

First Reading: October 15, 2009
Second Reading: Dispensed

RESOLUTION NO. 2009 - 130

**A RESOLUTION APPROVING A ZONE CHANGE FOR THE
KENWOOD CROSSING III DEVELOPMENT AND
DISPENSING WITH THE SECOND READING**

WHEREAS, on September 14, 2009, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application of Kenwood Crossing III, LLC (the "Applicant") for a proposed amendment to the zoning map of Sycamore Township (the "Application"); and

WHEREAS, the Application in Case No. 2009-12Z, known as the Kenwood Crossing III Development, includes the real property located at 8395 Highland Avenue, in Sycamore Township and consists of Hamilton County Auditor's Parcel Number 600-0202-0104-00 (the "Real Property");

WHEREAS, the Applicant, on behalf of the property owners have submitted plans and specifications in Case No. 2009-12Z and have given their consent to the application of planned unit development regulations to the Real Property being considered in the zoning amendment; and

WHEREAS, the Application is a request to change the zoning on the Real Property from "C – Single Family Residential" to "OO – Planned Office District" with a planned unit development overlay; and

WHEREAS, on September 14, 2009, the Sycamore Township Zoning Commission recommended approval of the Application and communicated that approval to the Board of Township Trustees on September 30, 2009; and

WHEREAS, on October 15, 2008, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the proposed amendment contained within the Application and the plans and specifications submitted; and

WHEREAS, upon conclusion of the public hearing, the Board of Township Trustees of Sycamore Township considered, in an open meeting, the proposed amendment to the Sycamore Township Zoning Map and the recommendation of the Sycamore Township Zoning Commission in Case No. 2009-12Z;

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

SECTION 1.

The recommendation of the Sycamore Township Zoning Commission in Case No. 2009-12Z is hereby approved and the amendment to the Sycamore Township Zoning Map is granted such that the zoning on the Real Property contained in Case No. 2009-12Z is hereby changed from "C – Single Family Residential" to "OO – Planned Office District" with a planned unit development overlay. This approval is subject to the conditions set forth on the attached Exhibit A, which are hereby adopted as part of this Resolution as if fully rewritten herein.

SECTION 2.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed exactly in compliance with the plans specifications and drawings submitted and the conditions set forth on Exhibit A to 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 the 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 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, 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 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.

VOTE RECORD:

Mr. Bishop YES

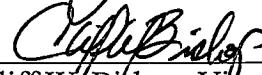
Mr. Kent ABSENT

Mr. Weidman YES

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



Thomas J. Weidman, President



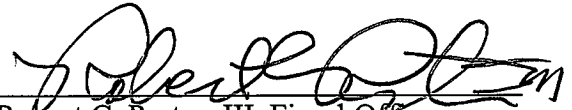
Cliff W. Bishop, Vice President



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:

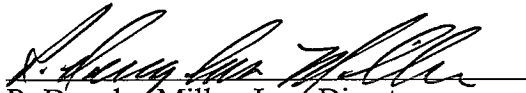


R. Douglas Miller, Law Director

EXHIBIT A

1. Except as noted below, the Applicant/Owner shall comply with all aspects of the Sycamore Township Zoning Resolution including, but not limited to, freestanding signs, dumpster enclosures, streetscape buffers, site lighting, off-street parking requirements and mechanical equipment.
2. No outdoor advertising, bench billboards, or telecommunications towers shall be permitted on the site.
3. A landscape plan shall be approved by staff prior to the issuance of a Zoning Certificate.
4. The shared parking and access areas to Kenwood Crossing II shall be included and noted on the plan.
5. The width and size of boundary buffers shall be constructed as shown on the plans submitted August 19, 2009.
6. Landscaping in compliance with the Sycamore Township Zoning Resolution shall be approved by staff.

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