

RESOLUTION NO. 2014 - 162

A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR THE KUBICKI REAL ESTATE PARTNERS DEVELOPMENT, AND DISPENSING WITH THE SECOND READING

WHEREAS, application was made by Studio for Architecture, Inc. on behalf of DMK Partners, LLC, the owners (the "Applicant") for approval of a revised partial site plan for construction of a free standing office building in the Kubicki Real Estate Partners Development in Case Number 2014-14MA; and

WHEREAS, on October 14, 2014, 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 Kubicki Real Estate Partners Development in Case Number 2014-14MA; and

WHEREAS, the real property in Case No. 2014-14MA, consists of the real property located at 8784 Montgomery Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 600-0060-0010-00 (the "Real Property");

WHEREAS, the Real Property is located in the "OO"- Planned Office District with a Planned Unit Development (PUD) overlay; and

WHEREAS, on October 14, 2014 in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended denial of the application and communicated its recommendation to the Board of Township Trustees; and

WHEREAS, on December 4, 2014, 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 in Case Number 2014-14MA;

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

SECTION 1. The Application of Studio for Architecture, Inc. on behalf of DMK Partners, LLC, the owners, to change the plans and building configuration in the Planned Unit Development known as the Kubicki Real Estate Partners Development is hereby approved. This approval is subject to the Real Property being in compliance with all of the conditions contained within this Resolution and those conditions set forth on the Exhibit A attached hereto.

SECTION 2. All other approvals, conditions, obligations and requirements contained in previous approval of the development as amended in prior resolutions of the Board of Township Trustees and not adjusted herein

shall remain in full force and affect. This resolution shall only consider the approval of the operations of parcel 600-0060-0010-00.

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 to the Board of Township Trustees of Sycamore Township at the public hearing on December 4, 2014 and approved by this Resolution, including any conditions contained on the Exhibit A attached hereto, and any previous resolutions in effect that affect the Real Property that are not amended herein.

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 any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

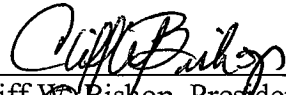
VOTE RECORD:

Mr. Connor AYE

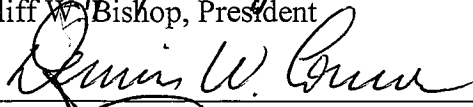
Mr. Bishop AYE

Mr. Weidman AYE

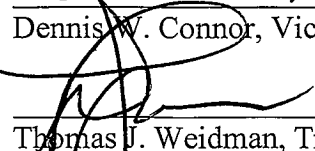
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 18th day of December, 2014.



Cliff W. Bishop, President



Dennis W. Connor, Vice President



Thomas J. Weidman, Trustee

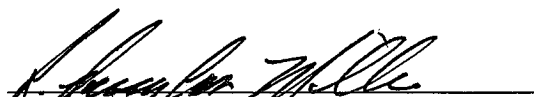
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 18th day of December, 2014.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director
Sycamore Township, Ohio

EXHIBIT A

Conditions of Approval:

1. Except as otherwise approved in this resolution, the development shall meet all of the requirements of the Sycamore Township Zoning Resolution.
2. The finished floor shall be no lower than elevation 744 feet msl.
3. The rear grade of the property shall start at no less than elevation 740 feet msl.
4. The parking lot shall be screened with a solid year round hedge row that prevents light spill from vehicular traffic. The eastern most parking space shall be removed and the edge of the retaining wall shall be pushed to the west the same amount.
5. The streetscape buffer may be reduced to five (5) feet on the northern edge of the property.
6. Parking lot lights shall not exceed 12' in overall height including the base and shall be shielded to any residential property.
7. The streetscape and boundary buffers shall be approved by Township staff and shall exceed the requirements of the zoning resolution.
8. A no cut zone shall be established for the buffer to remain and must be approved by Township staff and, as a minimum, shall be on the Owner's side of the stream.
9. A solid screen of evergreen trees consisting of plant material no less than 20 feet in height shall be planted along the east boundary buffer. The trees must be planted at an elevation of no less than 736 feet msl.
10. No exterior lights shall be constructed or erected on the north or east side of the building.
11. In order to provide for future development of the rest of the real property contained within the PUD, an ingress/egress/access easement suitable for recording shall be provided by the Owner of the Real Property, for the benefit of the adjacent properties, at no cost to the owners of the adjacent properties.
12. All owners of the real property contained within the entire original PUD must consent in writing to this amendment to the plan of the original PUD. A copy of each consent by each real property owner in the PUD shall be provided to the Township prior to the issuance of a zoning certificate.