

First Reading: December 20, 2012
Second Reading: Dispensed

RESOLUTION NO. 2012 - 118

**A RESOLUTION APPROVING A SITE PLAN FOR THE
KENWOOD CITY PLACE DEVELOPMENT, DISPENSING WITH THE SECOND
READING, AND DECLARING AN EMERGENCY**

WHEREAS, application was made by Jeffrey R. Anderson Real Estate (the "Applicant") on behalf of the owner, P&P Real Estate, LLC (the "Owner") for approval of a site plan for the P&P Real Estate Development in Case Number 2012-08P2; and

WHEREAS, the real property in Case No. 2012-08P2, consists of the real property located at 8080 Montgomery Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 600-0080-0007-00 (the "Real Property");

WHEREAS, on November 13, 2012, 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 an approved Planned Unit Development (PUD) in Case Number 2012-08P2; and

WHEREAS, the Real Property is located in the "EE"- Retail District with a Planned Unit Development (PUD) overlay and in an "O" - Office District, 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 and in the Kenwood Special Public Improvement Overlay District, it is necessary that the development receive a site plan approval; and

WHEREAS, on November 13, 2012, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

WHEREAS, on December 6, 2012, 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 December 6, 2012 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 compliance with the plans, specifications, and renderings submitted and 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 Ohio Department of Transportation, with regard to the Montgomery Road access, and the Hamilton County Engineer, with regard to the Hosbrook Road access, 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.

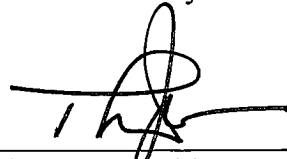
VOTE RECORD:

Mr. Bishop YES

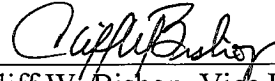
Mr. Connor YES

Mr. Weidman YES

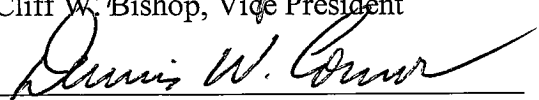
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 20th day of December, 2012.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee

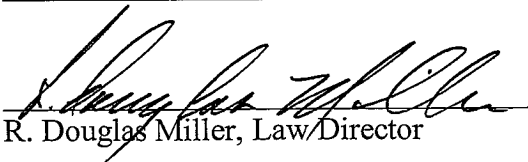
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 20th day of December, 2012.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law/Director

EXHIBIT A

1. The final landscaping plan shall be approved by the Zoning Administrator. The landscaping shall be in compliance with the Sycamore Township Zoning Resolution.
2. All signage in and on the development shall be compliant with the Sycamore Township Zoning Resolution "E" – Retail requirements.
3. The Owner shall dedicate a gateway area for use of Sycamore Township at the corner of Hosbrook and Montgomery Roads.
4. All retaining walls shall be constructed of materials to match the architecture and appearance of the retaining wall located at the northeast corner of Kenwood and Galbraith Roads.
5. Subject to any additional conditions placed upon access to the development by the Ohio Department of Transportation, access to Montgomery Road shall be full in/right out only.
6. The development shall comply with all requirements and recommendations for access, ingress, egress, and traffic control, both on-site and off-site as set forth by the Hamilton County Engineer with regard to access and improvements to Hosbrook Road.
7. The development shall comply with all requirements and recommendations for access, ingress, egress, and traffic control, both on-site and off-site as set forth by the Ohio Department of Transportation with regard to access and improvements to Montgomery Road.
8. The development shall comply with the Sycamore Township Zoning Resolution other than those items excepted by this Resolution.