

**RESOLUTION 5540**  
**CLEARCREEK TOWNSHIP TRUSTEES**  
**Warren County, Ohio**  
**October 14, 2024**

**A RESOLUTION TO (APPROVE/MODIFY/DENY) THE ZONE CHANGE REQUEST OF DAVID MONTGOMERY (PICKREL SCHAEFFER AND EBELING) AGENT FOR WPB ENTERPRISES LLC, (ORVILLE WRIGHT) TO AMEND THE ZONING RESOLUTION AND MAP FOR A TOTAL OF 8.39 ACRES. THE PARCEL IS IDENTIFIED AS CLEARCREEK FRANKLIN RD (WOOD ROAD), PARCEL NUMBER 04-15-101-008, AND ACCOUNT 0622866. THE REQUEST IS LOCATED IN SECTION 15, TOWN 2, AND RANGE 5 IN CLEARCREEK TOWNSHIP. THE ZONE CHANGE REQUEST IS FROM SUBURBAN RESIDENCE ZONE “SR-1” TO MIXED USE PLANNED UNIT DEVELOPMENT “MU-PUD”, AND TO DISPENSE WITH THE SECOND READING**

**WHEREAS**, all public hearings, public notices to adjoining property owners, and the recommendation of the Warren County Regional Planning Commission for the Zoning Map amendment have been conducted and made pursuant to the Clearcreek Township Zoning Resolution and Section 519.12 of the Ohio Revised Code; and

**WHEREAS** on July 25, 2024 (letter incorrectly identifies the month as June) the Warren County Regional Planning Commission recommended DENIAL of the zone change request as submitted. The rezoning is inconsistent with the Clearcreek Township Master Plan. The applicant did not provide sufficient or any information about: The location of the proposed uses (residential & commercial), the maximum density that is proposed within the PUD, and the amount and location of the common open space. A Concept Plan was not submitted and the applicant lacks the required information of SEC 13.05(A)(1)(b) and 13.05(A)(2), 13.05(3). However, the Committee SUPPORTS a SR-1 Planned Unit Development (PUD) that allows an additional non-residential use with PUD Standards and a Concept Plan, and;

**WHEREAS**, on August 1, 2024 the applicant requested the upcoming pending application before the Zoning Commission be tabled to September 9, 2024. The purpose of this request is to address and modify the proposed uses for the PUD and modify the Concept Plan.

**WHEREAS**, on August 5, 2024, the Zoning Commission considered the applicant’s request and TABLED the public hearing in process to September 9, 2024 @ 7 PM and;

**WHEREAS**, on September 9, 2024, the Zoning Commission APPROVED the Stage 1 PUD Zone Change Request from Suburban Residence Zone “SR-1” to Mixed-Use Planned Unit Development “MU-PUD” as submitted (update August 26, 2024). The following rationale was provided for the recommendation: Although the Master Land Use Plan doesn’t support the use to change out of a residential use, the property to the north is commercially zoned and the property to the south is being used as a church. Since the request is located between these two non-residential uses, the Zoning Commission doesn’t consider the request spot zoning. The community has come out to support the request.



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**NOW THEREFORE BE IT RESOLVED**, by the Board of Clearcreek Township Trustees that the application from Suburban Residence Zone “SR-1” to Mixed-Use Planned Unit Development “MU-PUD” be APPROVED/MODIFIED/DENIED with 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. The Concept Plan dated August 26, 2024 shall serve as the updated Concept Plan with the following clarifications:
  - a. The gross acreage of the parcel is 8.39 acres.
  - b. Approximately .245 acres is currently held in easement along Clearcreek Franklin (Wood) Road.
  - c. The minimum open space required for the entire site is 2.10 net acres.
  - d. The residential use designated area has approximately 225' of road frontage and is specified to be approximately 2.88 gross acres in size.
  - e. The commercial and residential use designated area has approximately 130' of road frontage and is specified to be approximately 5.37 gross acres in size.
3. Current improved surfaces:
  - a. The existing structure is 4,140 sq. ft. in size, per the Warren County Auditor's Website.
    - i. The Concept Plan specifies the structure to be 4,368 sq. ft.
  - b. Existing access drive and parking area per Warren County Aerial is calculated to be approximately 38,332.80 sq. ft.
    - i. The Concept Plan specifies the existing gravel area to be 13,665 sq. ft.
    - ii. The Concept Plan doesn't account for the existing gravel pad (112'x220') east of the existing structure.
    - iii. The Concept Plan specifies a maximum of 50'x100' gravel area expansion area.
  - c. Staff calculated:
    - i. If the Warren County Auditor's Website and staff calculations were used, the above totals approximately 42,472.80 sq. ft. or .975 acres.
    - ii. If the size of the structure was used from the Updated Concept Plan and staff calculations, the above totals approximately 42,700.80 sq. ft. or .980 acres.
4. Perpetuation of current uses and expansion of current building:
  - a. Request is to continue to use the existing structure and gravel parking for storage of the Limousine business.
  - b. Request is for 50% expansion of current structure.
  - c. If the Warren County Auditor's Website is used, this is an additional 2,070 sq. ft.
  - d. If the Concept Plan is used, this is an additional 2,184 sq. ft.
  - e. The maximum footprint for the commercial structure (existing and addition) is declared to be 6,552 sq. ft.
5. The list of all permitted uses for the Mixed-Use PUD shall be:
  - a. All Suburban Residence Zone “SR-1” Permitted Uses.
  - b. Religious Institutions and Telecommunication Towers.
  - c. Private Storage Garage.
  - d. Limousine service.

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- e. Warehouse (only for cars, limousines, passenger vehicles, vans, boats and RVs).
  - f. Ancillary buildings and structures, either temporary or permanent incidental to the permitted use.
  - g. Any other residential or non-residential use which is of a general character of the classes of residence and non-residence permitted above, but not otherwise defined by the Zoning Resolution, as determined by the Clearcreek Township Zoning Inspector.
6. Compliance with the Clearcreek Township Zoning Resolution and the PUD Stage 1 approval conditions SEC 13.05(A) (3).
  7. Compliance with the Warren County Subdivision Regulations.
  8. The applicant shall submit a stormwater management plan approved by the Warren County Engineer's Office prior to the PUD Stage 3 application.
  9. The applicant shall submit a roadway access and improvement plan approved by the Warren County Engineer prior to the PUD Stage 3 application. Prior to the submittal of the PUD Stage 2 application, a notification letter from the Warren County Engineer's Office determining if a traffic impact analysis is necessary is required. If a traffic impact analysis is required, it shall be done prior to PUD Stage 3 application. Any additional road right-of-way required shall be dedicated at the time of a Final Plat.
  10. The minimum setbacks for the entire PUD shall be as illustrated on the Concept Plan updated August 26, 2024.
  11. Future residential density and lot design shall follow the regulations of the Suburban Residence Zone "SR-1".

**BE IT FURTHER 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 at the earliest date allowable by law.

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 October 14, 2024.



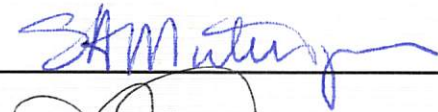
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**THE BOARD OF**  
**CLEARCREEK TOWNSHIP TRUSTEES**

**Law Director Bryan Pacheco**

**Approved as to form**

  
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