

RESOLUTION NO. 2014 - 52

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A PLANNED UNIT DEVELOPMENT FOR THE KENWOOD COLLECTION DEVELOPMENT, DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY**

**WHEREAS**, application was made by Phillips Edison Co. (the "Applicant") on behalf of Spyder Station, LLC (the "Owner") for approval of a major adjustment to a planned unit development (PUD) known as the Kenwood Collection (formerly Kenwood Towne Place Development) to add an additional story to the real property improvements located at 5901 East Galbraith Road, Sycamore Township, Hamilton County, Ohio (the "Application") in Sycamore Township Zoning Case Number 2014-04MA; and

**WHEREAS**, the real property in Case No. 2014-04MA, consists of the real property located at 5901 East Galbraith Road, Sycamore Township, Hamilton County, Ohio and is designated as Hamilton County Auditor's Parcel Number 600-0080-0002-00 (the "Real Property"); and

**WHEREAS**, the Real Property previously received approval of a site plan and PUD for the Kenwood Towne Place Development in Case Number 2005-19P2 approved in Resolution Number 2005-54; and

**WHEREAS**, the development is now known as the Kenwood Collection Development; and

**WHEREAS**, the Real Property is located in an "OO" Planned Office District and "E" Retail District with a Planned Unit Development (PUD) overlay and in the Kenwood Special Public Interest District. As such, the Real Property requires site plan approval for any changes from the originally approved plan; and

**WHEREAS**, on April 14, 2014 after a public hearing and in 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 May 1, 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 on the Real Property;

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

**SECTION 1.** The Application as set forth in the plans and specifications as presented to the Board of Township Trustees on May 1, 2014 is hereby approved.

**SECTION 2.**

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed in complete compliance with the plans, specifications, and renderings submitted at the public hearing on May 1, 2014 and all approvals and conditions contained in the original approval in Case No. 2005-19P2 and Resolution 2005-54 that are not in conflict with 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 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 5.**

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 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.

**SECTION 7.**

Upon the unanimous vote of the Sycamore Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to provide for the immediate commencement of work on the project.

**VOTE RECORD:**

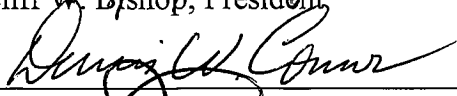
Mr. Bishop Aye

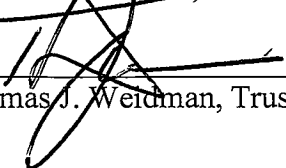
Mr. Connor Aye

Mr. Weidman Aye

**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 15<sup>th</sup> day of May, 2014.

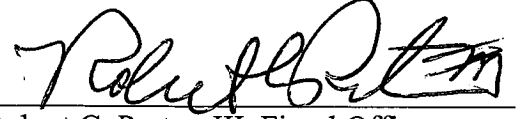
  
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Cliff W. Bishop, President

  
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Dennis W. Connor, Vice President

  
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Thomas J. Weidman, Trustee

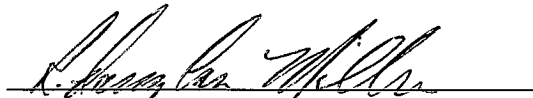
**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 15<sup>th</sup> day of May, 2014.



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

**APPROVED AS TO FORM:**

  
R. Douglas Miller, Law Director