

First Reading: July 14, 2015
Second Reading: Dispensed

RESOLUTION NO. 2015 - 86

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO AN APPROVED
PLANNED UNIT DEVELOPMENT FOR THE KENWOOD COLLECTION
DEVELOPMENT AND DISPENSING WITH THE SECOND READING**

WHEREAS, application was made by Phillips Edison Company (the "Applicant") on behalf of Kenwood Collection, LLC, (the "Owner") for a major adjustment to the planned unit development formerly known as the Kenwood Towne Place Development and now known as the Kenwood Collection Development in Case Number 2015-13MA; and

WHEREAS, on June 8, 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 Collection Development in Case Number 2015-13MA; and

WHEREAS, the real property in Case No. 2015-13MA, consists of the real property located at 5901 East Galbraith Road, in Sycamore Township, and is designated as Hamilton County Auditor's Parcel Number 600-0080-0002 and include any additional parcels into which the parcel may be subdivided; (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, 2005-19P2, 2007-16LASR, 2014-04MA, and Sycamore Township Trustees Resolution Numbers 2007-15, 2008-13, and 2014-52 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 as a planned unit development; and

WHEREAS, on June 8, 2015, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the major adjustment with certain conditions; and

WHEREAS, on July 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 a major adjustment to the planned unit development;

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

SECTION 1.

The Application of Phillips Edison Co. on behalf of Kenwood Collection, LLC, the owners, for a major adjustment to the planned unit development in Case No. 2015-13MA 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 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.

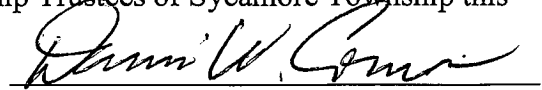
VOTE RECORD:

Mr. Connor *Aye*

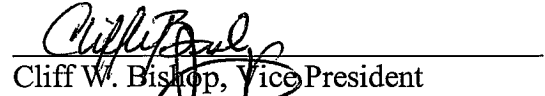
Mr. Bishop *Aye*

Mr. Weidman *Aye*

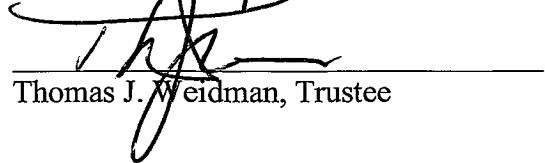
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 14th day of July, 2015.



Dennis W. Connor, President



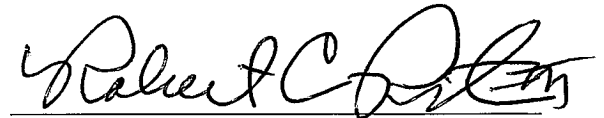
Cliff W. Bishop, Vice President



Thomas J. Weidman, Trustee

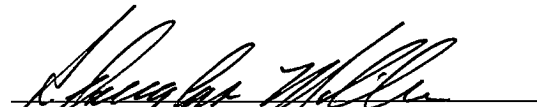
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 14th day of July, 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:

Structure architecture:

1. The architecture of the structure is approved as submitted and set forth on the drawings, provided there is no increase in the amount of EFIS or other non-preferred Special Public Interest Overlay district building materials as those materials are designated in the Sycamore Township Zoning Resolution.

Ground Mounted Freestanding signs:

2. The Main Retail Sign is approved as submitted, except the maximum height of such sign shall be no higher than 28 feet from the grade. The colors, letter sizes and backlighting shall be consistent with the submitted plan.
3. The Main Office Sign located on East Galbraith Road is approved as submitted, except the maximum height shall be no higher than 20 feet from the grade. The colors, letter sizes and backlighting are to be consistent with the submitted plan.
4. The Ground Mounted sign along Interstate-71 ground mounted sign and the Office Locator sign at the Galbraith Road right in right out access point are approved as submitted.

Building Signs:

5. Except as previously approved and or installed, no retail building signs are permitted on the Interstate-71 (East) side of the building.
6. Anchor tenants located on the north end of the building shall be permitted signage according to Case No. 2007-16LASR pursuant to what former tenants LA Fitness and Kroger Company were permitted (4 signs each not to exceed a combined sign surface area of 300 square feet)
7. The building signs for the office portion of the development remain as approved in Case No. 2007-14 / Appeal LASR (maximum of 4 signs not to exceed 100 square feet each)
8. Signs for future retail tenants are subject to the provisions of Chapter 13 of the Sycamore Township Zoning Resolution.
9. The directional signs are approved as submitted.
10. In the event the parcel to which this subdivision applies is subdivided, this Resolution including these conditions set forth on this Exhibit A shall apply to the entire development as subdivided.