

RESOLUTIONS

Dayton Legal Blank Co., Form No. 30045

Resolution No. 2709

Passed February 5 2004

CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION TO APPROVE THE MODIFICATION OF THE APPLICATION OF BRETT SCOTT, AGENT FOR THE PROPERTY OWNER NICK PETH TO AMEND THE CLEARCREEK TOWNSHIP ZONING RESOLUTION AND MAP FOR A TOTAL OF 2.39 ACRES OF LAND. THE PROPERTY HAS ROAD FRONTAGE ON STATE ROUTE 73. THE PROPERTY IS FURTHER IDENTIFIED BY SIDWELL NUMBER 05-25-400-002. THE PROPERTY IS LOCATED IN SECTION 25, TOWN 3, AND RANGE 5 IN CLEARCREEK TOWNSHIP. THE PROPOSED REZONING IS FROM NEIGHBORHOOD BUSINESS "B-1" TO THE ZONING COMMISSION'S MODIFICATION NEIGHBORHOOD BUSINESS WITH A PLANNED UNIT DEVELOPMENT DISTRICT "B-1PUD" INSTEAD OF GENERAL BUSINESS "B-2" WITH A PLANNED UNIT DEVELOPMENT DISTRICT "B-2 PUD".

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 application Brett Scott, agent for property owner Nick Peth to change the Clearcreek Township Zoning Resolution and map for a total of 2.39 acres of land.; and

WHEREAS the proposed rezoning request from General Business with a Planned Unit Development District "B-2PUD" was requested at the Zoning Commission public hearing. After conducting their public hearing, the Zoning Commission moved to MODIFY the request from General Business Zone "B-2PUD" to Neighborhood Business with a Planned Unit Development District "B-1PUD"; and

WHEREAS the former have been conducted and made pursuant to the Clearcreek Township Zoning Resolution and Section 519.12 Ohio Revised Code; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees that said the modified application for Neighborhood Business with a Planned Unit Development District "B-1PUD" for a total of 2.39 acres, be *Approved.*

1. Approval of a planned unit development (PUD) overlay shall only mean approval of land uses and shall not include approval of a site plan, as this is a matter for Stages 2 and 3 of the PUD.
2. Mr. Brett Scott shall be designated as the spokesperson for the planned unit development in all dealings with Clearcreek Township regardless of the number of property owners within the project. Mr. Scott may delegate his role as spokesperson to another individual and shall notify the Clearcreek Township Zoning Inspector of such event. In any event, only one (1) spokesperson will be recognized by Clearcreek Township in representing the planned unit development.
3. Final detailed site plan approval shall be in accordance with the procedure set forth in Section 13.07 of the Clearcreek Township Zoning Code.
4. Compliance with all of the Clearcreek Township Trustees conditions and requirements that may be set forth by Resolution granting the PUD overlay and compliance with Chapter 13 of the Clearcreek Township Zoning Resolution.
5. Prior to the approval of the final site plan, the developer shall expand and/or upgrade the water system, water treatment and storage facilities, as determined by the Warren County Sanitary Engineer.
6. Prior to the approval of the final site plan, the developer shall provide wastewater disposal facilities necessary to serve the development, as determined by the Ohio Environmental Protection Agency (OEPA)
7. All Neighborhood Business B-1 uses as identified in Chapter 9 of the Clearcreek Township Zoning Resolution are permitted.
8. Warehouse/storage is allowed for a maximum of 7,200 square feet.

RECORD RESOLUTIONS

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Passed FEBRUARY 5 2004

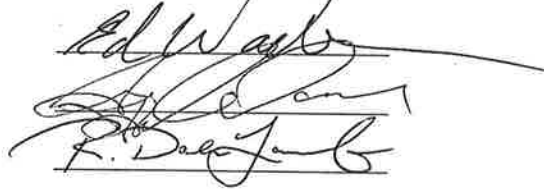
- 9. Approval of a driveway permit and determination of necessity of road improvements by the Ohio Department of Transportation (ODOT).
- 10. Compliance with the Warren County Subdivision Regulations.

Dr. McDonald moved to adopt the foregoing Resolution. Mr. Lamb seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade-yes
 Dr. McDonald-yes
 Mr. Lamb-yes

Resolution adopted at a regular public meeting conducted February 5, 2004.

THE BOARD OF CLEARCREEK TOWNSHIP TRUSTEES



Ed Wade
 Dr. McDonald
 Mr. Lamb