

**RESOLUTION NO. 2019 - 81**

**A RESOLUTION APPROVING A SITE PLAN FOR THE GRAETER'S ICE CREAM DEVELOPMENT IN SYCAMORE TOWNSHIP AND DISPENSING WITH A SECOND READING**

**WHEREAS**, application (the "Application") was made by Richard Tranter of Dinsmore & Shohl (the "Applicant") on behalf of W. B. Meier Realty Co. (the "Owner") for approval of a site plan for the real property located at 8167 Montgomery Road, Sycamore Township, Ohio, being Auditor's Parcel Number 600-0080-0325-00 (the "Real Property") in Case Number 2019-06P2; and

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

**WHEREAS**, the proposed change to the Real Property requires that the Owners and Applicant obtain approval of a site plan because of the impervious surface area that is proposed; and

**WHEREAS**, on June 10, 2019, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider the application for site plan approval for the Real Property contained within the Application for Case Number 2019-06P2; and

**WHEREAS**, on June 10, 2019, the Sycamore Township Zoning Commission recommended approval with conditions of the site plan for the Real Property included in Case Number 2019-06P2; and

**WHEREAS**, on July 11, 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 for the Real Property;

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

**SECTION 1.** Subject to the conditions contained on the attached Exhibit A, the site plans, specifications, and renderings submitted in the Application for site plan approval made by the Applicant on behalf of the Owner for the Real Property included in Case Number 2019-06P2 and presented to the Board of Township Trustees at its public hearing and meeting held on July 11, 2019 are hereby approved.

**SECTION 2.** Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed in strict compliance with the plans, specifications, and renderings submitted in the Application for Case Number 2019-06P2, including the conditions set forth on the attached Exhibit A as approved by this Resolution.

**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 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 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 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.

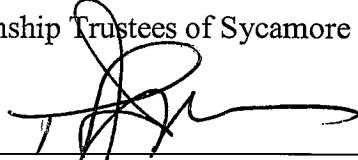
**SECTION 7.**

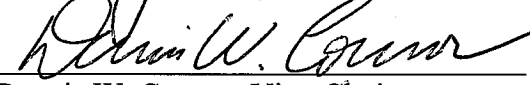
This Resolution shall take effect on the earliest date allowed by law.

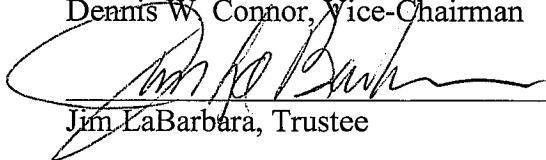
**VOTE RECORD:**

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

**Passed** at a meeting of the Board of Township Trustees of Sycamore Township this 1<sup>st</sup> day of August, 2019.

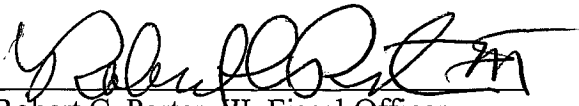
  
\_\_\_\_\_  
Thomas J. Weidman, Chairman

  
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Dennis W. Connor, Vice-Chairman

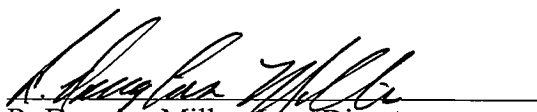
  
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Jim LaBarbara, Trustee

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Sycamore Township Fiscal Officer, this 1st day of August, 2019.

  
\_\_\_\_\_  
Robert C. Porter, II, Fiscal Officer  
Sycamore Township, Ohio

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
R. Douglas Miller, Law Director

## EXHIBIT A

1. The Applicant shall provide a copy of the easement agreement between the Owner of the Real Property and the owner of 6475 E. Galbraith Road with regard to the ingress and egress available for the Real Property from East Galbraith Road.
2. The access lane that services the Applicant's drive-thru window and which continues from the Real Property to Montgomery Road shall be egress only and shall be in compliance with the Ohio Department of Transportation requirements.
3. In lieu of the required buffering on the northeast side of the Real Property and in consideration of the Township granting a variance for such buffering since the Real Property abuts a Township park, the Applicant agrees that it will provide tables/benches and trash receptacles for placement in the Township park along with funding for a sidewalk from the Real Property into the Township park that would be approximately fifty feet long, the total cost of those tables/benches, trash receptacles and sidewalk funding shall not to exceed \$7,500.00. The Applicant will work with Township staff to fulfill this condition.
4. The Applicant shall locate two Urbanscape Faux Wood and Slat trash receptacles on the Real Property near the entrance/exit to the Township park adjacent to the Real Property. Staff shall determine the location of the trash receptacles, which shall be identified on the Applicant's zoning compliance plan.