

First Reading: March 21, 2013
Second Reading: Dispensed

RESOLUTION NO. 2013 - 30

A RESOLUTION APPROVING A ZONE CHANGE FOR THE CATHOLIC HEALTH PARTNERS/JEWISH HOSPITAL DEVELOPMENT AND DISPENSING WITH THE SECOND READING

WHEREAS, on January 14, 2013 and February 11, 2013, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application of Catholic Health Partners/Jewish Hospital (the "Applicant") on behalf of Catholic Health Partners/JRE Real Estate LLC for a proposed amendment to the zoning map of Sycamore Township (the "Application") in Case No. 2012-12Z; and

WHEREAS, the Application in Case No. 2012-12Z, known as the Catholic Health Partners/Jewish Hospital Development, includes the real property the legal description and plat of which is set forth on the attached Exhibit A, in Sycamore Township and consists of a portion of Hamilton County Auditor's Parcel Number 60002100458-00 (the "Real Property");

WHEREAS, the Applicant, on behalf of the property owners have submitted plans and specifications in Case No. 2012-12Z 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 "B – Single Family Residential" to "OO – Planned Office District" with a planned unit development (PUD) overlay; and

WHEREAS, on February 11, 2013, the Sycamore Township Zoning Commission recommended approval of the Application with planned unit development conditions and communicated that approval to the Board of Township Trustees; and

WHEREAS, on March 7, 2013, 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. 2012-12Z;

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. 2012-12Z 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. 2012-12Z is hereby changed from "B – 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 B, 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 B 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 Aye

Mr. Connor Aye

Mr. Weidman Aye


Passed at a meeting of the Board of Township Trustees of Sycamore Township this 21st day of March, 2013.



Thomas J. Weidman, President



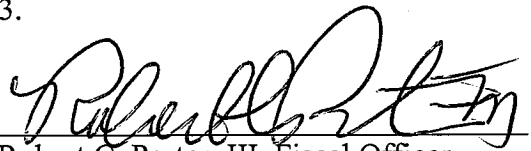
Cliff W. Bishop, Vice President



Dennis W. Connor, Trustee

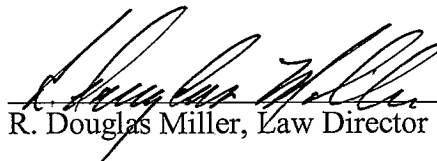
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 21st day of March, 2013.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director

EXHIBIT A



*Building Better
Communities*

**LEGAL DESCRIPTION
0.630 ACRES (RE-ZONE)**

Situated in the Section 13, Town 4, Range 1, Sycamore Township, Hamilton County, Ohio being part of a 12.433 acre tract of land conveyed to Jewish Hospital, LLC in O.R. 12068 Pg. 841 and part of dedicated Frolic Drive, the boundary of which being more particularly described as follows:

Beginning at the northeast corner of Lot 38 of Holiday Acres Subdivision, Block "C" as recorded in P.B. 109 Pg. 13-14;

Thence along the north line of said Lot, N87°24'00"W a distance of 205.00 feet to a point in the centerline of Frolic Drive;

Thence along said centerline, N02°36'00"E a distance of 134.47 feet;

Thence through said 12.433 acre tract the following four (4) courses:

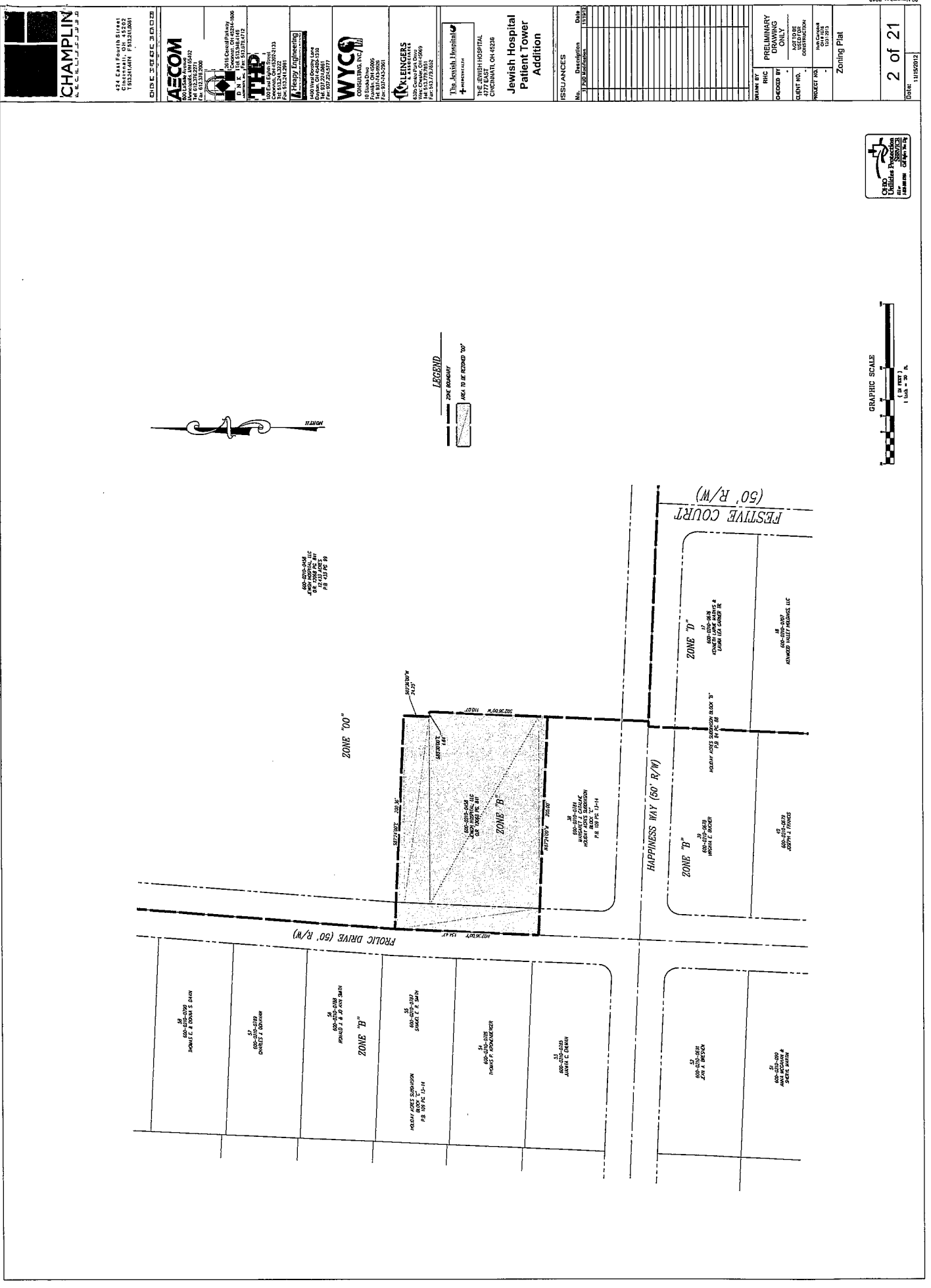
1. S87°24'00"E a distance of 200.36 feet;
2. S02°36'00"W a distance of 24.25 feet;
3. S85°30'00"E a distance of 4.64 feet;
4. S02°36'00"W a distance of 110.07 feet to the point of beginning.

Containing 0.630 of an acre more or less, being subject to easements and right-of-ways of record.

Bearings are based on the north right-of-way line of Happiness Way being N87°24'00"W per Holiday Acres Subdivision, Block "B" as recorded in Plat Book 84 Page 88;

H:\Engineering\2011-2012\IP\110194\Survey\Legal\110194LB004 REZONE.doc

EXHIBIT A (continued)



		74 EAST FORTBRIER STREET CHICAGO, ILL. 60611 TEL: 312.467.1100 FAX: 312.467.1101	
		2015 Central Parkway Suite 200 Chicago, IL 60614 Tel: 312.770.7000 Fax: 312.770.7001	
		2015 Central Parkway Suite 200 Chicago, IL 60614 Tel: 312.770.7000 Fax: 312.770.7001	
		440 West Bowen Ave Suite 200 Chicago, IL 60610 Tel: 312.467.1100 Fax: 312.467.1101	
		CONSULTING INC. 140 E. Lake Street Suite 200 Chicago, IL 60601 Tel: 312.467.1100 Fax: 312.467.1101	
		6329 Central Ave Suite 200 Chicago, IL 60631 Tel: 312.770.7000 Fax: 312.770.7001	
		THE JEWISH HOSPITAL 477 EAST CHICAGO, IL 60610	
Jewish Hospital Patient Tower Addition		ISSUANCES No. Description Date 100-0716-0719 11/11/11	
DRAWN BY: RUC CHECKED BY: RUC CLIENT NO.: PROJECT NO.: PREPARED BY:		PRELIMINARY DRAWING FOR CONSTRUCTION DATE: 11/11/11	

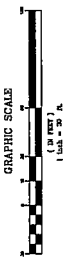


EXHIBIT B

Except as noted below, the Applicant/Owner shall comply with all aspects of the Sycamore Township Zoning Resolution.

1. The construction of the building shall be augmented so that sound levels at the property line do not exceed the limits established in Section 5-1.2(c) of the Sycamore Township Zoning Resolution. In addition, Section 8-1.3(d) of the Zoning Resolution shall be enforced so that the continued economic viability of the surrounding properties continues.
2. A landscape plan shall be submitted and approved for buffering that significantly exceeds the requirements of the Zoning Resolution. The landscape plan shall effectively be a solid year round landscaping screen of the building to be located on the Real Property. The screening shall reach 100% opacity within three years of planting. The landscape screening is required along the Frolic Road frontage and between the proposed energy building and the existing single family residence. The typical planting height of the proposed trees shall be 14-16 feet.
3. In addition to the required landscaping, an earthen berm shall be constructed along the western and southern sides of the Real Property that achieves the maximum height possible using a 3:1 slope. The height shall be approximately 6-8 feet above the existing grade, and of sufficient size to install the required landscape materials.
4. Prior to the issuance of a zoning certificate, the applicant shall demonstrate compliance and approval of the following items by the respective agencies either by letter or approval certificate: storm water management per the Stormwater and Infrastructure Division of the Hamilton County Planning and Development Department; compliance with erosion control via necessary NPDES permitting per the Soil and Water Conservation District of Hamilton County; and traffic management and impact as required by the Hamilton County Engineer's Office.
5. Sound attenuation techniques are required for all generators and cooling units. Proposed techniques shall be submitted and approved prior to the issuance of a Zoning Certificate.
6. Sycamore Township staff shall monitor sound levels from the Real Property. Should the tests conducted by Sycamore Township staff indicate decibel levels in excess of those allowed under the Sycamore Township Zoning Resolution more than five (5) times in any given six (6) month period, the Applicant or Owner shall install a permanent sound monitoring system at the Applicant's or Owner's expense.

7. Plans for vapor spray control from the proposed cooling tower(s) shall be submitted and approved prior to the issuance of a zoning certificate.
8. No exterior lighting facing Frolic Drive or the existing single family residential unit south of the Real Property shall cast a glare or other direct light onto the street or property.
9. All mechanical equipment including, but not limited to, storage tanks, generators, and cooling units/towers, that is not in an enclosed building is to be completely screened from view from all residential properties and the rights-of-way of Frolic Drive, Happiness Way, Kenwood Road, and East Galbraith Road.
10. The recommendations for sound and odor attenuation noted in the RWDI report shall be implemented including, but not limited, avoiding testing the generators on windy days when the diesel odor could be perceived by neighboring residents.