

RECORD OF SOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 3632

Passed December 9, 2009

CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION Approving MODIFICATIONS TO THE STAGE 2 APPROVAL FOR THE "VILLAGES OF WINDING CREEK" R-1A PUD. THE REQUEST IS BY DAVID OAKES, AGENT FOR VWC HOLDINGS LTD.

WHEREAS The request is for the modification of lots and uses within 359.4188 acres of the 422.332 acre PUD. The undeveloped properties have road frontage on State Route 48 and Lytle Five Points Road. The undeveloped property is further identified by Parcel Id Numbers: 05-27-410-0102 and 05-27-410-0101. The properties are located in Sections 21 & 27, Town 3, and Range 5 in Clearcreek Township; and,

WHEREAS the Warren County Regional Planning Commission on June 25, 2009 reviewed and approved the modification of Stage 2 R-1A PUD Preliminary Site Plan, subject to nineteen (19) conditions; and,

WHEREAS on July 7, 2009 the Clearcreek Township Zoning Commission tabled the request until August 4, 2009 per the applicant's request; and,

WHEREAS on August 4, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then tabled the request until September 1, 2009; and,

WHEREAS on September 1, 2009 the Clearcreek Township Zoning Commission tabled the request since information had been submitted after the deadline cutoff to allow staff time to review the updated submittal until October 6, 2009; and,

WHEREAS on October 6, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then tabled the request until October 15, 2009; and,

WHEREAS on October 15, 2009 the Clearcreek Township Zoning Commission listened to information provided by staff, the applicant and the public and then APPROVED the modifications to the Stage 2 R-1A PUD Preliminary Site Plan, subject to forty-four (44) conditions; and,

WHEREAS on November 6, 2009 the Clearcreek Township Zoning Commission formally outlined the rationale for their October 15, 2009 decision; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees that the modified R-1APUD Preliminary Site Plan for the above referenced properties be Approved subject to the following conditions:

1. During this modification request, multiple drawings have been presented that include areas platted prior to this resolution. Rationale for the inclusion of the platted areas has been to help understand overall design objectives. The existing Stage 3 approvals for these platted areas shall guide their development. This is not the forum for changes to the Stage 3 approvals, since each area was not included in the modification application request.

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2. Adherence with Clearcreek Township Trustees Resolution 2733 granting the planned unit development overlay and compliance with all requirements of Chapter 13 (Planned Unit Development Regulations) of the Clearcreek Township Zoning Code.
3. Compliance with all requirements of the Ohio Department of Transportation (ODOT).
4. Approval of all points of intersection by the Warren County Engineer and/or Ohio Department of Transportation, as applicable by jurisdiction.
5. Provision of street stubs to adjoining properties, as determined by the Warren County Engineer. Temporary turnarounds shall be provided at all such locations.
6. Approval of non-standard street sections, right-of-way widths and traffic circles (roundabouts) and interior circulation by the Warren County Engineer, Clearcreek Township Trustees and the Clearcreek Township Fire Department. Otherwise, all improvements shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities, with appropriate latitude, within sound engineering principles. Road network shall be approved in conformance with the Villages of Winding Creek, Warren County Ohio Typical Street Sections, Details received October 13, 2009 with the following clarifications:
 - a. No driveways shall be established in the roundabouts.
 - b. Warren County Engineer, Township Trustees and Clearcreek Township Fire Department shall determine on street parking restrictions and location of "no parking" signs on roundabouts and collector streets.
 - c. The required road right-of-way and pavement widths for the street labeled "Winding Run Boulevard" on the plan shall be determined by the Clearcreek Township Trustees with guidance from the Warren County Engineer's Office.
7. Traffic circles (roundabouts) shall meet the design approved by the Warren County Engineer's Office.
8. Approval of a stormwater drainage plan and compliance with the Rules and Regulations for the Design of Stormwater Management Systems. There shall be no net loss of stormwater storage capacity within flood plain areas. Approval of design and construction of stormwater retention by the Ohio Department of Natural Resources (ONDR), Division of Water Dam Safety, as necessary.
9. Driveway access to lots with multiple road frontages shall be limited to the road of least traffic generation, as determined by the Warren County Engineer.
10. Double width driveways shall be provided to ensure at least two (2) off-street parking spaces exclusive of garage spaces. Such parking shall not encroach across sidewalks.
11. Compliance with the Ohio Environmental Protection Agency, National Pollution Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction.
12. Compliance with the Warren County Erosion and Sediment Control Regulations, as determined by the Warren County Soil and Water Conservation District. Approval of an erosion and sediment control plan prior to earth moving activities.
13. Prior to approval of the final plat, the developer shall expand and or upgrade the water system, water treatment and storage facilities necessary to serve the development, as determined by the Warren County Sanitary Engineer.
14. Compliance with all requirements of the Montgomery County Sanitary Engineering Department, prior to final plat approval.

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15. A homeowner's association shall be created to own and maintain all common open space, including median strips in boulevard streets, roundabouts and stormwater management facilities located outside of the street rights-of-way, all required recreational facilities, pedestrian paths, landscaping, lighting and signage.
16. Relocation of business node from interior of subdivision to location specified north of Stone Creek BLVD as identified in Preliminary Plat, Villages of Winding Creek, Warren County Ohio received October 13, 2009. A preliminary site plan (Stage 2) outlining use(s), square footage, elevations, material lists, landscape plan, signage plan and lighting shall be submitted for proposed retail areas at such time that development is proposed.
17. Compliance with the Warren County Subdivision Regulations subject to any approved variances.
18. Due to soil types and vegetation, a wetlands determination, at developer expense, shall be submitted prior to approval of the final plat, to the satisfaction of the U.S. Army Corps of Engineers.
19. The location of signage shall conform to the locations identified on Villages of Winding Creek, Warren County Ohio Signage Exhibit and details received November 23, 2009.
20. Each Column Sign located in the median shall not exceed a 5 square foot sign face per sign as identified in the Villages of Winding Creek, Warren County Ohio Sheets L16/L21 and L17/L21 received August 27, 2009 and L17/21 received October 15, 2009.
21. Each Ground Sign shall not exceed 38.5 square feet of sign face per sign as identified in the Villages of Winding Creek, Warren County Ohio Sheet L16/L21 and L17/L21 received August 27, 2009.
22. Minimum dwelling unit livable area sizes for the following average lot types: 55' lots - 1,400 sq ft, 70' lots - 1,300 sq ft, 90' lots - 1,700 sq ft.
23. Minimum lot size, required setbacks and frontage requirements shall be approved in conformance with the Villages of Winding Creek, Warren County Ohio Cover Page, and corresponding sub pages of the Preliminary Plat and Lot Size Exhibit received October 13, 2009 with the following clarifications:
 - a. Lot Number 200 and 201 shall be relocated away from the property identified as parcel number 05274780020. The space that Lots 200 and 201 occupied shall become open space.
 - b. On November 5, 2009, the applicant provided a typical neighborhood section that illustrates the averaging of frontage width concept. This will serve as the guide for determining plat compliance.
 - c. The subdivision shall be organized into neighborhoods based upon minimum lot size.
 1. The total number of lots shall not exceed 746.
 2. Existing lots of record will meet the design parameters outlined in Trustee Resolution 2851.
 3. In the event that the developer desires to vary the lot size mix and deviates from Lot Size Exhibit dated October 13, 2009, a new Lot Size Exhibit shall be submitted as a part of the Stage 3 request and be subject to Zoning Commission Approval.
 4. A maximum of ten (10) percent deviation from the median of each lot size count is allowable, with a proportional reduction occurring in other lot sizes.

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- d. Lots designated as an average 55' frontage:
 1. Within neighborhoods classified as 55' lots, the median number of lots shall be 288.
 2. Typical lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 50'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
 3. Cul-de-sac lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 27.5'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
 4. Irregular lots:
 - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
 - ii. May vary in lot frontage but will always be equal to or greater than 45'.
 - iii. At the minimum front yard setback, the lot shall have a minimum width of 50'.
 5. Setbacks:
 - i. Front Yard shall be a minimum of 28'.
 - ii. Each Side Yard shall be a minimum of 5'.
 - iii. Rear Yard shall be a minimum of 25'.
- e. Lots designated as an average 70' frontage:
 1. Within neighborhoods classified as 70' lots, the median number of lots shall be 246.
 2. Typical lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 65'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
 3. Cul-de-sac lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 35'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
 4. Irregular lots:
 - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
 - ii. May vary in lot frontage but will always be equal to or greater than 56'.
 - iii. At the minimum front yard setback, the lot shall have a minimum width of 65'.
 5. Setbacks:
 - i. Front Yard shall be a minimum of 28'.
 - ii. Each Side Yard shall be a minimum of 7'.
 - iii. Rear Yard shall be a minimum of 32'.

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- f. Lots designated as an average 90' frontage:
 - 1. Within neighborhoods classified as 90' lots, the median number of lots shall be 102.
 - 2. Typical lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 85'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
 - 3. Cul-de-sac lots:
 - i. May vary in lot frontage width but will always be equal to or greater than 45'.
 - ii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
 - 4. Irregular lots:
 - i. Defined as lots in a neighborhood classification that due to road curvature design fall below the minimum lot frontage for the neighborhood.
 - ii. May vary in lot frontage but will always be equal to or greater than 62'.
 - iii. At the minimum front yard setback, the lot shall have a minimum width of 85'.
 - 5. Setbacks:
 - i. Front Yard shall be a minimum of 28'.
 - ii. Side Yard:
 - 1. Front entry garage footprints shall have a minimum setback of 8 per side'.
 - 2. Side entry garage footprints shall have one side yard with a minimum setback of 5' and the other side a minimum of 28'.
 - iii. Rear Yard shall be a minimum of 32'.
- 24. Open space shall generally exist as depicted in the Villages of Winding Creek, Warren County Ohio Cover Sheet, Open Space Exhibit, Overall Plat, received October 13, 2009.
 - a. In the event that Lot Size Exhibit is amended, an updated Open Space Exhibit shall be submitted as a part of the Stage 3 request and be subject to Zoning Commission Approval.
 - b. The overall open space for the R-1A PUD, shall never fall below 142.50 acres or 33.74 % of the total subdivision acreage. The existing platted open space at the time of this resolution is 17.77 acres, thus leaving 124.73 acres to be part of the modified request..
- 25. Approval of the pedestrian pathways as identified in The Villages of Winding Creek, Warren County Ohio, Sidewalk/Path Exhibit, received October 13, 2009 with the following exceptions:
 - a. Mulch paths:
 - 1. If not intended to be illuminated shall be designated with signage prohibiting their use during dusk to dawn hours.

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2. At the time of Stage 3 submittal, an updated Signage Plan shall be submitted indicating the location of the signs.
 3. At the time of the Stage 3 submittal, a sign design shall be submitted.
 - b. Asphalt paths intended to be illuminated shall have a detailed lighting plan submitted as part of the Stage 3 request and be subject to Zoning Commission Approval.
26. Approval of the interior landscape along the new subdivision roads as identified in The Villages of Winding Creek, Warren County Ohio Overall Landscape Plan Sheet L1 & L2, received October 13, 2009 with the following exceptions:
- a. Road medians:
 1. Trees shall be allowed but under the following prohibitions:
 - i. No shade trees shall be permitted.
 - ii. No trees that exceed 25' in height at mature growth shall be permitted.
 - iii. No trees with a canopy spread greater than 25' shall be permitted.
 - iv. Special consideration will be given in allowing for higher and wider trees at the entrances to the development.
 2. Roundabouts:
 - i. No trees shall be permitted.
27. The perimeter and streetscape landscape buffers shall be approved as identified in The Villages of Winding Creek, Warren County Ohio Overall Landscape Plan and Preliminary Plat, received October 13, 2009 with the following modifications:
- a. Any additional landscape vegetation or features identified in the existing platted open space that is not installed at the time of the Stage 2 approval shall be installed prior to any future Stage 3 application.
 - b. The streetscape buffer for the proposed relocation of the business node shall be resubmitted at the time of the Business Node Stage 2 application.
 - c. No final plat shall be approved without meeting the expectations of Chapter 17 Buffer and Screening for Streetscape Buffers, Parking Lot Buffers and Perimeter Buffers of the Clearcreek Township Zoning Resolution.
 - d. The Typical Boulevard Frontage Planting Plan shall be updated to reflect the Streetscape Buffer Standard of 30 Shrubs and 3 trees per every 100 foot of lot frontage.
 - e. Existing vegetation:
 1. No credit shall be issued for existing vegetation unless it is depicted on an updated landscape submitted as part of the Stage 3 request and be subject to Zoning Commission Approval.
 2. The location, species and size of the vegetation shall be specified.
 3. Vegetation credit will be based on procedures outlined in Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
 - f. Acreage identified as Conservation Easements on the October 13, 2009 Preliminary Plat shall:

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1. Have the designation of Conservation Easement removed and the acreage integrated into the overall open space plan.
 2. Be controlled by the Home Owners Association.
 3. Be in compliance with Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
28. All approved landscape within common areas and in the Road Right-of-Ways shall be maintained and replaced by the homeowners association.
29. Road medians shall be designed to have an under drain collection system, so that water doesn't spill unto the travel lanes of pavement.
30. Thirty inch (30") chairback curbs shall be used on the Local I and Local II streets as defined in the Design and Construction Standards for Streets and Roadway Facilities Warren County, Ohio. Parking shall be permitted on one side of all streets as described above on the side of the street opposite of the fire hydrant locations.
31. Street names shall be determined at the time of the preliminary plat.
32. The internal road network shall connect the northern sections of the subdivision with the southern sections of the subdivision. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
33. Permanent vehicular access directly to Lytle Five Points Road for school buses shall be established from the portion of the development served by the Wayne Local School District at or before a need is established to transport students to that district subject to all necessary permits to cross the five-hundred year flood plain for the headwaters of the Little Sugar Creek.
34. The amenity plan received August 27, 2009, October 6, 2009 and October 13, 2009 shall be approved with the following clarifications:
1. If an amenity is identified to exist within a phasing section, it shall be built at the same time as the public improvements.
 2. Trustee Resolution 2733, passed on April 15, 2004 states that "Recreational amenities shall be installed prior to final site plan approval for twenty percent (20%) of the proposed residential dwellings with the Clearcreek Township portion of the project". Per the October 15, 2009 Taft letter, the former has been achieved in the existing platted areas.
 3. The following are identified as amenities:
 1. Existing clock tower in roundabout.
 2. Open Space.
 3. Walking paths.
 4. Landscaping in right-of-way medians and required buffers.
 5. Entry signage and neighborhood signage.
 6. Ponds to be constructed as needed for stormwater management.

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7. Clubhouse/community center per October 6, 2009 and VWC Community Building Elevation October 13, 2009, and August 27, 2009 narrative submittal:
 - a. Exterior finishes shall have a full front façade of brick or stone, and a half-wrap of brick or stone for the remaining three sides. For two story structures, the second story shall be comprised of brick, stone, reinforced vinyl siding, concrete board, cedar or redwood.
 - b. Soffits and fascia boards shall be vinyl or aluminum or wood sheathed in vinyl or aluminum.
 - c. Dimensional asphalt shingles.
 - d. Minimum of 1,500 sq ft.
 - e. Detailed drawings shall be required for the Stage 3 application.
 - f. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
8. Pool Area:
 - a. Minimum of 1,500 sq ft.
 - b. Detailed drawings shall be required for the Stage 3 application.
 - c. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
9. Basketball cloverleaf:
 - a. Minimum of three (3) courts.
 - b. Detailed drawings shall be required for the Stage 3 application.
 - c. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.
10. Children's play area:
 - a. Detailed drawings shall be required for the Stage 3 application.
 - b. Construction shall be started prior to the issuance of thirty-five percent (35%) of the zoning permits for single family residential dwellings within the Clearcreek Township portion of the project and completed within one (1) year of commencement.

35. The amended FEMA designation for the 500-year flood plain boundaries shall be indicated on the drawings.

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36. Exterior finishes for the average lots identified as 55', 70', and 90' lots shall have a full front façade of brick or stone, and a half-wrap of brick or stone for the remaining three sides. For two story homes the second story shall be comprised of brick, stone, reinforced vinyl siding, concrete board, cedar or redwood. Soffits and fascia boards shall be vinyl or aluminum or wood sheathed in vinyl or aluminum. Dimensional asphalt shingles shall be appropriate for all dwellings.
37. Colors shall be approved by the Villages of Winding Creek Architectural Review Committee, which shall contain one member of the Board of Trustees or their designee.
38. There shall be a uniform location for house numbers. House number signs shall be a minimum of eight inches by eight inches, mounted no less than four and no more than six feet in height, between the garage doors and the nearest house corner. For side loaded garages house number signs shall be on a garage wall facing the street no more than three feet from the house corner nearest the garage doors.
39. Any non-standard traffic signs shall be maintained by the homeowners association or associations.
40. Temporary signage located on State Route 48 and Lytle Five Points Road shall not be located across from existing residential dwellings.
41. The developer shall cause the homeowner's association or associations, including a master association for common or shared amenities and infrastructure when more than one homeowners association is required, to be created as required in condition number 15, and the creation of the homeowners association and its by-laws or code of regulations relating to the operation of the homeowners association shall be incorporated into the declaration of covenants which shall be recorded of public record in the offices of the Warren County Recorder and Montgomery County Recorder. The declaration of covenants shall contain legal descriptions for all lots in the subdivision so that the Recorder's office may index the declaration of covenants in the chain of title for all lots in the subdivision.
42. The developer shall cause the exterior finishes requirements delineated in condition number 36 to be explicitly provided for in the declaration of covenants including enforcement of the covenants by the homeowners association or associations, and to allow for discretionary enforcement by the Board of Clearcreek Township Trustees upon the failure of the homeowners association or associations to do so.
43. The developer shall cause an Architectural Review Committee to be created as required in condition number 37 and establish procedural and substantive rules and regulations for the review and enforcement processes by the Architectural Review Committee. The creation of the Architectural Review Committee and the procedural and substantive rules and regulations for the review and enforcement processes shall be incorporated into the declaration of covenants which shall be recorded of public record as provided in condition 41.

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Mr. Wade moved to adopt the foregoing Resolution.

Mr. Lamb seconded the motion and upon the call of the roll the following vote resulted:

Dr. McDonald- yea
Mr. Wade- yea
Mr. Lamb- yea

Resolution adopted at a regular public meeting conducted December 9, 2009.

**THE BOARD OF CLEARCREEK
TOWNSHIP TRUSTEES**



