

RESOLUTION NO. 2015 - 41

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR  
AN APPROVED PLANNED UNIT DEVELOPMENT FOR KENWOOD PLACE  
VENTURE LLC, AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, application was made by Esquire Venture Group LLC (operating as the Kenwood Theater) on behalf of Kenwood Place Venture LLC, the owners (the "Applicant") for a major adjustment to the planned unit development for use of a deep fryer in the Kenwood Theater portion of the that development in Case Number 2015-02MA; and

**WHEREAS**, on February 9, 2015 and March 9, 2015, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of a major adjustment for the Kenwood Place Venture LLC in Case Number 2015-02MA; and

**WHEREAS**, the real property in Case No. 2015-02MA, consists of the real property located at 7815 – 7865 Montgomery Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Numbers 600-0210-0861-00; 600-0210-0865; 600-0210-0846-00; 600-0210-0835-00; 600-0210-0862-00; 600-0210-0863-00; (the "Real Property");

**WHEREAS**, the Real Property is located in the "EE"- Retail District with a Planned Unit Development (PUD) overlay, all of which is subject to the Kenwood Special Public Improvement Overlay District; and

**WHEREAS**, because the proposed use of the property is a major adjustment to a previously approved PUD plan, which has been previously approved and amended in Sycamore Township Zoning Case Numbers, 2005-07MA, 2005-26MA, 2006-21MA, 2007-13MA and 2009-16MA and because the Real Property is in the Kenwood Special Public Improvement Overlay District, it is necessary that the development receive a site plan approval as a major adjustment; and

**WHEREAS**, on March 9, 2015, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

**WHEREAS**, on April 2, 2015, 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;

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

**SECTION 1.** The Application of Esquire Venture Group LLC (operating as the Kenwood Theater) on behalf of Kenwood Place Venture LLC, the owners, to use a deep fryer in the theater portion of the Planned Unit

Development Case No. 2015-02MA 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 Exhibit A attached hereto.

**SECTION 2.**

All other approvals, conditions, obligations and requirements contained in previous approval 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 April 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.

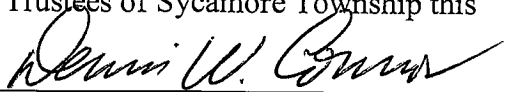
**VOTE RECORD:**


Mr. Connor *AYE*

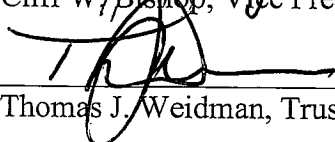
Mr. Bishop *AYE*

Mr. Weidman *AYE*

**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 16<sup>th</sup> day of April, 2015.

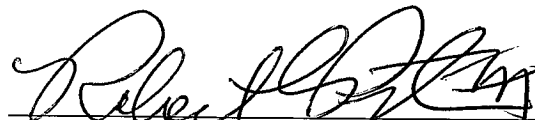
  
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 Dennis W. Connor, President

  
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 Cliff W. Bishop, Vice President

  
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 Thomas J. Weidman, Trustee

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 16<sup>th</sup> day of April, 2015.



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

**APPROVED AS TO FORM:**



R. Douglas Miller, Law Director  
Sycamore Township, Ohio

## **EXHIBIT A**

### Conditions of Approval:

1. All cooking oil shall be stored inside the building and shall be disposed of not less than once per week.