

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 99045

Resolution No. 4159

Passed February 8, 2012, 20

CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION TO APPROVE THE APPLICATION BY DAVID OAKES, AGENT FOR VWC HOLDINGS LTD TO AMEND THE CLEARCREEK TOWNSHIP ZONING RESOLUTION AND MAP FOR A TOTAL OF 19.73 ACRES OF LAND.

THE REZONING REQUEST IS WITHIN A 175.2031 ACRE TRACT OF LAND THAT HAS ROAD FRONTAGE ON STATE ROUTE 48 AND LYTLE FIVE POINTS ROAD. THE REZONING REQUEST IS IN THE VILLAGES OF WINDING CREEK SUBDIVISION, IN AN AREA THAT WAS APPROVED TO CONTAIN A BUSINESS NODE (16.71 ACRES) AND AREAS APPROVED TO CONTAIN ROAD RIGHT-OF-WAY AND OPEN SPACE (3.02 ACRES). THE PROPERTY IS FURTHER IDENTIFIED BY PARCEL ID NUMBER 05-27-410-0211. THE PROPERTY IS LOCATED IN SECTION 27, TOWN 3, AND RANGE 5 IN CLEARCREEK TOWNSHIP.

THE PROPOSED REZONING IS FROM RESIDENCE ZONE WITH A PLANNED UNIT DEVELOPMENT OVERLAY "R-1A PUD" TO RESIDENCE ZONE WITH A PLANNED UNIT DEVELOPMENT OVERLAY "R-1A PUD" (16.84 ACRES) AND NEIGHBORHOOD BUSINESS ZONE WITH A PLANNED UNIT DEVELOPMENT OVERLAY "B-1PUD" (2.89 ACRES).

WHEREAS the rezoning request application was received by the Clearcreek Township Zoning Department on August 11, 2011. At that time the acreage published by the Warren County Auditor's Office for Parcel ID Number 05-27-410-0211 was 197.4432 acres; and,

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

WHEREAS the proposed request for Residence Zone with a Planned Unit Development overlay "R-1A PUD" to Residence Zone with a Planned Unit Development overlay "R-1A PUD" (16.84 acres) and Neighborhood Business Zone with a Planned Unit Development overlay "B-1PUD" (2.89 acres) was DENIED by the Zoning Commission after the conclusion of that public hearing; and,

WHEREAS on October 28, 2011, the Warren County Auditor's records were updated to reflect the current acreage (175.2031 acres) published after the 2010 plats for Turning Leaf Section 2 (8.116 acres) and Legacy Section 2 (14.124 acres) were removed from the property identified by Parcel ID Number 05-27-410-0211; and,

WHEREAS on November 9, 2011, the Clearcreek Township Trustees established their public hearing to consider the proposed request for Residence Zone with a Planned Unit Development overlay "R-1A PUD" to Residence Zone with a Planned Unit Development overlay "R-1A PUD" (16.84 acres) and Neighborhood Business Zone with a Planned Unit Development overlay "B-1PUD" (2.89 acres). At the applicant's request the Trustees TABLED IN PROCESS the public hearing until January 25, 2012 at 6:30 PM; and,

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 50045

Resolution No. 4159 Passed February 8, 2012, 20

WHEREAS on January 25, 2012, the Clearcreek Township Trustees reconvened the public hearing. The applicant amended the rezoning request to include 25% open space as required by Chapter 13 of the Clearcreek Township Zoning Resolution and reduced the number of lots requested from 66 to 63. The Trustees after conducting their public hearing and considering the modified request as well as testimony from the residents of the Village of Winding Creek, directed staff to draft a resolution that addressed the specifics of the evening's discussions as well as outline the needed modifications to the preexisting PUD approvals in the form of conditions so that the matter could be brought back before the Trustees on February 8, 2012; and,

WHEREAS since spring 2011, the mechanics of the pending request have been discussed with the applicant, the Warren County Prosecutor and the applicant's attorney. Since density was established at the Stage 1 approval Resolution 2733, a rezoning or Stage 1 application is required to modify the condition. Since this is an existing subdivision and the applicant no longer holds ownership of all the lots, his request is to rezone a sub-area of the property that is under his control. This would produce a new PUD in the existing PUD; and,

WHEREAS during the public hearing process, it became clear that the interconnectedness between the 19.73 acre request and the remaining acreage of the original 422.332 acre PUD Stage 1 approval needed to be delineated; and,

WHEREAS it is the intent of the Trustees to treat this approval as an opportunity to establish standards by which the current request (R-1APUD and the B-1PUD), the platted R-1APUD and the unplatted R-1APUD will be judged at the time of Stage 2 and Stage 3 review requests after the date of this Resolution; and

WHEREAS the total combined acreage for the PUDs (current request (R-1APUD and the B-1PUD), the platted R-1APUD and the unplatted R-1APUD) is 422.332 acres; and,

WHEREAS the unplatted R-1APUD phased sections of the Villages of Winding Creek PUD approved pursuant to Resolution 3632, at the time of Stage 3 approval(s) will be built as approved while referencing changes made by this Resolution, to ensure conformity with density and open space calculations; and,

WHEREAS Trustee Resolution 2733 established the maximum acreage of the business node to be 18.98 acres, prohibited dwelling units from being located in the business node, and if the node wasn't developed, the acreage was required to become open space pursuant to a condition of approval; and,

WHEREAS Trustee Resolution 3632 approved the business node's relocation from the interior of subdivision to frontage on State Route 48 and an area north of Stone Creek BLVD and the reduction of the size to 16.71 acres; and,

WHEREAS Trustee Resolution 2733 established a minimum of 30% open space for the subdivision; and,

WHEREAS Trustee Resolution 2851 amended the minimum open space to 33.73% for the subdivision. At the time of the Resolution 17.77 acres was in the platted section, 124.73 acres was in the unplatted section; and,

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 4159

Passed February 8, 2012, 20

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees that the said application for Residence Zone with a Planned Unit Development overlay "R-1A PUD" to Residence Zone with a Planned Unit Development overlay "R-1A PUD" (16.84 acres) and Neighborhood Business Zone with a Planned Unit Development overlay "B-1PUD" (2.89 acres), be APPROVED subject to the following conditions:

1. Approval of the planned unit development (PUD) overlays (R-1APUD & B-1PUD) shall only mean approval of land uses and shall not include approval of a site plan, as this a matter for Stage 2 and Stage 3 of the PUDs.
2. Mr. David Oakes shall be designated as the spokesperson for the planned unit developments in all dealings with Clearcreek Township regardless of the number of property owners within the project. Mr. Oakes 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 developments.
3. Final detailed site plan approval shall be in accordance with the procedure set forth in Section 13.07 of the Clearcreek Township Zoning Resolution.
4. Compliance with all the Clearcreek Township Trustee conditions and requirements that may be set forth by Resolution granting the PUD overlays and compliance with Chapter 13 of the Clearcreek Township Zoning Resolution.
5. Compliance with the Warren County Subdivision Regulations.
6. Traffic analysis shall be performed to the satisfaction of the Warren County Engineer's Office regarding the business area.
7. The 19.73 acre request area is identified on the drawing The Villages of Winding Creek Stage 1 Proposed P.U.D. Plan dated January 25, 2012. This approval shall establish the approved locations of the 2.89 acre "B-1PUD" and the 16.84 acre "R-1APUD".
8. The 19.73 acre request for 63 dwelling lots is approved in concept, but requires a Stage 2 Preliminary Site Plan to identify final lot specifications. The total combined number of lots for the platted R-1APUD, unplatted R-1APUD and current request R-1APUD is capped at 809 units.
9. It is requirement of this approval that the residential component of the 19.73 acre request (16.84 acres) mimic residential development occurring elsewhere in the subdivision. This will be accomplished by requiring consistent Stage 2 conditions that address architectural and site planning previous approvals as found in Trustee Resolutions 2851, 2854 and 3632.
10. This resolution acknowledges the business node (referenced in Trustee Resolutions 2733 and 3632) is now completely contained in this request and is designated "B-1PUD" with a maximum size of 2.89 acres.
11. The following business use(s) are approved: Any local retail business or service establishment such as grocer, fruit or vegetable store, meat market, drugstore, shoe repair shop, hardware store, barber shop, clothes cleaning and laundry pick-up station, business or professional office or the like, supplying commodities or performing services primarily for residences of the neighborhood. Restaurants, soda fountains (not including dancing), dining rooms, bakery, café, bar or antique business would also be appropriate.
12. The revised January 25, 2012 request establishes 4.99 acres of open space in the 19.73 acre request area. The total combined percentage of open space for the platted, unplatted and request is 34.38% or 145.23 acres.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 20043

Resolution No. 4159 Passed February 8, 2012

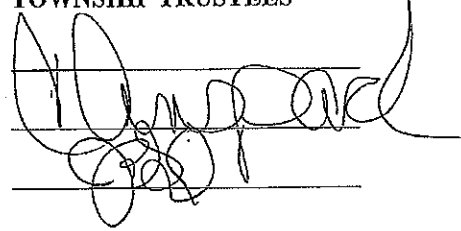
13. Home Owners Association documents shall be updated for all the platted, unplatted and request PUDs to reflect the modified number of residential units and the modified open space acreage.

Mr. Gabbard moved to adopt the foregoing Resolution. MS.
Anspach seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade - Absent
Ms. Anspach - yea
Mr. Gabbard - yea

Resolution adopted at a regular public meeting conducted February 8, 2012.

**THE BOARD OF CLEARCREEK
TOWNSHIP TRUSTEES**

A handwritten signature in black ink, appearing to be "D. Gabbard", is written over two horizontal lines. The signature is cursive and somewhat stylized.