

RESOLUTION NO. 2019 - 21

A RESOLUTION APPROVING A ZONE CHANGE FOR THE KIDS FIRST DEVELOPMENT WITH A PLANNED UNIT DEVELOPMENT OVERLAY AND DISPENSING WITH A SECOND READING

WHEREAS, application (the “Application”) was made by Cincinnati United Contractors (the “Applicant”) on behalf of Kemper Road Assembly, LLC and the Jeffrey C. and Penny Sue Metzger Trust (the “Owner”) for a zone change with a planned unit development overlay in Case Number 2018-20Z; and

WHEREAS, the real property in Case No. 2018-20Z, consists of the real property located at 7956 East Kemper Road, 7944 East Kemper Road, 11693 Solzman Road, 11687 Solzman Road, 11683 Solzman Road, and 11663 Solzman Road in Sycamore Township, Hamilton County, Ohio, and are designated as Hamilton County Auditor’s Parcel Numbers 600-0013-0040-00, 600-0013-0039-00, 600-0013-0038-00, 600-0013-0037-00, 600-0013-0032-00, 600-0013-0031-00 (the “Real Property”);

WHEREAS, on January 14, 2019, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of the zone change with a planned unit development overlay in Case Number 2018-20Z; and

WHEREAS, the Real Property is located in an “A”- Single Family Residential District and the Application for the zone change is for an “OO” – Planned Office District with a Planned Unit Development Overlay; and

WHEREAS, on January 14, 2019, in an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

WHEREAS, on February 7, 2019, 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. 2018-20Z;

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

SECTION 1.

The Application for the zone change for the Real Property to a zoning designation of “OO” – Planned Office District 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 set forth on the attached Exhibit A which are incorporated as if fully rewritten herein.

SECTION 2.

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 February 7, 2019 as approved by this Resolution including the conditions set forth on the attached Exhibit A.

SECTION 3.

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 4.

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 5.

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 6.

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.


SECTION 7.

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

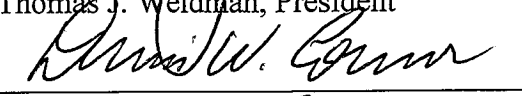
VOTE RECORD:

Mr. Connor Aye Mr. LaBarbara Aye Mr. Weidman Aye

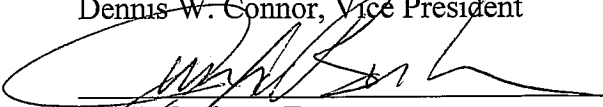
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 19th day of February, 2019.



 Thomas J. Weidman, President



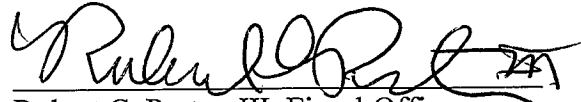
 Dennis W. Connor, Vice President



 Jim LaBarbara, Trustee

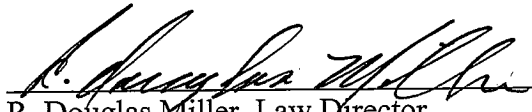
AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 19th day of February, 2019.



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

APPROVED AS TO FORM:



R. Douglas Miller, Law Director
Sycamore Township, Ohio

EXHIBIT A

1. Except as modified by this Resolution, the Real Property shall comply with all requirements of the Sycamore Township Zoning Resolution.
2. Dumpsters and trash handling areas shall be restricted to pick up times between 7:00 a.m. and 9:00 p.m.
3. Sign and site lighting levels shall be reviewed by staff after installation of signage and parking lot lighting. Should the light levels be determined to cause a nuisance to surrounding properties as determined by Township staff, the light levels shall be reduced as required by staff.
4. No cell or communication towers shall be located on the Real Property.
5. A written shared parking agreement with the owner of the real property located at 7900 East Kemper Road must be executed and recorded in the office of the Hamilton County, Ohio Recorder and the area designated for parking shall contain no buildings or structures other than those used for parking.
6. The owner of the real property located at 7900 East Kemper Road shall file an application for the proposed dumpster enclosure under a separate application and such application shall be approved prior to the issuance of a final certificate of occupancy.
7. The proposed curb cut and secondary entrance from Solzman Road shall be removed.
8. No lights are permitted on the north elevation of the building and proposed lights on the east and south sides of the building shall be shielded to prevent any glare to adjoining properties.
9. The applicant shall apply for and be granted a minor adjustment to a PUD in order to modify the existing and proposed additional parking area.
10. The buffer between 7900 E. Kemper Road and the proposed development is approved as designed and submitted to the Board of Trustees.
11. The lighting limits along the western property line are approved as submitted to the Board of Trustees.
12. The building height approved as designed.