

First Reading: October 15, 2009
Second Reading: Dispensed

RESOLUTION NO. 2009 - 129

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR
THE SHOPPES OF KENWOOD REAL ESTATE DEVELOPMENT, AND
DISPENSING WITH THE SECOND READING**

WHEREAS, application was made by Kenwood Shoppes LLC/Neyer Holdings (the "Owner-Receiver") for approval of a site plan to allow Gordon Food Services to open a food sales operation in the Shoppes of Kenwood Real Estate Development in Case Number 2009-10MA; and

WHEREAS, on August 10, 2009 and September 14, 2009, after proper notice having been given, the Sycamore Township Zoning Commission held public hearings to consider the application for approval of a major adjustment for the Shoppes of Kenwood Real Estate Development in Case Number 2009-10MA; and

WHEREAS, the real property in Case No. 2009-10MA, consists of the real property located at 7700 Montgomery Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 600-0211-0543-00 (the "Real Property");

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

WHEREAS, previous approvals for the development limited the operations of food service businesses in the Shoppes of Kenwood Real Estate Development; and

WHEREAS, the Applicant, Gordon Food Services desires to open a food service establishment on the Real Property; and

WHEREAS, on September 14, 2009 in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the application with certain conditions and communicated its recommendation to the Board of Township Trustees on September 30, 2009; and

WHEREAS, on October 13, 2009, 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;

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

SECTION 1.

The Application of Gordon Food Services to operate a food service business in the Shoppes of Kenwood Real Estate Development is hereby approved. This approval is subject to the conditions set forth on the attached Exhibit A as if fully rewritten herein.

SECTION 2.

All other approvals, conditions, obligations and requirements contained in previous approval of the development not adjusted herein shall remain in full force and affect. This resolution shall only consider the approval of the operations of Gordon Food Services.

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 and approved by this Resolution, and any previous resolutions in effect that affect the Real Property.

SECTION 4.

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.

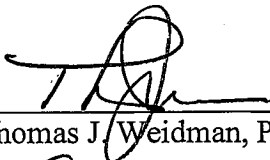
VOTE RECORD:

Mr. Bishop YES

Mr. Kent Absent

Mr. Weidman YES


Passed at a meeting of the Board of Township Trustees of Sycamore Township this 15th day of October, 2009.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Richard C. Kent, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 15th day of October, 2009.



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

APPROVED AS TO FORM:


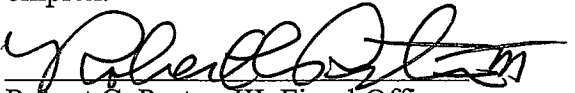

R. Douglas Miller, Law Director

EXHIBIT A

1. This approval is only for Gordon Food Services (GFS). Any future tenant that seeks to locate on the Real Property is subject to all prior resolutions and conditions concerning the Real Property including, but not limited to, Hamilton County Board of County Commissioners Resolution #869 dated February 6, 1991, the provisions of Sycamore township Case 2001-01Z, and Sycamore Township Resolution 2000-13.
2. All refuse / garbage / product waste is to be placed in the sealed dumpster as indicated in the plans submitted for case 2009-10MA.
3. The trash containment system must be maintained per the manufactures specifications as outlined in the information and plans submitted for Case 2009-10MA.
4. The sealed dumpster and cardboard bailer shall only be operated and /or have the trash removed between the hours of 8:00 AM and 8:00PM.
5. All deliveries shall be done between the hours of 8:00 AM and 8:00 PM.
6. The Owner and Applicant shall comply with any other provisions set forth in any other approval document by the Hamilton County Board of Commissioners dated prior to 1999, including, but not limited to, Commissioners Resolution #869 dated February 6, 1991.

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on October 19, 2009 by posting in the five most public places as established by the Board of Township Trustees such places being the Township Hall, Bob Meyer Park, Bechtold Park, the Clete McDaniel Sports Complex, and the Robert L. Schuler Sports Complex.


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