

First Reading: March 19, 2019
Second Reading: Dispensed

RESOLUTION NO. 2019 - 28

**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 Midland Atlantic Development Co., LLC (the “Applicant”) on behalf of Kenwood Place Venture LLC, (the “Owner”) for a major adjustment to a planned unit development for a restaurant known as Salad Vinaigrette Kitchen that uses a ventless combi oven in Case Number 2019-02MA; and

WHEREAS, on February 11, 2019, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for approval of the major adjustment for the Kenwood Place Venture LLC in Case Number 2019-02MA; and

WHEREAS, the real property in Case No. 2015-02MA, consists of the real property located at 7747 Kenwood Road, in Sycamore Township, and is designated as Hamilton County Auditor’s Parcel Number 600-0210-0846-00; (the “Real Property”); and

WHEREAS, the Real Property is located in the “EE”- Retail District with a Planned Unit Development (PUD) overlay, and 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, 2009-16MA, 2011-03MA, and 2015-02MA, 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 February 11, 2019, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the development with certain conditions; and

WHEREAS, on March 6, 2019, 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 Midland Atlantic Development Co., LLC on behalf of Kenwood Place Venture LLC, the owners, to allow the Salad Vinaigrette Kitchen with a ventless combi oven in the Planned Unit Development in Case No. 2019-02MA is hereby approved. This approval is subject to the Real Property being in compliance with all of the previous approvals for the Real Property and the following condition:

1. The building sign area for the Vinaigrette Kitchen is limited to 32 square feet;
2. Temperature controlled garbage and trash disposal must be used for refuse disposal.

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 March 6, 2019 as approved by this Resolution, including the above conditions 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.

SECTION 8.

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

VOTE RECORD:

Mr. Connor AYE Mr. LaBarbara AYE Mr. Weidman ABSENT

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

Absent

Thomas J. Weidman, Chairman

Dennis W. Connor

Dennis W. Connor, Vice Chairman

Jim LaBarbara

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 March, 2019.

Robert C. Porter, III

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

APPROVED AS TO FORM:

R. Douglas Miller

R. Douglas Miller, Law Director
Sycamore Township, Ohio