

First Reading: December 3, 2009  
Second Reading: Dispensed

RESOLUTION NO. 2009 - 152

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR  
THE DUKE TOWERS REAL ESTATE DEVELOPMENT, DISPENSING WITH THE  
SECOND READING, AND DECLARING AN EMERGENCY**

**WHEREAS**, application was made by Duke Realty Limited Partnership (the "Owner" or "Applicant") for approval of a major adjustment to a site plan for the real property located at 8044 Montgomery Road and 7865 Hosbrook Road, Sycamore Township, Ohio Hamilton County Auditor's Parcel Number 600-0080-0005-00 in Case Number 2009-13MA; and

**WHEREAS**, on November 9, 2009, 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 Duke Towers Real Estate Development in Case Number 2009-13MA; and

**WHEREAS**, the real property in Case No. 2009-13MA, consists of the real property located at 8044 Montgomery Road and 7865 Hosbrook Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 600-0080-0005-00 (the "Real Property");

**WHEREAS**, the Real Property is located in the "OO"- Office District with a Planned Unit Development (PUD) overlay requiring a site plan approval for any changes from the originally approved plan; and

**WHEREAS**, on November 9, 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; and

**WHEREAS**, on December 3, 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 for Duke Towers Real Estate Development in Case Number 2009-13MA;

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

**SECTION 1.** The Application of Duke Realty Limited Partnership as set forth in the plans and specifications as presented to the Board of Township Trustees on December 3, 2009 which includes the addition of three additional signs on the exterior of the building is hereby approved.

**SECTION 2.**

The approval of the site plan granted herein is subject to the conditions set forth on the attached Exhibit A as if fully rewritten herein.

**SECTION 3.**

The zoning on the Real Property was previously approved by Hamilton County Zoning Commission in Case Number 2-86 and was modified in Sycamore Township Case Number 2006-09MA. 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 in those cases and at the public hearing on December 3, 2009, and in compliance with the previous cases in this matter except as modified herein including the conditions set forth in Section 2 and thereby, the attached Exhibit A.

**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 and the prior cases and 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 the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

**SECTION 8.**

This Resolution is hereby declared to be an emergency measure necessary for the public peace, health, safety and general welfare of the Township. The reason for the emergency is to provide the approval for the development in a timely manner in order to avoid any delays in permit approval and construction.

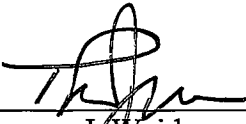
**VOTE RECORD:**

Mr. Bishop YES

Mr. Kent YES

Mr. Weidman YES

**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 3<sup>rd</sup> day of December, 2009.

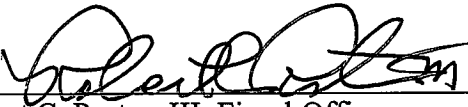
  
\_\_\_\_\_  
Thomas J. Weidman, President

  
\_\_\_\_\_  
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 3<sup>rd</sup> day of December, 2009.

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

**APPROVED AS TO FORM:**

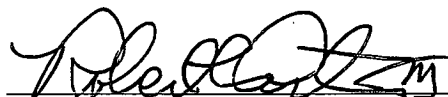
  
\_\_\_\_\_  
R. Douglas Miller, Law Director

## EXHIBIT A

1. The maximum area of any single sign shall not exceed 116 square feet.
2. A maximum of 265 square feet of total sign surface area shall be permitted for the entire development (West and East Towers).
3. A maximum of four (4) building signs shall be permitted.
4. No building signs shall be located on the south side of either tower.

**PROOF OF PUBLICATION**

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



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