

First Reading: December 17, 2009
Second Reading: Dispensed

RESOLUTION NO. 2009 - 1108

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR THE
6475 E GALBRAITH LLC REAL ESTATE DEVELOPMENT, DISPENSING WITH THE
SECOND READING, AND DECLARING AN EMERGENCY**

WHEREAS, application was made by Willie's of Kenwood (the "Applicant") on behalf of 6475 E Galbraith LLC (the "Owner") for approval of a site plan in Case Number 2009-14P2; 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 site plan for the 6475 E Galbraith LLC Real Estate Development in Case Number 2009-14P2; and

WHEREAS, the real property in Case No. 2009-14P2, consists of the real property located at 6475 East Galbraith Road in Sycamore Township and consists of 2.236 acres being further known as Hamilton County Auditor's Parcel Numbers 600-0080-0003-00, 600-0080-0311-00, and 600-0080-0312-00 (the "Real Property"); and

WHEREAS, the Real Property is located in the "E"- Retail District with the Kenwood Special Public Improvement District overlay; 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 conditions and communicated its recommendation to the Board of Township Trustees on November 17, 2009; 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 approval of a site plan for the 6475 E Galbraith LLC Real Estate Development in Case Number 2009-14P2;

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

SECTION 1.

Subject to the conditions on Exhibit A to which the Applicant and Owner have agreed, the Application of Willie's of Kenwood for approval of the site plan for the 6475 E Galbraith LLC Real Estate Development in Case Number 2009-14P2 is hereby approved.

SECTION 2.

This approval is subject to all of the conditions on the attached Exhibit A as if fully rewritten herein.

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 pertinent to the property no 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, including the conditions on the attached Exhibit A, 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 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.

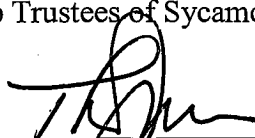
VOTE RECORD:

Mr. Bishop YES

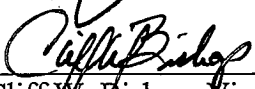
Mr. Kent YES

Mr. Weidman YES

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 17th day of December, 2009.



Thomas J. Weidman, President



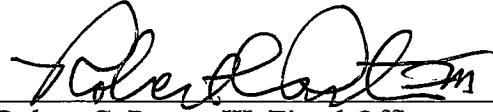
Cliff W. Bishop, Vice President



Richard C. Kent, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 17th day of December, 2009.



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

APPROVED AS TO FORM:


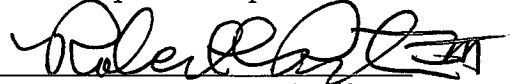

R. Douglas Miller, Law Director

EXHIBIT A

1. All site landscaping shall be approved by Township staff and at a minimum meet or exceed the landscaping required from Case 2005-02P2 including any landscaping that was not installed or maintained as a result of case 2005-02P2. All other variances granted from the 2005 case shall apply to this approval.
2. The development and site plan shall comply with the recommendations of the internal traffic study (signage and one way access around building as noted.)
3. No shared parking is permitted. The parking spaces on the site shall be for the exclusive use of the building tenants and their guests, invitees, licensees, and customers only.
4. Prior to the issuance of a certificate of occupancy, the owner of the Real Property, 6475 E Galbraith LLC, or any future grantee, assignee, or successor of 6475 E Galbraith LLC, shall execute a dedication plat and convey at no cost to Sycamore Township or Hamilton County, sufficient right of way to add an additional lane on the south side of East Galbraith Road.
5. Any future tenant that is to locate in the remaining space shall be approved with a minor adjustment as approved by Township staff provided that the use is compatible with the Kenwood Special Public Improvement District overlay and the required parking is sufficient. No restaurant use is permitted in the remainder of the Real Property.

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