

First Reading: May 7, 2009  
Second Reading: Dispensed

RESOLUTION NO. 2009 - 48

**A RESOLUTION APPROVING A SITE PLAN FOR THE  
MIDLAND ATLANTIC SYCAMORE CROSSING PHASE 2 DEVELOPMENT,  
DISPENSING WITH THE SECOND READING, AND DECLARING AN  
EMERGENCY**

**WHEREAS**, application was made by Midland Atlantic Properties (the "Applicant") on behalf of STG Sales, Inc. (the "Owner") for approval of a site plan for the Midland Atlantic Sycamore Crossing Phase 2 Development located at 7788 Montgomery Road, Sycamore Township, Ohio, being Auditor's Parcel No. 600-0211-0556-00 (the "Real Property"); and

**WHEREAS**, the Real Property is located in the "E"- Retail District with an SPI-SC overlay; and

**WHEREAS**, the proposed use of the Real Property requires that the Real Property obtain approval of a site plan; and

**WHEREAS**, on April 13, 2009 after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval; and

**WHEREAS**, on April 13, 2009, the Sycamore Township Zoning Commission unanimously recommended approval of the site plan for the Real Property with certain conditions; and

**WHEREAS**, on May 7, 2009, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for site plan approval for the Midland Atlantic Sycamore Crossing Phase 2 Development;

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

**SECTION 1.**

Subject to the conditions attached to this Resolution as Exhibit A, the site plans, specifications, and renderings submitted in the application for the Midland Atlantic Sycamore Crossing Phase 2 Development and presented to the Board of Township Trustees at its public hearing and meeting held on May 7, 2009 are hereby approved.

**SECTION 2.**

The approval of the site plan granted herein is subject to the conditions contained on the attached Exhibit A which are made a part of this Resolution 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 in the Application approved by this Resolution, including the conditions attached as 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 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 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 and construction.

**VOTE RECORD:**

Mr. Bishop Aye

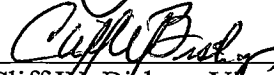
Mr. Kent Aye

Mr. Weidman Aye

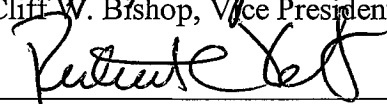
**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 7<sup>th</sup> day of May, 2009.



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 7<sup>th</sup> day of May, 2009.



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

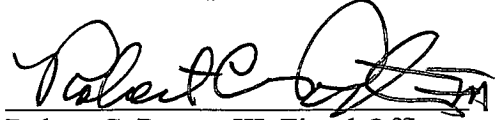
**APPROVED AS TO FORM:**



R. Douglas Miller, Law Director

**PROOF OF PUBLICATION**

I hereby certify that I have published this Resolution on \_\_\_\_\_ by  
posting in five public places as established by the Board of Township Trustees

A handwritten signature in black ink, appearing to read "Robert C. Porter, III", written over a horizontal line.

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

## **EXHIBIT A**

1. Except as noted below, the applicant shall adhere to all aspects of the Sycamore Township Zoning Resolution.
2. All new ground level and rooftop mechanical equipment visible from public streets shall be screened.
3. The dumpster surround shall be constructed of brick, stone, or split face concrete block that is consistent with the main structure.
4. The landscape plan shall be approved by Township staff prior to the issuance of a Zoning Certificate.
5. Other than the signage included on the site plan submitted with the Application, no outdoor advertising, bench billboards, or light post advertising shall be permitted on the site.
6. No outdoor display of merchandise or sale of merchandise shall be permitted on the Real Property.
7. No telecommunications towers shall be permitted on the site.
8. All requirements set forth by the Ohio Department of Transportation (ODOT) pertaining to ingress and egress to Montgomery Road shall be met.
9. Use of the Real Property for a restaurant, bar, or any other eating or drinking establishment is prohibited.
10. No freestanding signage is permitted. Any changes to the existing sign on Montgomery Road must be approved in accordance with the Sycamore Township LASR process.
11. The applicant shall work with township staff to increase the landscaping on the contiguous township owned public parking lot.