

**A RESOLUTION APPROVING A MAJOR ADJUSTMENT WITH CONDITIONS TO
THE SITE PLAN FOR AN APPROVED PLANNED UNIT DEVELOPMENT AT
4751 LUXE BLVD
AND DISPENSING WITH THE SECOND READING**

WHEREAS, an application was made by Kenwood SCA II, Inc (the "Applicant"), the owners, for a major adjustment to the planned unit development (original case 2018-12P2); and

WHEREAS, the real property in Case No. 2023-17MA consists of the real property located at 4751 Luxe Blvd in Sycamore Township and is designated as Hamilton County Auditor's Parcel Numbers 060002100887, 060002100888, 060002100889, 060002100890, 060002100891, 060002100892 the "Real Property"; 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, on January 08, 2024, after proper notice having been given, in a public hearing and an open meeting, the Sycamore Township Zoning Commission held a public hearing to consider the application for a major adjustment for the subject properties in case No. 2023-17MA. The Sycamore Township Zoning Commission recommended approval of the Application with conditions and communicated its recommendation to the Board of Township Trustees; and

WHEREAS, on February 06, 2024, 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 in Case Number 2023-17MA; and

WHEREAS, the applicant and members of the public, after being duly sworn, gave extensive testimony regarding the application for the major adjustment to the planned unit development;

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

SECTION 1. The recommendation of the Zoning Commission is modified as set forth hereinafter. The Application of Kenwood SCA II, Inc the owners, is hereby approved as modified in the conditions of Exhibit A. 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 and incorporated herein.

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 February 06, 2024, 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.

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 Decision of the Board of Trustees modifying the recommendations of the Zoning Commission is based upon the Staff Report presented at the hearing, the testimony of the applicant, and the testimony of the public.


SECTION 8.

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.

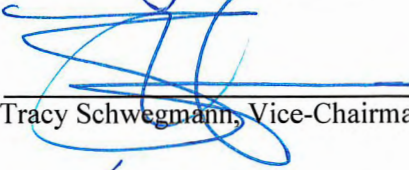
VOTE RECORD:

Mr. Kellums Aye Ms. Schwegmann Aye Mr. Weidman Aye

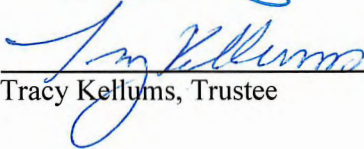
Passed at the meeting of the Board of Trustees this 6th Day of February, 2024 .



Thomas J. Weidman, Chairman



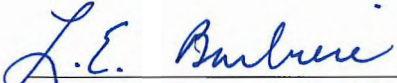
Tracy Schwegmann, Vice-Chairman



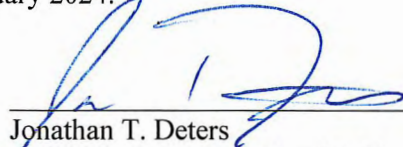
Tracy Kellums, Trustee

AUTHENTICATION

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, on this 6th Day of February 2024.



Lawrence E. Barbieri, Law Director



Jonathan T. Deters
Sycamore Township Fiscal Officer

Exhibit A

1. All conditions of Case 2018-12P2 are in full force and effect unless modified by this case.
2. The wall sign plan shall conform to the site arrangement and dimensions as shown (or amended).
3. One monument sign is permitted on the subject property, in front of the Encore on the Kenwood Road elevation. The monument sign must have a masonry base and can be setback zero feet from the right-of-way/ property line. The maximum size of the monument sign may be 10.5' wide, 3.5' deep and 6' tall.
4. On the western elevation, no wall sign shall be sited above the third floor.
5. Digital signs (EMCs) shall not be used on wall signs or monument signs for the subject property.
6. All lighting associated with Encore shall conform to the Zoning Resolution's standard of .5-foot candles at the property line.
7. Ground Floor One of Encore may be used for any combination of office, retail, or restaurant uses.
8. Encore shall be designed and permitted as a high-rise structure and follow all relevant high-rise building and fire code requirements. Encore shall be designed to integrate a radio repeating system if required by testing, prior to consideration of Township and County C/Os. At least one elevator from the garage to the penthouse sized to accommodate an EMS transport gurney shall be incorporated into the Encore project. All elements related to this condition, unless specifically stated otherwise, shall be incorporated into the plans prior to the issuance of Township zoning certificate(s).
9. All building materials shall comply with the representations made in this case.
10. All landscaping on the 7.16-acre subject property shall be maintained in healthy condition.