

First Reading: June 18, 2015  
Second Reading: Dispensed

RESOLUTION NO. 2015 - 73

**A RESOLUTION APPROVING A ZONE CHANGE FOR THE SYCAMORE PLAZA DEVELOPMENT AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, application was made by Richard Tranter on behalf of BRE DDR Crocodile Sycamore Plaza LLC, the owner (the "Owner") for a zone change with a planned unit development overlay in Case Number 2015-08Z; and

**WHEREAS**, the real property in Case No. 2015-08Z, consists of the real property located at 7800 Montgomery Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Numbers 600-0080-0178-00, 600-0080-0758-00 (consolidated with 0759 and 0760), 600-0080-0756-00 (consolidated with 0757), 600-0080-0750-00, 600-0080-0496-00, 600-0080-0074-00, 600-0080-0075-00; (the "Real Property");

**WHEREAS**, on March 9, 2015 and April 13, 2015, after proper notice having been given, the Sycamore Township Zoning Commission held public hearings to consider the application for approval of the zone change with a planned unit development overlay in Case Number 2015-08Z; and

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

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

**WHEREAS**, on May 7, 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. 2015-08Z; and

**WHEREAS**, on May 19, 2015, the Owner of the Real Property waived any right to receive a decision of the Board of Trustees on the application for the zone change within twenty (20) days of the public hearing; and

**WHEREAS**, on June 18, 2015, the Board of Township Trustees again considered the application for the zone change in Case No. 2015-08Z;

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

**SECTION 1.** The Application of BRE DDR Crocodile Sycamore Plaza LLC for a zone change on the Real Property to a zoning designation of “EE” – Retail 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, B, and C attached hereto.

**SECTION 2.** All other approvals, conditions, obligations, and requirements contained in previous site plan approvals for the Real Property and not amended 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 on June 18, 2015 and approved by this Resolution, including any conditions contained on the Exhibits A, B, and C 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, 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 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

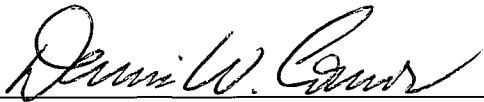
Mr. Bishop

Aye

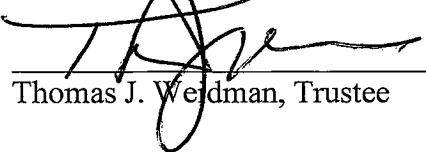
Mr. Weidman

Aye

**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 18<sup>th</sup> day of June, 2015.


  
Dennis W. Connor, President

  
Cliff W. Bishop, Vice President

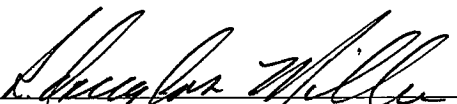
  
Thomas J. Weldman, Trustee

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 18<sup>th</sup> 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. The Tenant C Space (as generally depicted on Exhibit B) shall consist of brick on forty six and three tenths percent (46.3%) of the façade (considering the north and east façades together) with the exception of the section of the north façade within forty one feet eight inches (41'8") measured horizontally from the centerline of the main entrance to the Tenant C Space, which section shall consist of framed glass panes. The Tenant D Space (as generally depicted on Exhibit B) shall consist of brick or stone on the entire north façade with the exception of the glass panes and the section occupied by the Tenant D sign (in the case of a framed sign) or behind the Tenant D sign (in the case of a sign composed of channel lettering). Except as otherwise provided in this Condition No. 1, future exterior construction to a building (other than maintenance or repair) shall incorporate no less than fifty percent (50%) brick or stone on the newly constructed section of the exterior façade.
  
2. No window signs or other displays shall obstruct greater than fifty percent (50%) of any exterior window; provided, however, that where multiple windows are installed so as to create a single glass façade, the combined, uninterrupted area of such windows shall be considered a single window for purposes of determining allowable sign or display obstruction. As this Condition No. 2 is applied to the Tenant C Space, the glazed sections of the main entrance labeled "Window Sign Area 1" and "Window Sign Area 2" on Exhibit C (attached hereto) shall each be considered single windows for purposes

of determining allowable sign or display obstruction. No signs or displays shall be permitted within twenty five feet (25') of the glazed section of the Tenant C Space main entrance above eighteen feet (18') from sidewalk level (labeled "No Window Sign Area" on Exhibit C). It is the intent of this Condition No. 2 to afford tenants the opportunity to effectively advertise merchandise and services while also preserving views into tenant spaces by passersby. Any door signage shall be directional/informational (hours of operation) only.

3. Parking spaces and count shall be provided as shown on the Zoning Compliance Plan. Parking spaces existing at the time of the adoption of this resolution may remain in non-compliance with the Sycamore Township Zoning Resolution. Any change to a section of the parking area, other than restriping, sealing or resealing, surface repair, resurfacing or "mill and fill," and utility access and relocation, shall require compliance with the Sycamore Township Zoning Resolution as to such section. Any change to the structure on the Property shall require that any parking within one hundred feet (100') of the structural change shall come into compliance with the parking requirements of the Sycamore Township Zoning Resolution. If any such work on the Property results in a loss of parking spaces as a result of compliance with this Resolution or the Sycamore Township Zoning Resolution, such reduction in parking spaces shall be considered in compliance with the Sycamore Township Zoning Resolution.

4. All parking field lights and poles shall conform to the Sycamore Township Zoning Resolution, except if any parking field lights or poles installed on the Plaza as of the date of this Resolution do not conform to the Sycamore Township Zoning Resolution, such lights or poles shall be deemed and treated as non-conforming. Notwithstanding the permitted non-conformance set forth in this Paragraph, any existing parking field lights that lack shielding as required by the Sycamore Township Zoning Resolution shall be retrofitted with appropriate shielding as required by the Sycamore Township Zoning Resolution.

5. No part of the any structure on the Property shall exceed a height of fifty feet (50') above grade.

6. All loading, unloading, and trash collection zones shall be screened so as not to be visible from the public rights of way of Kenwood Road and Montgomery Road. The loading/unloading area of Tenant Space C, as depicted on Exhibit B, shall be screened.

7. Mechanical units on rooftops shall be screened so as not to be visible from any point along Kenwood Road, Montgomery Road, or any point that is six feet (6') above grade along the I-71 Right of Way. Mechanical units installed at ground level shall be screened so as not to be visible from any point on a public right of way. Any mechanical unit, whether installed on a rooftop or at ground level, that lacks screening

in conformance with this Paragraph, but is existing at the time of the adoption of this Resolution shall be deemed and treated as a non-conforming.

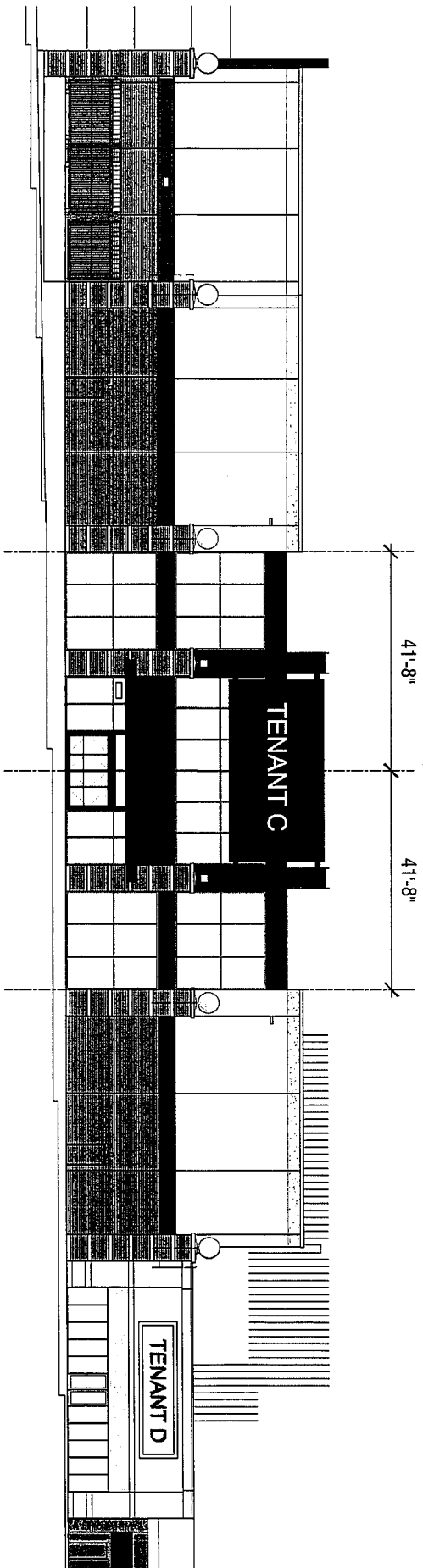
8. The Tenant C Space and the lower level ground floor interior tenant space of the main structure shall collectively be permitted up to six hundred (600) square feet of combined building sign surface area to be used on not more than five (5) signs. All other current and future tenant spaces without direct parking lot access and with at least twenty thousand (20,000) gross square feet of floor area shall each be permitted up to three hundred (300) square feet of combined building sign surface area to be used on not more than two (2) signs. Current and future tenants without direct parking lot access and with less than twenty thousand (20,000) gross square feet of floor area shall be permitted up to sixty (60) square feet of building sign surface area on one (1) sign. Except as heretofore provided, all other current and future tenants with direct parking lot access or exterior customer entrances and any tenants located on outlots separate from the main structure that do not have specific signage approvals shall be permitted building signage in accordance with Chapter 13 of the Sycamore Township Zoning Resolution. To the extent not inconsistent with these conditions, Case Number 2011-01 LASR shall remain in full force and effect.

9. All Planned Unit Developments and Site Plans (and their respective conditions of approval) that were approved prior to the adoption of this Resolution may continue without change.



10. Any development on the Property proposing an increase of greater than two thousand (2,000) square feet to any building shall be approved by the Board of Township Trustees prior to the issuance of a Zoning Certificate. All other development on the Property shall require approval by the Sycamore Township Zoning Administrator only prior to the issuance of a Zoning Certificate.

# EXHIBIT B



# EXHIBIT C

