

RESOLUTION NO. 2015 - 109

**A RESOLUTION APPROVING A ZONE CHANGE FOR THE KENWOOD
LAROSA'S DEVELOPMENT WITH A PLANNED UNIT DEVELOPMENT
OVERLAY AND DISPENSING WITH THE SECOND READING**

WHEREAS, application (the "Application") was made by Barret P. Tullis, Esq. on behalf of Montgomery Road Center, LLC and Montgomery Road Partnership, LTD, the owners (the "Owners") for a zone change with a planned unit development overlay in Case Number 2015-16Z; and

WHEREAS, the real property in Case No. 2015-16Z, consists of the real property located at 7112 Silver Crest Drive, 7113 Garden Road, and 7800 Montgomery Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Numbers 600-0211-0013-00 (consolidated with parcel 600-0211-0256-00), 600-0211-0243-00 and 600-0211-0293-00 (the "Real Property");

WHEREAS, on July 13, 2015, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of the zone change with a planned unit development overlay in Case Number 2015-16Z; and

WHEREAS, the Real Property is located in the "E"- Retail District with a Special Public Interest (SPI) overlay and in the "C" – Single Family Residential District; the application for the zone change is for an "EE" – Planned Retail District (partial Special Public Interest Overlay) with a Planned Unit Development Overlay; and

WHEREAS, on July 13, 2015, in an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

WHEREAS, on August 6, 2015, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for the zone change in Case No. 2015-16Z; and

WHEREAS, on August 6, 2015, the Board of Township Trustees further considered the application for the zone change in Case No. 2015-16Z;

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

SECTION 1. The Application of Barret P. Tullis, Esq. on behalf of Montgomery Road Center, LLC and Montgomery Road Partnership, LTD for a zone

change for the Real Property to a zoning designation of "EE" – Planned Retail District (partial Special Public Interest Overlay) with a Planned Unit Development overlay is hereby approved. This approval is subject to the Real Property being in compliance with all of the conditions contained within this Resolution and those conditions set forth on the Exhibits A attached hereto.

SECTION 2.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be made and constructed in compliance with the plans, specifications, and renderings submitted to the Board of Township Trustees of Sycamore Township on August 6, 2015 and approved by this Resolution, including any conditions contained on the Exhibits A attached hereto.

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 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 5.

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, including any exhibits attached hereto 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 6.

The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

SECTION 7.

This resolutions shall take effect on the earliest date allowed by law.

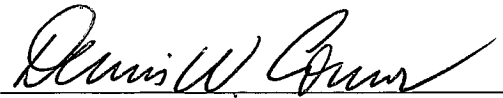
VOTE RECORD:

Mr. Connor Aye

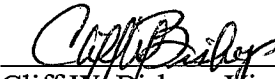
Mr. Bishop Aye

Mr. Weidman ABSENT

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 20th day of August, 2015.



Dennis W. Connor, President



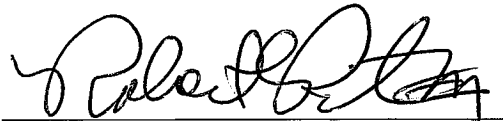
Cliff W. Bishop, Vice President

Excused

Thomas J. Weidman, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 20th day of June, 2015.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director
Sycamore Township, Ohio

EXHIBIT A

1. A landscaping plan compliant with the Sycamore Township Zoning Resolution shall be submitted and approved by Township staff.
2. Sidewalks shall be installed on the development as directed by the Township Administrator.