

**RESOLUTION 5411**  
**CLEARCREEK TOWNSHIP TRUSTEES**  
Warren County, Ohio  
February 13, 2023

**CLEARCREEK TOWNSHIP**  
**WARREN COUNTY, OHIO**

**A RESOLUTION TO APPROVE/MODIFY/DENY THE REQUEST BY JON STAFFORD OF  
STAFFCO CONSTRUCTION, AGENT FOR DON'T W8 LLC FOR A STAGE 2  
PRELIMINARY SITE PLAN REVIEW FOR THE NON-RESIDENTIAL PLANNED UNIT  
DEVELOPMENT "NR-PUD" AND DISPENSING WITH THE SECOND READING**

**WHEREAS** the "NR-PUD" is 9.64 acres in size. The property is identified as 9850 Clearcreek Franklin (Wood) Road. The parcel is identified by parcel number 04-15-101-009 and account 0615037. The request is located in Sections 15 & 16, Town 2, and Range 5 in Clearcreek Township, and;

**WHEREAS** the Stage 1 "NR-PUD" was approved via Trustee Resolution 5380 on August 8, 2022, subject to fourteen (14) conditions, and;

**WHEREAS** the Warren County Regional Planning Commission reviewed and approved the Stage 2 "NR-PUD" Preliminary Site Plan, subject to seven (7) conditions, and;

**WHEREAS** on January 9, 2023 the Clearcreek Township Zoning Commission APPROVED the Stage 2 request subject to six (6) conditions and the following rationale: The Clearcreek Township Zoning Commission typically reviews landscape and screening during the Stage 2 review. The applicant has contracted to have a tree survey performed to determine compliance with the minimum requirements of Chapter 17 of the Clearcreek Township Zoning Resolution. All missing or requested information will be submitted with the Stage 3 application for Zoning Commission review.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Clearcreek Township Trustees that the "NR-PUD" Preliminary Site Plan for the above referenced property be APPROVED/MODIFIED /DENIED subject to the following conditions:

1. All plans and proposals of the applicant shall be made conditions of approval, unless modified by one of the following conditions.
2. Compliance with the Warren County Subdivision Regulations, the Clearcreek Township Zoning Code, the Warren County Thoroughfare Plan, and the PUD Stage 1 conditions of approval (Resolution# 5380).
3. A stormwater management plan shall be reviewed by the Warren County Engineer's Office prior to the submittal of the PUD Stage 3 application. In addition, the final detention basin shall be also reviewed by the Montgomery County Engineer to ensure that it meets the subdivision regulations and water quality requirements. A joint review with the Montgomery County Storm Water Pollution Prevention Plan (SWPPP) is required because land disturbance within Montgomery County exceeds the 1 -acre threshold prior to the submittal of the PUD Stage 3 application.
4. Prior to the submittal of the PUD Stage 3 application, the applicant shall obtain an access permit approved by the Warren County Engineer's Office.

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5. An Earth Disturbing Permit from Warren County SWCD will be required if 1 acre or more of land will be disturbed during construction.
6. Prior to the submittal of the PUD Stage 3 application, the applicant shall submit an updated plan that illustrates the Clearcreek Township Zoning Inspector's comments, the updates will include the following:
  - a. Buildings' height, design, materials in compliance with condition #8 of the PUD Stage I Resolution.
  - b. On January 9, 2023 the applicant identified the colors for the walls to be light gray, the roof and wainscoting to be charcoal and the doors to be gray.
  - c. An updated landscaping plan that addresses the intent of condition # 12 of the PUD Stage I Resolution. The updated plan should include the starting elevation for the berm, required numbers of trees, shrubs, and landscaping materials required in Section 17.06 Buffer Areas of the Clearcreek Township Zoning Resolution. At the time of installation, landscaping shall screen the chain link fence to 100% opacity. Landscaping plan should identify the height (at planting) for each landscaping element. On January 9, 2023 the engineer declared the starting elevation of the berm to be equal to the height of the road improvement "shelf" adjacent to the updated pavement of Clearcreek Franklin Road.
  - d. An updated landscaping plan that details buffers along the northern, eastern, and southern property line that complies with the requirements of the Clearcreek Township Zoning Resolution, Section 17.06.
  - e. An updated site plan that documents the details of the fence, including height, material, and color.
  - f. Signage requirements in accordance with the Clearcreek Township Zoning Resolution, Chapter 28 Signage Regulations. With PUD Stage 3 submittal (PUD Final Site Plan), the applicant provides the details for the sign height, limiting the sign outside of the clear sight triangle to no more than five feet (5') height and provides the sign schematic including sign type and illumination.
  - g. An updated lighting plan that identifies the location of light fixtures and provides the intensity of light at the property line in accordance with the Clearcreek Township Zoning Resolution, Chapter 29 Lighting Regulations. The updated lighting plan shall also declare in detail the level of lighting during non-business hours. On January 9, 2023 the applicant represented that the lighting will be maintained during non-business hours by use of a timeclock with a photocell, the intensity of security lighting will be one (1) footcandle. The lighting plan shall also declare the fixtures and intensity of illumination for the signs.
  - h. The applicant shall declare in detail how clients will be able to determine that the facility is closed and how client access will be prohibited during the hours the facility is scheduled to be closed (8PM to 9AM). On January 9, 2023 the applicant stated that the access to the facility can be programmed to allow access only during the defined hours and prohibit access to the facility during hours when the facility is closed.
  - i. Updated phasing plan that declares in detail the elements/activities/improvements scheduled to be completed in each phase.

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**BE IT LASTLY RESOLVED**, by the Board of Clearcreek Township Trustees upon majority vote hereby dispenses with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this Resolution upon its first reading.

Mr. GABBARD moved to adopt the foregoing Resolution. Mr. MUTERSPAW seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade - YEA

Mr. Gabbard - YEA

Mr. Muterspaw - YEA

Resolution adopted at a regular public meeting conducted February 13, 2023.

**THE BOARD OF**  
**CLEARCREEK TOWNSHIP TRUSTEES**

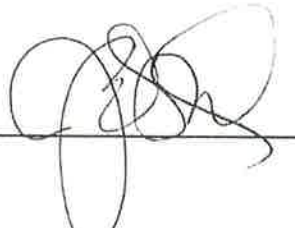
**Law Director Bryan Pacheco**

**Approved as to form**

  
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