

RESOLUTION NO. 2015 - 121

**A RESOLUTION APPROVING A MAJOR MODIFICATION AND SITE PLAN FOR
THE ASSURANCE HEALTH CINCINNATI REAL ESTATE DEVELOPMENT AND
DISPENSING WITH THE SECOND READING**

WHEREAS, on July 8, 2015, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application of Assurance Health Cincinnati (the “Applicant”) on behalf of Jeff Black Enterprises, LLC (the “Owner”) for a proposed major adjustment to a prior PUD approval in Sycamore Township (the “Application”); and

WHEREAS, the Application in Case No. 2015-14MA, known as the Assurance Health Cincinnati Real Estate Development, includes the real property located at 11690 Grooms Road in Sycamore Township and consists of Hamilton County Auditor’s Parcel Number 600-0140-0010-00 (the “Real Property”);

WHEREAS, the Applicant submitted plans and specifications in Case No. 2015-14MA and

WHEREAS, the real property that is the subject of the Application is located in the “OO” Planned Office District with a planned unit development overlay; and

WHEREAS, on July 8, 2015, the Sycamore Township Zoning Commission recommended approval of the Application: 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 proposed major adjustment contained within the Application and the plans and specifications submitted; and

WHEREAS, the Applicant requested permission to provide additional testimony and evidence and waived any time considerations in which the Board of Trustees might be required to act; and

WHEREAS, on September 3, 2015, the Applicant presented additional evidence and testimony to the Board of Township Trustees; and

WHEREAS, on September 17, 2015 the Board of Township Trustees of Sycamore Township considered, in an open meeting, the proposed major adjustment to the planned unit development and the recommendation of the Sycamore Township Zoning Commission in Case No. 2015-14MA;

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

SECTION 1.

The Application of Assurance Health Cincinnati on behalf of Jeff Black Enterprises, LLC, the owner, for a major adjustment to the planned unit development in Case No. 2015-14MA is hereby approved. This approval is subject to the Owner and the Real Property being in compliance with all of the conditions contained within this Resolution and those conditions set forth on the Exhibit A attached hereto.

SECTION 2.

All other approvals, conditions, obligations and requirements contained in previous approvals of the Planned Unit Development as amended in prior resolutions of the Board of Township Trustees and not adjusted herein shall remain in full force and affect.

SECTION 3.

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 at the public hearing on July 2, 2015 and approved by this Resolution, including any conditions contained on the Exhibit A attached hereto, and any previous resolutions in effect that affect the Real Property that are not 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 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 any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading. This Resolution shall take effect on the earliest date allowed by law.

SECTION 8.

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

VOTE RECORD:

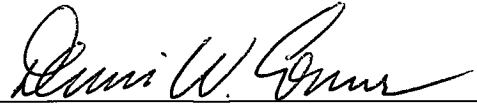
For approval of the Application

Mr. Bishop *Aye*

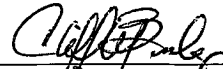
Mr. Connor *Aye*

Mr. Weidman *Aye*

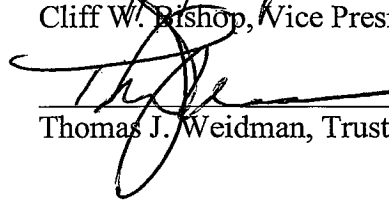
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 17th day of September, 2015.



Dennis W. Connor, President




Cliff W. Bishop, Vice President



Thomas J. Weidman, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 17th day of September, 2015.



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

APPROVED AS TO FORM:

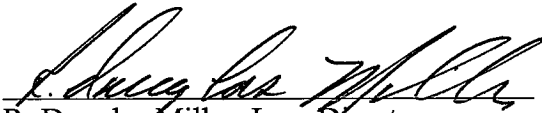

R. Douglas Miller, Law Director

EXHIBIT A

- 1 The Owner of the Real Property and the Owners of all businesses to be located on the Real Property shall agree and consent to the imposition and operation of a joint economic development district on the real property. Such consent shall include the approval and execution of all agreements, documents, petitions and any other documents required for the approval of the joint economic development district. The joint economic development district may impose an income tax of one and one-half percent (1.5%) levied in the district based on income earned by persons working within the district and based on the net profits of businesses located in the district. Due to timing considerations, this condition shall not be required before the issuance of a zoning certificate, but compliance shall be made upon request and presentation of any required documents by the Township.
- 2 The Owner of the Real Property and the Owner of any business operating out of the Real Property shall guarantee the payment of any fees for fire or emergency medical services incurred for runs at the facility typically charged by the Township that is not reimbursed by any available medical insurance.
- 3 The Owner of the Real Property and the Owner of any business operating a medical service on the Real Property, or a combination thereof, shall provide its own emergency medical transport services for patients using the facility. Due to timing considerations, this condition shall not be required before the issuance of a zoning certificate, but shall be operative before the final certificate of occupancy is issued.
- 4 The proposed new fabric canopy posts shall be wrapped and trimmed out in brick.
- 5 The streetscape landscaping along Grooms Road shall be increased in accordance with the Sycamore Township Zoning Resolution.
- 6 Except as amended by the provisions of this Resolution, all the development shall adhere to all of the requirements of the Sycamore Township Zoning Resolution.