and beverage refuse shall be disposed in enclosed refrigerated containers and monitored by the Planning & Zoning staff.
5. The proposed modification to the freestanding sign is permitted as submitted.
6. No more than one (1) building sign which shall not exceed 98 square feet of sign surface area is permitted.
7. Other than popcorn, hot dogs, pretzels, and beverages, no food shall be prepared, or cooked on the premises. All other food items to be sold on the premises shall be prepared off-site. There shall be no exhaust venting of any cooking odors or fumes outside the building.
8. Any interior window signage that is visible from the public right-of-way must be placed at least 25 feet to the inside of the window.
9. No more than twelve (12) movie posters are permitted on the exterior of the building. The size of each is limited to 7.5 square feet and the location shall be as shown on the plan submitted.
10. The exterior building lights, including the proposed neon sign band and the marquee lights are to be turned off after the final movie showing for the evening.
11. The trash pickup shall only occur between the hours of 7:00 AM and 7:00 PM.
12. No sound from presentations being made in the theaters shall be audible outside the building.