

First Reading: May 2, 2013
Second Reading: Dispensed

RESOLUTION NO. 2013 - 45

A RESOLUTION APPROVING A ZONE CHANGE FOR THE LIMERICK & SCHIFFER DEVELOPMENT AND DISPENSING WITH THE SECOND READING

WHEREAS, on April 8, 2013, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application of John R. Grier on behalf of Kiem Limerick and Karen L. Schiffer (the "Applicants") for a proposed amendment to the zoning map of Sycamore Township (the "Application") in Case No. 2013-02Z; and

WHEREAS, the Application in Case No. 2013-02Z, known as the Limerick & Schiffer Development, includes the real property located at 7830 East Kemper Road in Sycamore Township and consists of Hamilton County Auditor's Parcel Number 600-0013-0024-00 (the "Real Property");

WHEREAS, the Applicant, on behalf of the property owners have submitted plans and specifications in Case No. 2013-02Z and has given consent on behalf of the owners to the application of planned unit development regulations (PUD) to the Real Property being considered in the zoning amendment; and

WHEREAS, the Application is a request to change the zoning on the Real Property from "A – Single Family Residential" to "OO – Planned Office District" with a planned unit development (PUD) overlay; and

WHEREAS, on April 8, 2013, the Sycamore Township Zoning Commission recommended approval of the Application with planned unit development conditions and communicated that approval to the Board of Township Trustees; and

WHEREAS, on May 2, 2013, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the proposed amendment contained within the Application and the plans and specifications submitted; and

WHEREAS, upon conclusion of the public hearing, the Board of Township Trustees of Sycamore Township considered, in an open meeting, the proposed amendment to the Sycamore Township Zoning Map and the recommendation of the Sycamore Township Zoning Commission in Case No. 2013-02Z;

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

SECTION 1.

The recommendation of the Sycamore Township Zoning Commission in Case No. 2013-02Z is hereby approved and the amendment to the Sycamore Township Zoning Map is granted such that the zoning on the Real Property contained in Case No. 2013-02Z is hereby changed from “A – Single Family Residential” to “OO – Planned Office District” with a planned unit development overlay. This approval is subject to the conditions set forth on the attached Exhibit A, which are hereby adopted as part of this Resolution as if fully rewritten herein.

SECTION 2.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed exactly in compliance with the plans specifications and drawings submitted and the conditions set forth on Exhibit A to this Resolution.

SECTION 3.

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 4.

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 5.

All aspects of the development of the Real Property including, but not limited to, drainage, property improvements, 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 Zoning Resolution and shall be subject to all penalties and remedies thereunder.

SECTION 6.

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.

VOTE RECORD:

Mr. Bishop Aye

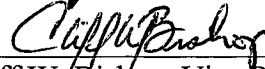
Mr. Connor Aye

Mr. Weidman Aye

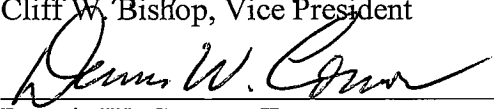
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 2nd day of May 2013.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee

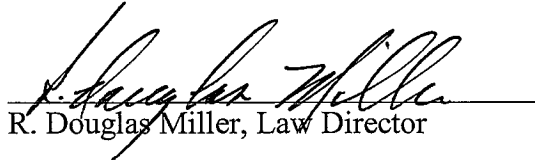
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 2nd day of May, 2013.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director

EXHIBIT A

CONDITIONS OF APPROVAL

1. This approval is based on the revised drawing titled "Option A as presented on April 8, 2013 - Zoning Commission" showing the parking spaces in the front of the structure and the free standing sign with a compliant brick base.
2. Except as set forth below under variances, all aspects of the development are to adhere to the Sycamore Township Zoning Resolution
3. A landscape plan consistent with the Sycamore Township Zoning Resolution shall be approved prior to the issuance of the Zoning Certificate. Staff has the option to apply "Section 14-7.3 Credits" of the Zoning Resolution to determine compliance.
4. The required boundary buffer on the west property line may be reduced to the existing distance based on the location of the existing driveway. The location of any existing plant material shall be shown on the site plan with survey accuracy to determine ownership of the plants. If those plants are located on the Real Property, they shall be part of the approved landscape plan. If those plants are not located on the Real Property, alternate landscaping must be submitted and approved by the Township.
5. Any additional pavement added in accordance with the submitted plan must maintain proper buffer yard spacing and be landscaped per the Zoning Resolution.
6. Free standing signage shall be limited to a maximum of 24 square feet in sign surface area, a maximum height of 6 feet which measurement shall include the sign base, shall not be illuminated by any means, and must follow all other requirements contained in Section 13 of the Sycamore Township Zoning Resolution.
7. Prior to receiving a final certificate of occupancy, the applicant shall dedicate all right-of-way as required by the Hamilton County Engineer in accordance with the Hamilton County Thoroughfare Plan
8. All plans, specifications, and setbacks must be drawn, shown, measured, and built with respect to, in accordance with, and in compliance with the required right-of-way on East Kemper Road as indicated by the Hamilton County Engineer in accordance with the Hamilton County Thoroughfare Plan.
9. Off street parking may be provided on the existing driveway and rear turn around area provided it is compliant with Section 12 of the Sycamore Township Zoning Resolution.
10. A streetscape buffer in compliance with Section 14 of the Sycamore Township Zoning Resolution is required.

11. No retail operations shall be permitted on the Real Property.

12. Any exterior lighting shall be completely shielded from all surrounding properties. Any external freestanding lighting may not exceed 10 feet in height and shall have 0 foot candles of light spillage at the property line.

This approval is issued with the following variances from the requirements of the Sycamore Township Zoning Resolution:

1. Table 5-5, Bulk Area - The width of the lot is the result of the subdividing that occurred prior to local zoning.
2. Section 14-7, Western Boundary Buffer - The existing driveway is not being expanded.