

Resolution 2024 - 140

**A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT TWO  
LOCATED AT 10777 & 10793 MONTGOMERY ROAD AND DISPENSING WITH  
THE SECOND READING**

**WHEREAS**, an application was made by Rize, Inc. (the "Applicant") for a PUD-2 for the subject properties, 10777 & 10793 Montgomery Rd; for the PUD-2 proposal that adds parking, landscaping, an outdoor patio, and a restaurant addition; and

**WHEREAS**, on November 14, 2024, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of a PUD-2 for the Development in Case Number 2024-05P2; and

**WHEREAS**, the real property in Case No. 2024-05P2, consists of the real property located at 10777 & 10793 Montgomery Rd in Sycamore Township and is designated as Hamilton County Auditor's Parcel Numbers 060000300415, 060000300014 (the "Real Property");

**WHEREAS**, the Real Property is located in the "E"- Retail District; and

**WHEREAS**, on November 14, 2024, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the Application and communicated its recommendation to the Board of Township Trustees; and

**WHEREAS**, on December 17, 2024, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for the PUD-2 in Case Number 2024-05P2;

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

**SECTION 1.** The Application of Rize, Inc. (the "Applicant"), for the proposal of the PUD-2 in Case No. 2024-05P2 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 in 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 effect.

**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 17<sup>th</sup>, 2024, 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.

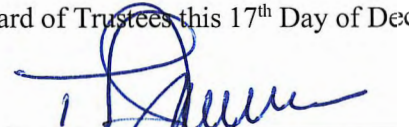
**SECTION 7.**


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. Kellums Aye      Ms. Schwegmann Aye      Mr. Weidman Aye

**Passed** at the meeting of the Board of Trustees this 17<sup>th</sup> Day of December 2024.

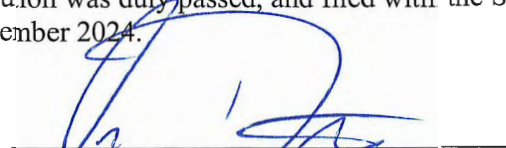
  
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 Thomas J. Weidman, Chairman

  
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 Tracy Schwegmann, Vice-Chairman

  
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 Tracy Kellums, Trustee

**AUTHENTICATION**

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, on this 17<sup>th</sup> Day of December 2024.

  
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 Jonathan T. Deters  
 Sycamore Township Fiscal Officer

  
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 Lawrence E. Barbieri, Law Director

## EXHIBIT A

### Conditions of Approval:

1. An ingress/egress easement between the properties shall be finalized and recorded prior to approval of the Zoning Compliance Plan.
2. The parapet wall on the southern elevation of the Property 2 Building shall be sufficiently raised to conceal all mechanical equipment and shall match the material and treatment of the existing masonry.
3. Both properties in this PUD-2 shall follow E-Retail sign rules as described in the current version of the STZR.
4. The location of the following accessory structures shall be accepted as part of this plan unless a sight distance issue is caused due to future road expansion:
  - Property 2 Monument Sign – 4.5 feet from the side (southern) property line.
  - Property 2 Masonry Dumpster Enclosure 0.0 feet from the right (northern) and rear (western) property line.
5. All landscaping shall be maintained in healthy condition.
6. If ultimately approved, but never built, Property 1 Landscaping shall be installed, reverting to the Landscape Plan from Zoning Certificate 2020-006.
7. This PUD-2 shall prohibit all billboards and telecommunication towers from being sited on the subject properties.
8. The Property 1 monument sign, located in Montgomery Road ROW, shall not be replaced under any circumstances.