

RESOLUTION NO. 2018 - 141

**A RESOLUTION APPROVING A SITE PLAN FOR THE CAPITAL INVESTMENT
GROUP DEVELOPMENT IN SYCAMORE TOWNSHIP**

WHEREAS, application (the "Application") was made by Capital Investment Development Group, LLC (the "Applicant") for approval of a site plan for the real property located at 7887 Kenwood Road, 7901 Kenwood Road , 7919 Kenwood Road, 7937 Kenwood Road , 7953 Kenwood Road, 7969 Kenwood Road, 7987 Kenwood Road, 7990 Festive Court , 7982 Festive Court, 7974 Festive Court , 7966 Festive Court, 7958 Festive Court, 7950 Festive Court , 7951 Festive Court , 7975 Festive Court, 7983 Festive Court, 7991 Festive Court, 7967 Festive Court, 7959 Festive Court and 4735 Happiness Way , 4765 Happiness Way, and 4797 Happiness Way Sycamore Township, Ohio, being Hamilton County, Ohio Auditor's Parcel Numbers. 600-0210-0665-00, 600-0210-0664-00, 600-0210-0663-00, 600-0210-0662-00, 600-0210-0661-00, 600-0210-0660-00, 600-0210-0659-00, 600-0210-0707-00, 600-0210-0708-00, 600-0210-0709-00, 600-0210-0710-00, 600-0210-0711-00, 600-0210-0712-00, 600-0210-0713-00, 600-0210-0714-00, 600-0210-0725-00, 600-0210-0715-00, 600-0210-0716-00, 600-0210-0717-00, 600-0210-0718-00, 600-0210-0666-00, 600-0210-0676-00, 600-0210-0677-00 (the "Real Property") in Case Number 2018-12P2; and

WHEREAS, the Real Property is located in the "D" – Multi-Family Residential District within the Special Public Interest District – Suburban Center/Corridor Kenwood/Montgomery Road Corridor Overlay ("SPI"); and

WHEREAS, the proposed change to the Real Property requires that the Owners and Applicant obtain approval of a site plan; and

WHEREAS, on July 9, 2018, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval for the Real Property contained within the Application for Case Number 2018-12P2; and

WHEREAS, on July 9, 2018, the Sycamore Township Zoning Commission recommended denial of the site plan for the Real Property included in Case Number 2018-12P2; and

WHEREAS, on September 17, 2018, September 18, 2018, October 2, 2018, October 18, 2018, October 22, 2018, November 13, 2018, and November 29, 2018, after proper notice having been given, the Board of Township Trustees of Sycamore Township held public hearings to consider the Application for site plan approval for the Real Property;

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

SECTION 1.

With regard to the Real Property and the Application, the Board hereby makes the following findings of fact and conclusions of law:

- a.) The Real Property which is the subject of this Resolution is located at 7887 Kenwood Road, 7901 Kenwood Road, 7919 Kenwood Road, 7937 Kenwood Road, 7953 Kenwood Road, 7969 Kenwood Road, 7987 Kenwood Road, 7990 Festive Court , 7982 Festive Court, 7974 Festive Court , 7966 Festive Court, 7958 Festive Court, 7950 Festive Court , 7951 Festive Court , 7975 Festive Court, 7983 Festive Court, 7991 Festive Court, 7967 Festive Court, 7959 Festive Court and 4735 Happiness Way , 4765 Happiness Way, and 4797 Happiness Way and is designated as Hamilton County, Ohio Auditor's Parcel Numbers: 600-0210-0665-00, 600-0210-0664-00, 600-0210-0663-00, 600-0210-0662-00, 600-0210-0661-00, 600-0210-0660-00, 600-0210-0659-00, 600-0210-0707-00, 600-0210-0708-00, 600-0210-0709-00, 600-0210-0710-00, 600-0210-0711-00, 600-0210-0712-00, 600-0210-0713-00, 600-0210-0714-00, 600-0210-0725-00, 600-0210-0715-00, 600-0210-0716-00, 600-0210-0717-00, 600-0210-0718-00, 600-0210-0666-00, 600-0210-0676-00, 600-0210-0677-00.
- b.) The underlying zoning designated for the Real Property is "D" Multi-Family Residential.
- c.) The Real Property is located within the Special Public Interest overlay district known as the Special Public Interest District – Suburban Center/Corridor Kenwood/Montgomery Road Corridor Overlay ("SPI") as set forth in Section 8-4.3.1 of the Sycamore Township Zoning Resolution.
- d.) Permitted uses with the SPI include office, retail shopping, hotel, and residential, all of which constitute a mixed use of the Real Property.
- e.) The proposed development has an Impervious Surface Ratio ("ISR") in excess of .50.
- f.) As a result of the proposed development being located in the SPI and having an ISR in excess of .50, the development requires the administrative approval of the Sycamore Township Board of Trustees after the required public hearing on the Application.
- g.) The Sycamore Township Land Use Plan was last adopted in 2002 and a map was revised in 2008.
- h.) Section 8-1.1 of the Sycamore Township Zoning Resolution provides that "Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations control."
- i.) Section 8-1.5 of the Sycamore Township Zoning Resolution provides that "However, in the case of a conflict between the provisions of an underlying zoning district and an SPI district, the provisions of the SPI district shall prevail."
- j.) The proposed development and use of the Real Property meets the permitted uses and use requirements of the SPI.

- k.) The Application and proposed development, including the plans and specifications presented to the Sycamore Township Board of Township Trustees constitute a better use of the Real Property than those uses permitted as a matter of right.
- l.) The proposed development does not require compliance with the Thoroughfare Plan for Hamilton County, Ohio as determined by the Hamilton County Engineer.
- m.) The Application and the proposed development will prevent the deterioration of property and the extension of blighting conditions; encourage and protect private investment which improves and stimulates the economic vitality and social character of the area and prevents the creation of influences adverse to the physical character of the area.
- m.) In order to further protect any adverse influences to the physical character of the area, the Application and the proposed development requires certain conditions be placed on the approval of the Application.
- o.) In accordance with Section 18-10.3 of the Sycamore Township Zoning Resolution, this matter constitutes an administrative decision of the Board of Township Trustees and any party aggrieved by this decision may appeal to the Hamilton County Court of Common Pleas.

SECTION 2.

Subject to the conditions contained on the attached Exhibit A, the site plans, specifications, and renderings submitted in the Application for site plan approval made by the Applicant for the Real Property included in Case Number 2018-12P2 dated September 6, 2018 and presented to the Board of Township Trustees at the public hearings are hereby approved.

SECTION 3.

Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed in strict compliance with the plans, specifications, and renderings submitted in the Application for Case Number 2018-12P2 dated September 6, 2018, including the conditions set forth on the attached Exhibit A as if fully rewritten 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 the 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 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 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 8.

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

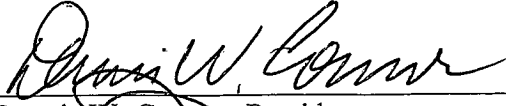
VOTE RECORD:

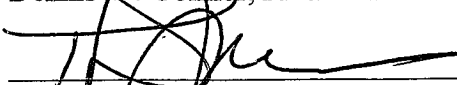
Mr. Connor AYE

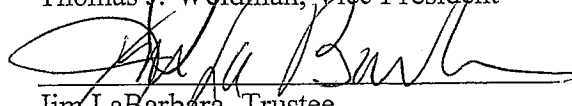
Mr. LaBarbara NO

Mr. Weidman AYE

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 6th day of December, 2018.

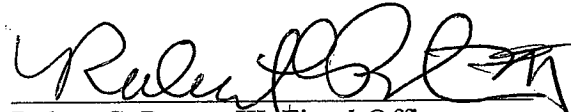

Dennis W. Connor, President


Thomas J. Weidman, Vice President


Jim LaBarbara, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 6th day of December, 2018.


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

APPROVED AS TO FORM:

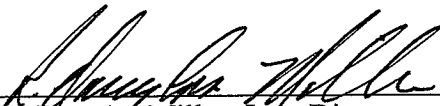

R. Douglas Miller, Law Director

EXHIBIT A

1. The Applicant shall erect a ten-foot high privacy fence approximately eight feet into the Real Property adjacent to the ten directly abutting single family properties.
2. A complete landscaping plan meeting the following minimum requirements must be approved by staff prior to the issuance of any Zoning Certificate. The Applicant must provide and install plantings on both sides of the ten-foot high privacy fence on the Real Property. The Applicant will be responsible for their maintenance, upkeep, and replacement should they not survive. Evergreen trees must be a minimum of fifteen feet in height at planting and deciduous trees must have a minimum caliper of two and one-half inches at planting. The total number of tree plantings on the site must equal or exceed 178 and must be planted in accordance with the specifications contained in this Exhibit A.
3. The Applicant is required to properly maintain and properly fertilize all newly planted trees on the site.
4. Portions of the proposed apartment building that are within fifty feet of abutting property lines on Frolic Drive and Duneden Avenue shall not exceed three stories in height plus required mechanical equipment and screening.
5. The total number of residential units shall not exceed 248.
6. All balconies facing Duneden Avenue within one hundred feet of the property line are to be removed from the plan as submitted on September 6, 2018 to Sycamore Township and shall not be constructed.
7. A certified report or other documentation from a licensed arborist is required to ensure that best practices for preserving and protecting existing trees during construction will be followed. After construction a certified report must be submitted to Sycamore Township staff that evidences those practices were followed during construction. The same process shall be followed for all new proposed plant material as well.
8. A report from a Certified Arborist on the condition of all remaining trees on the site is required to be submitted to the Township prior to the issuance of a Zoning Certificate. In addition, this report must also include all trees within 20 feet of a common property boundary located on an adjacent property. The report must indicate the tree and location as well as its condition. The condition is required to be reported as good, fair, or poor.
9. The Applicant will engage resident Liz Rising in the process identified in Condition #7. Should Ms. Rising choose not to participate, then Applicant shall endeavor to engage another surrounding property owner for such purposes.
10. All above-ground storm water detention facilities must be dry under normal conditions. No above-ground retention or long-term water storage basins or structures are permitted.
11. French drains or other appropriate drainage systems shall be installed on the common property boundary with the Duneden Avenue abutting properties to facilitate water runoff back onto the Real Property instead of the south and west.
12. The Applicant shall endeavor to engage a surrounding property owner in the creation of a pet policy for the development including, but not limited to, a private dog park on the Real Property.
13. The Applicant has voluntarily agreed to contribute \$25,000 to Sycamore Township to perform neighborhood traffic calming studies.
14. For a period of four years from completion of construction, the Applicant must remove and replace any tree that is currently cited in the report required in condition #8 as fair or good should it die as a result of the construction. The newly planted tree must meet the criteria outlined in Condition #2.

15. The Applicant will work cooperatively with the former owners of the existing structures to establish a memorial to those persons who built the existing structures.
16. The Applicant shall dedicate an additional eight feet of right-of-way along the Kenwood Road frontage running the entire length of the development.
17. The Applicant must construct and implement the recommendations of the traffic study as approved by the Hamilton County Engineer's Office for the 2020 build year.
18. The Applicant must install a traffic signal at the intersection of Happiness Way and Kenwood Road.
19. The Applicant must install a cross walk on Kenwood Road at the intersection of Happiness Way to facilitate pedestrian flow
20. All site and building lighting must have 0 foot candles of light spill at all surrounding residentially zoned properties, as certified by a photometric plan.
21. The Applicant agrees to submit evidence to the Township that it has or has endeavored to enter into agreements with the owners of the ten contiguous residential properties to the Real Property to purchase those properties within three years from the date of this resolution at a price not less than the true value established by the Hamilton County, Ohio Auditor on January 1, 2019.
22. Happiness Way is to be temporarily closed west of the proposed access point to Happiness Way from the development. The Township will determine if the closure is to remain permanently.
23. There shall be no construction traffic of any manner on Frolic Drive, Happiness Way west of the Real Property boundary, or any other surrounding residential street that connects to or through Frolic Drive or Happiness Way. This shall include no standing, stopping, parking, or travel on said roads. All construction traffic shall access the Real Property only from Kenwood Road.
24. All signage shall be compliant with the Sycamore Township Zoning Resolution and no signage shall be permitted to face west towards the single family residential properties.
25. There shall be no exterior construction or outside work between the hours of 9:00pm and 7:00am.
26. All mechanical equipment must be screened both visually and acoustically. The determination for compliance will be made from 100 feet outside the property line. Township staff will monitor sound levels both before, during and after construction using a sound pressure level meter to determine decibel levels. Should the test indicate decibel levels in excess of those allowed under Section 5-1.2 of the Sycamore Township Zoning Resolution more than five times in any six month period, then new sound attenuation techniques shall be required for all mechanical units until such levels are met.
27. The issuance of any certificate of occupancy for the development is contingent upon the successful creation of a Joint Economic Development District pursuant to section 715.70 of the Ohio Revised Code, as amended from time to time, in order to facilitate economic development, create and preserve jobs and employment opportunities, and to improve the economic welfare of the people of Sycamore Township. The Applicant shall support and cooperate in the District creation.
28. The Applicant will explore the utilization of green roof construction techniques on the proposed office and hotel buildings and submit a report to Sycamore Township as to the viability of their construction. If such report indicates the viability at a reasonable cost, the Applicant shall install such construction.