

RESOLUTION NO. 2013 - 46

A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A PLANNED UNIT DEVELOPMENT FOR THE EDDIE MERLOTS DEVELOPMENT

WHEREAS, application was made by Kimco Realty Corporation (the "Applicant") on behalf of Franks Nursery & Crafts (the "Owner") for approval of a major adjustment to a planned unit development (PUD) known as the Eddie Merlots Development to create an additional parcel from the real property located at 10808 Montgomery Road, Sycamore Township, Hamilton County, Ohio (the "Application") in Sycamore Township Zoning Case Number 2013-03MA; and

WHEREAS, the real property in Case No. 2013-03MA, consists of the real property located at 10808 Montgomery Road, Sycamore Township, Hamilton County, Ohio and is designated as Hamilton County Auditor's Parcel Number 600-0030-0001-00 (the "Real Property"); and

WHEREAS, the Owner has previously received approval of a site plan and PUD for the Eddie Merlots Development in Case Number 2007-03P2 approved in Resolution Number 2007-20; and

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

WHEREAS, on April 8, 2013 after a public hearing and in an open meeting, the Sycamore Township Zoning Commission recommended denial of the Application with communicated its recommendation to the Board of Township Trustees; and

WHEREAS, on May 2, 2013, 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 on the Real Property;

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

SECTION 1. Subject to the conditions contained in the attached Exhibit A, the Application as set forth in the plans and specifications as presented to the Board of Township Trustees on May 1, 2013 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.

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 at the public hearing on May 2, 2013, in compliance with the conditions set forth in the attached Exhibit A, and all approvals and conditions contained in the original approval in Case No. 2007-03P2 and Resolution 2007-20 that are not in conflict with this Resolution.

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 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.

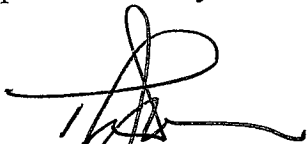
VOTE RECORD:

Mr. Bishop *Aye*

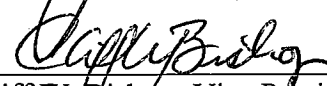
Mr. Connor *Aye*

Mr. Weidman *Aye*

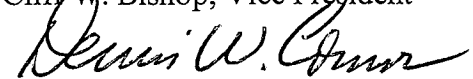
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 2nd day of May, 2013.



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 2nd day of May, 2013.

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, Ohio

APPROVED AS TO FORM:

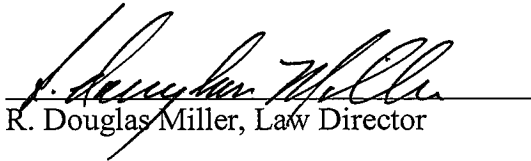
A handwritten signature in black ink, appearing to read "R. Douglas Miller", written over a horizontal line.
R. Douglas Miller, Law Director

EXHIBIT A

1. The owners of the parcels shall enter into and record in the office of the Hamilton County, Ohio Recorder, an agreement, acceptable by Township staff and the Township Law Director, providing a permanent easement on the parcels for parking, ingress and egress, and utility purposes.
2. All conditions contained within the original approval in Resolution 2007-20 that are not in conflict with this Resolution shall remain in full force and effect.