

RESOLUTION NO. 2015 - 155

A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR A PORTION OF THE BRG DDR CROCODILE SYCAMORE PLAZA LLC PLANNED UNIT DEVELOPMENT , AND DISPENSING WITH THE SECOND READING

WHEREAS, application was made by Atlantic Sign Company (the "Applicant") on behalf of BRG DDR Crocodile Sycamore Plaza, LLC (the "Owner") for a major adjustment to the planned unit development for sign replacement for the International House of Pancakes site (the "IHOP Site") within the planned unit development in Case Number 2015-23MA (the "Application"); and

WHEREAS, on October 13, 2015, 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 IHOP Site in Case Number 2015-23MA; and

WHEREAS, the real property in Case No. 2015-23MA, consists of the real property located at 7862 Montgomery Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Number 600-0080-0178-00; (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 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 October 13, 2015, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended denial of the Application with certain conditions; and

WHEREAS, on November 5, 2015, 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. The Application of Atlantic Sign Company on behalf of BRG DDR Crocodile Sycamore Plaza, LLC, for a changes to the signage on the IHOP Site in Case No. 2015-23MA is hereby approved with the following condition: as an integral part of this approval, the IHOP pole/pylon sign facing the development and Interstate 71 shall be removed.

SECTION 2.

All other approvals, conditions, obligations and requirements contained in previous approval of the IHOP Site within the Planned Unit Development as amended in prior resolutions of the Board of Township Trustees and not adjusted herein shall remain in full force and affect.

SECTION 3.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be made and constructed in compliance with the plans, specifications, and renderings submitted to the Board of Township Trustees of Sycamore Township at the public hearing on November 5, 2015 and approved by this Resolution, except that the IHOP pole/pylon sign facing the development and Interstate 71 shall be removed, and any previous resolutions in effect that affect the Real Property that are not amended herein shall remain in full force and effect.

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

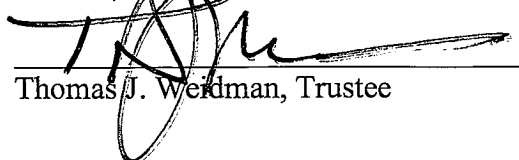
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 19th day of November, 2015.



Dennis W. Connor, President



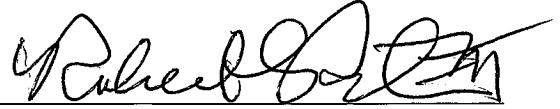
Cliff W. Bishop, Vice President



Thomas J. Weidman, Trustee

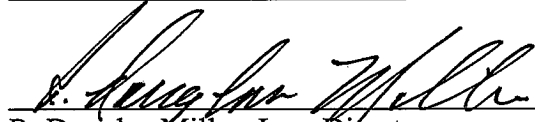
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 19th day of November, 2015.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director
Sycamore Township, Ohio