

First Reading: August 7, 2008
Second Reading: Dispensed

RESOLUTION NO. 2008 - 63

**A RESOLUTION APPROVING A SITE PLAN FOR THE
BP SERVICE STATION NORTH DEVELOPMENT, DISPENSING WITH THE
SECOND READING, AND DECLARING AN EMERGENCY**

WHEREAS, application was made by WD Partners (the "Applicant") on behalf of Service Station & Holdings, Inc. and Edgewood Investment Co. (the "Owners") for approval of a site plan for the BP Service Station North Development located at 10835 Montgomery Road in Sycamore Township, being Auditor's Parcel Nos. 600-0030-0141-00; 60000300414, and 600-0030-0107-00 (the "Real Property"); and

WHEREAS, the Real Property is located in the "E"- Retail District; and

WHEREAS, because the proposed use of the BP Service Station North Development has a floor area ratio greater than sixty percent (60%), it is necessary that the BP Service Station North Development receive a review and approval of its site plan; and

WHEREAS, on July 14, 2008, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval; and

WHEREAS, on July 14, 2008, the Sycamore Township Zoning Commission unanimously recommended approval of the site plan for the BP Service Station North Development with certain conditions; and

WHEREAS, on August 7, 2008, 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 for the BP Service Station North Development;

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

SECTION 1.

Subject to the conditions attached to this Resolution as Exhibit A, the site plans, specifications, and renderings submitted in the application for the BP Service Station North Development and presented to the Board of Township Trustees at its public hearing and meeting held on August 7, 2008 are hereby approved.

SECTION 2.

The approval of the site plan granted herein is subject to the conditions contained on the attached Exhibit A which are made a part of this Resolution as if fully rewritten herein.

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 in the Application approved by this Resolution, including the conditions attached as Exhibit A.

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 at least a majority vote do hereby dispense with the 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 is hereby declared to be an emergency measure necessary for the public peace, health, safety and general welfare of the Township. The reason for the emergency is to provide the approval for the development in a timely manner in order to avoid any delays in permit approval and construction.

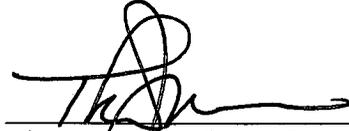
VOTE RECORD:

Mr. Bishop YES

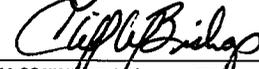
Mr. Kent YES

Mr. Weidman YES

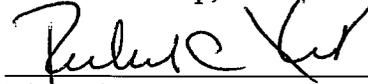
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 7th day of August, 2008.



Thomas J. Weidman, President



Cliff W. Bishop, Vice President



Richard C. Kent, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 7th day of August, 2008.



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

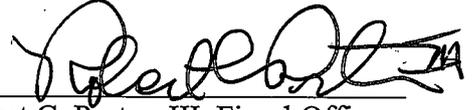
APPROVED AS TO FORM:



R. Douglas Miller, Law Director

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on August 12, 2008 by
posting in five public places as established by the Board of Township Trustees



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

EXHIBIT A

1. Except as noted below, the applicant shall adhere to all aspects of the Sycamore Township Zoning Resolution.
2. The secondary freestanding sign located at the Hetz Drive entrance shall be no higher than 5 feet in overall height and shall have a sign surface area no greater than 35.42 square feet in area.
3. The final architecture of the buildings shall be approved by the Board of Township Trustees.
4. The dumpster surround shall be constructed of either brick or stone.
5. The landscape plan shall be approved by Township staff prior to the issuance of a Zoning Certificate.
6. Other than the signage included on the site plan submitted with the Application, no outdoor advertising, bench billboards, or light post advertising shall be permitted on the site.
7. Other than the sale of fuel to be dispensed from the designated pumps, no outdoor display of merchandise or sale of merchandise shall be permitted on the Real Property.
8. All mechanical areas located at the rear of the building shall be screened from view.
9. No telecommunications towers shall be permitted on the site.
10. The Applicant or Owners, or their agent, shall produce an agreement or other lease document that allows the applicant the ability to landscape the area between the access road to the adjacent Shopping Center from Montgomery Road and the Real Property. If such an agreement is not produced prior to the time for issuance of a Zoning Certificate, then a boundary buffer compliant with the provisions of the Sycamore Township Zoning Resolution shall be installed on the Owners south property line.
11. All requirements set forth by the Ohio Department of Transportation (ODOT) pertaining to ingress and egress to Montgomery Road shall be met.
12. Access to Hetz Drive and related striping shall be approved by the Board of Township Trustees prior to the issuance of a Zoning Certificate.
13. All lease and or easement documents that prove the Owners have the right to locate their structures and landscaping on the adjacent Shopping Center property shall run with the land, shall be recorded in the office of the Hamilton County, Ohio Recorder, and a copy shall be provided to the Township.

EXHIBIT A (continued)

The following are not conditions of approval, but constitute allowed variances from the provisions of the Sycamore Township Zoning Resolution:

1. The front yard setback for the canopy along Hetz Drive may be reduced to 20 feet.
2. The applicant may install a compliant streetscape buffer in the leased area on the south property line between the Real Property and the access drive to the adjacent Shopping Center.
3. The parking spaces to the rear of the Real Property may access the access road directly.
4. The building may cross the existing west property line provided the Owners have the legal right to do so.