

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 50045

Resolution No. 4325

Passed February 13, 2013

CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION APPROVING THE REQUEST OF DAVID OAKES, AGENT FOR VWC HOLDINGS LTD FOR A STAGE 2 PRELIMINARY SITE PLAN REVIEW FOR THE "VILLAGES OF WINDING CREEK" R-1A PUD, THE BOULEVARDS AT WINDING CREEK SECTION FOUR.

WHEREAS this updated submittal reduces the 19.73 acre request into a 15.77 acre R-1A PUD residential component (3.92 acres of open space) and a future 3.96 acre request comprised of a 2.89 B-1 PUD business component with a residential 1.07 acre R-1A PUD open space component. The undeveloped property has road frontage on Stone Creek BLVD. The undeveloped property is part of parcel id number 05-27-410-0220. The property is located in sections 27, town 3, and range 5 in Clearcreek Township.

WHEREAS the Warren County Regional Planning Commission reviewed and approved the Stage 2 "R-1A PUD" Preliminary Site Plan, subject to nine (9) conditions; and,

WHEREAS on October 15, 2012 the Clearcreek Township Zoning Commission reviewed and approved the Stage 2 "R-1A PUD" Preliminary Site Plan, subject to thirty-three (33) conditions that were based upon Trustee Resolution 3632; and,

WHEREAS on November 28, 2012 the Clearcreek Township Board of Trustees held a public meeting to review the Stage 2 PUD request. The Trustees tabled the request until the applicant's Stage 2 modification request to Trustee Resolution 3632 Condition 36 was reviewed by the Zoning Commission and a recommendation was presented to the Trustees; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees that the "R-1A PUD" Preliminary Site Plan for the above referenced property be APPROVED subject to the following conditions:

1. Adherence with Clearcreek Township Trustees Resolution 4159 granting the planned unit development overlay and compliance with all requirements of Chapter 13 (Planned Unit Development Regulations) of the Clearcreek Township Zoning Code.
2. Compliance with all requirements of the Ohio Department of Transportation (ODOT).
3. Approval of all points of intersection by the Warren County Engineer and/or Ohio Department of Transportation, as applicable by jurisdiction.
4. 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.
5. 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.
6. 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.
7. Compliance with the Ohio Environmental Protection Agency, National Pollution Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction.

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8. 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.
9. 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.
10. Compliance with all requirements of the Montgomery County Sanitary Engineering Department, prior to final plat approval.
11. 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.
12. A preliminary site plan (Stage 2) outlining use(s), square footage, elevations, material lists, landscape plan, signage plan and lighting shall be submitted for the proposed 2.89 acre B-1PUD retail area and 1.07 acre R-1A PUD Open Space area at such time that development is proposed.
13. Compliance with the Warren County Subdivision Regulations subject to any approved variances.
14. 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.
15. The location of signage shall conform to the Signage Exhibit received October 9, 2012.
16. 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.
17. 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.
18. Minimum dwelling unit livable area sizes for the following average lot types:
55' lots - 1,400 sq ft.
19. Minimum lot size, required setbacks and frontage requirements shall be approved in conformance with Villages of Winding Creek, the Boulevards at Winding Creek Section Four Warren County Ohio Cover Page, and corresponding sub pages of the Preliminary Plat received October 9, 2012 with the following clarifications:
 - a. Lots designated as an average 55' frontage:
 1. Maximum number of lots is 63.
 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. 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'.
 4. Setbacks:

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- 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'.
20. Open space shall generally exist as depicted in the Villages of Winding Creek, The Boulevards at Winding Creek Section Four, Warren County Ohio Cover Sheet, received October 9, 2012.
 - a. The open space for the 15.77 acre R-1A PUD, shall be a minimum of 3.92 acres.
 - b. The open space exhibit received August 21, 2012 depicts the combined total between this R-1A PUD and the other R-1A PUD to be 145.92 acres. This document shall be updated prior to Stage 3 approval.
21. Approval of the pedestrian pathways as identified in The Villages of Winding Creek, The Boulevards at Winding Creek Section Four, Warren County Ohio, Preliminary Plat, received October 9, 2012 with the following exceptions:
 - a. 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.
 - b. At the time of Stage 3 submittal, an updated Signage Plan shall be submitted indicating the location of the signs.
 - c. At the time of the Stage 3 submittal, a sign design shall be submitted.
22. The perimeter and streetscape landscape buffers shall be approved as identified in The Villages of Winding Creek, The Boulevards at Winding Creek Section Four, Warren County Ohio, Preliminary Plat, received October 9, 2012 with the following modifications:
 - a. 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.
 - b. 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.
23. Street width and curb design as determined by the Warren County Engineer's Office.
24. Parking shall be permitted on one side of local streets on the side of the street opposite of the fire hydrant locations.
25. Street names shall be determined at the time of the preliminary plat.
26. Trustee Resolution 3632 approved the amenity plan for the Villages of Winding Creek R-1A PUD. Those documents were received August 27, 2009, October 6, 2009 and October 13, 2009 were approved with the following clarifications:
 - a. If an amenity is identified to exist within a phasing section, it shall be built at the same time as the public improvements.
 - b. The 15.77 acre R-1A PUD will have access to the Villages of Winding Creek amenities:
 1. Existing clock tower in roundabout.
 2. Open Space.
 3. Walking paths.

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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.
 7. Clubhouse/community center
 8. Pool Area
 9. Basketball cloverleaf
 10. Children's play area
27. The exterior finishes for the average lots identified as 55', 70', and 90' lots shall be guided by the following requirements:
1. Front Elevations shall be comprised of one of the following material options:
 - a. Full brick (100%).
 - b. Full stone (100%).
 - c. Combination of brick and stone (totaling 100%).
 - d. Minimum of 25% brick or stone, inclusive of a three foot water ledge of brick or stone. Maximum of 75% with varied patterns of cementitious fiberboard.
 2. Side and Rear Elevations for first floor of a single story or two story dwelling unit shall be comprised of one of the following material options:
 - a. Full brick (100%).
 - b. Full stone (100%).
 3. Side and Rear Elevations for the second story of a two story dwelling unit shall be comprised of one of the following material options:
 - a. Full brick (100%).
 - b. Full stone (100%).
 - c. Cementitious fiberboard (100%)
 4. Trim materials shall be comprised of one or more of the following materials:
 - a. Reinforced vinyl.
 - b. Aluminum.
 - c. Wood sheathed in vinyl or aluminum.
 - d. EIFS
 - e. Cementitious fiberboard.
 5. Roof materials shall be comprised of the following materials:
 - a. Dimensional asphalt shingles.
 6. Accent roof materials shall be comprised of one or more of the following materials:
 - a. Dimensional asphalt shingles.
 - b. Standing seam metal.
 - c. Painted metal.
 - d. Copper.
28. 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.
29. 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.
30. Any non-standard traffic signs shall be maintained by the homeowners association or associations.

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31. 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 11, 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.
32. The developer shall cause the exterior finishes requirements delineated in condition number 27 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.
33. The developer shall cause an Architectural Review Committee to be created as required in condition number 28 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 31.

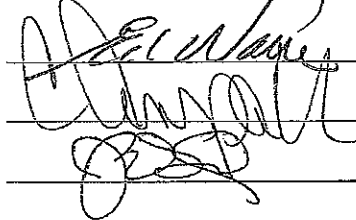
Mr. Gabbard moved to adopt the foregoing Resolution.

Ms. Anspach seconded the motion and upon the call of the roll the following vote resulted:

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

Resolution adopted at a regular public meeting conducted February 13, 2013.

THE BOARD OF CLEARCREEK
TOWNSHIP TRUSTEES



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