

A RESOLUTION APPROVING A MAJOR ADJUSTMENT TO A SITE PLAN FOR AN APPROVED PLANNED UNIT DEVELOPMENT 2 FOR MONTY-MISLEH RE. LLC (SKYLINE CHILI) LOCATED AT 10869 MONTGOMERY ROAD. AND DISPENSING WITH THE SECOND READING

WHEREAS, an application was made by Atlantic Sign Company on behalf of Monty-Misleh RE (Skyline Chili), the owners (the "Applicant") for a major adjustment to the planned unit development 2 (original case 2017-05P2 for the proposal of additional wall signage; and

WHEREAS, on July 10, 2023, 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 Reconstructive Orthopedics Properties Development in Case Number 2023-03MA; and

WHEREAS, the real property in Case No. 2023-11MA, consists of the real property located at 10869 Montgomery Road in Sycamore Township and is designated as Hamilton County Auditor's Parcel Number 6000030042500 (the "Real Property");

WHEREAS, the Real Property is located in the "E"-Retail District with a Planned Unit Development 2 (PUD2) overlay; and

WHEREAS, on July 10, 2023, in a public hearing and an open meeting, the Sycamore Township Zoning Commission recommended approval of the Application and communicated its recommendation to the Board of Township Trustees; and

WHEREAS, on August 1, 2023, after proper notice having been given, the Board of Township Trustees of Sycamore Township held a public hearing to consider the application for the major adjustment to the planned unit development 2 in Case Number 2023-11MA;

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

SECTION 1.

The Application of Atlantic Sign Company on behalf of Monty-Misleh RE (Skyline Chili), the owners, for the proposal of additional wall signage for Planned Unit Development 2 in Case No. 2023-11MA 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 in Exhibit A attached hereto.

SECTION 2.

All other approvals, conditions, obligations, and requirements contained in previous approval of the development as amended in prior resolutions of the Board of Township Trustees and not adjusted herein shall remain in full force and effect.

SECTION 3.

Any use and improvements made to the Real Property, which is the subject of this Resolution, shall be constructed in compliance with the plans, specifications, and renderings submitted to the Board of Township Trustees of Sycamore Township at the public hearing on August 1, 2023, 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.

No Zoning Certificate shall be issued by the Zoning Administrator until:

SECTION 4.

- 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.


VOTE RECORD:

Ms. Schwegmann Aye Mr. Weidman Aye Mr. James Aye

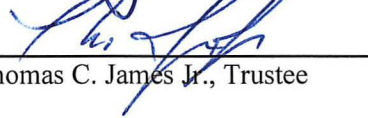
_____ at the meeting of the Board of Trustees this First Day of August 2023.



Tracy Schwegmann, Chairman



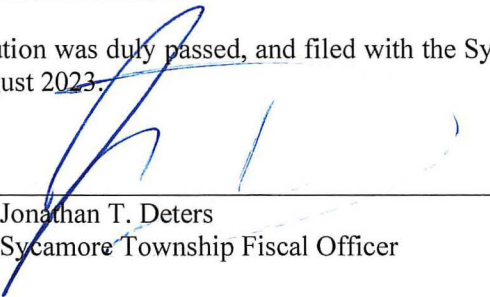
Thomas J. Weidman, Vice-Chairman



Thomas C. James Jr., Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, on this First Day of August 2023.



Jonathan T. Deters
Sycamore Township Fiscal Officer


Lawrence E. Barbieri, Law Director

EXHIBIT A

Conditions of Approval:

- Amendment to Case 2017-05P2 Condition 6: The endcap building sign on the north side of the building is permitted, only for the endcap tenant on the north side of the building (closest to I-275). Such an endcap wall sign's square footage is limited to the linear length of that elevation (1 s.f. for each foot of linear length).
- Unless signage is adjusted in the conditions of case 2017-05P2 or via this major adjustment case 2023-11MA, all other signage on the subject property shall be governed by the E – District Zoning Resolution regulations.
- The endcap building sign on the south side of the building (where the drive-thru is located) is permitted, only for the endcap tenant on the south side of the building. Such an endcap wall sign's square footage is limited to the square footage amount approved in this case.
- Unless amended in this case, all conditions from case 2017-05P2 remain in full force and effect.

Original Conditions of Case 2017-05P2

SYCAMORE TOWNSHIP ZONING COMMISSION CASE NO.: 2017-05P2

SYCAMORE TOWNSHIP RESOLUTION NO.: 2017-49

CONDITIONS:

1. THE MONTGOMERY ROAD CURB CUT MUST BE LIMITED TO THE RIGHT IN / RIGHT OUT ONLY AND PROPER, SUFFICIENT, AND ADEQUATE BARRIERS / CURBING SHALL BE CONSTRUCTED TO PHYSICALLY RESTRICT THE MOVEMENT OF VEHICLES ONTO MONTGOMERY ROAD TO RIGHT IN / RIGHT OUT ONLY.
2. THE APPLICANT MUST PROVIDE SUFFICIENT EVIDENCE OF A PERMANENT INGRESS AND EGRESS EASEMENT TO ACCESS HETZ ROAD.
3. THE TOP OF THE BASE OF THE FREESTANDING SIGN ALONG MONTGOMERY ROAD MUST BE IN LINE WITH THE TOP OF THE CURRENT METAL FENCE THAT IS ABOVE THE RETAINING WALL ALONG MONTGOMERY ROAD.
4. THE SIGN ABOVE THE BASE OF THE FREESTANDING SIGN ALONG MONTGOMERY ROAD MUST BE COMPLIANT WITH THE REQUIREMENTS OF THE ZONING RESOLUTION AND MAY NOT ROTATE.
5. THE FREESTANDING SIGN ALONG MONTGOMERY ROAD SHALL BE SET BACK A MINIMUM OF FIVE (5) FEET FROM THE RIGHT-OF-WAY OF MONTGOMERY ROAD.
6. THE BUILDING SIGN ON THE NORTH SIDE OF THE BUILDING IS PERMITTED.
7. A LANDSCAPE PLAN COMPLIANT WITH THE SYCAMORE TOWNSHIP ZONING RESOLUTION SHOWING AN INCREASE IN THE BUFFER ON THE SOUTHWEST AND NORTH BOUNDARIES OF THE REAL PROPERTY SHALL BE SUBMITTED AND APPROVED BY STAFF. A LANDSCAPE PLAN SETTING FORTH THE REPLACEMENT OF THE BOUNDARY BUFFER ALONG I-275 RIGHT-OF-WAY BOUNDARY SHALL BE SUBMITTED AND APPROVED BY STAFF. THE STREETSCAPE ALONG MONTGOMERY ROAD IS APPROVED AS SUBMITTED.