

# RESOLUTIONS

Patent Legal Book, Inc., Form No. 2004

Resolution No.

3209

Passed

March 15, 2007

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

A RESOLUTION Approving THE PRELIMINARY SITE PLAN, STAGE 2 REQUEST OF DAVID OAKES, AGENT FOR SORAYA FARMS INC, THE PROPERTY HAS R-1 PUD AND B-1 PUD ZONING CLASSIFICATIONS.

WHEREAS the property is located at 9467 State Route 48 and is 172.277 acres in size. The parcel identification number is 05-27-176-0150 and account number 0109291. This property is in Section 27, Town 3 and Range 5 in Clearcreek Township; and,

WHEREAS the Warren County Regional Planning Commission reviewed and approved the Stage 2 R-1 PUD and B-1 PUD Preliminary Site Plan, subject to twenty-six (26) conditions; and,

WHEREAS the Clearcreek Township Zoning Commission reviewed and approved the Stage 2 R-1 PUD and B-1 PUD Preliminary Site Plan, subject to twenty-seven (27) conditions; and,

WHEREAS the Agent for Soraya Farms submitted an updated application on February 7, 2007 for the purpose of addressing issues raised at the Warren County Regional Planning Commission, Zoning Commission, Fire Department, Police Department and Zoning Department; and,

WHEREAS on February 15, 2007 the Board of Clearcreek Township Trustees reviewed the Stage 2 R-1 PUD and B-1 PUD Preliminary Site Plan. The issue was tabled until March 1, 2007; and,

WHEREAS on February 28, 2007 the Agent requested the issue be tabled for an additional two weeks. On March 1, 2007, the Board of Clearcreek Township Trustees tabled the request until March 15, 2007; and,

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

1. Adherence with rezoning Resolutions 2492 and 3042, as determined by the Clearcreek Township Trustees.
2. 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.
4. Submission of additional traffic analysis, at developer expense to aid in determination of the appropriate location for access along the project entry drive approaching State Route 48 by the Warren County Engineer.
5. The project entry drive and northern "wishbone" drive that stubs to the 168 acre property to the west shall be constructed to collector street standards.
6. A street stub shall be provided to the northern connection of Mintwood Road, in the adjoining Centerville Forest Subdivision.
7. Submission of geotechnical analysis, at developer expense, for roadway proposed in areas of hydric soils.
8. Temporary turnarounds, to Warren County specifications, shall be provided at all street stub locations.

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Draft Resolution, Inc. Form No. 5018

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9. 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.
10. 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.
11. Parking shall be permitted on one side of all local public streets and private streets on the side of the street opposite of the fire hydrant locations. The former shall be posted.
12. Parking shall be prohibited on collector public streets. The former shall be posted.
13. Condominium Streets shall be privately maintained. The minimum width of pavement and gutter in the easement for the private street must be twenty-nine (29) feet.
14. Road medians shall be designed to have a drainage collection system, so that water doesn't spill unto the travel lanes of pavement.
15. Street names shall be determined at the time of the preliminary plat.
16. Approval of interior circulation in the Village Center Retail as determined by the Warren County Engineer, in conjunction with the Clearcreek Fire District. Fire lanes are to be posted in all areas around the circumference of the commercial buildings that are not designed as parking or loading. Additional spaces may be needed to be marked and eliminated pending the location of Fire Department Sprinkler Connections. A copy of all building and fire protection system plans shall be submitted, prior to zoning approval to the Clearcreek Fire District at 925 South Main Street, Springboro OH 45066.
17. When ODOT determines the need for bike path to be connected to the northern and/or southern property lines, the Homeowner's Association will construct the areas classified as future bike path on Soraya Farms Preliminary Plat (C1.04) received February 7, 2007.
18. Parking Lots shall be monitored by cameras. Non-use hours from dusk until dawn half of the parking lot light poles will remain turned on to aid police patrol of the site. Vegetation close to the Village Retail Center structures and Clubhouse shall be maintained and accent lights shall be oriented upward to aid pedestrian safety. The former can be coordinated with the Clearcreek Township Police Department.
19. Wall pack lights if used shall be appropriately shielded. The final site plan must demonstrate that no direct light source is visible (wall pack and pole-mounted lights) at ground level at adjacent residentially zoned property lines and State Route 48.
20. Approval of a stormwater drainage plan and compliance with the Rules and Regulations for the Design of Stormwater Management Systems. Five hundred (500) year flood plain shall be depicted on the final site plan.
21. Compliance with the Ohio Environmental Protection Agency, National Pollution Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction. Bioretention, wetland pre-treatment and/or extended detention will be required to address the quality of stormwater runoff.
22. 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.

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Dayton Capital Blank, Inc., Form No. 06016

Resolution No. 3209

Passed March 15, 2007, 20\_\_

## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

23. Submission of a wetland determination, at developer expense, due to the presence of hydric (Brookston silty clay loam) soils, subject to review by the U. S. Army Corps of Engineers.
24. Prior to approval of the final site plan, 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.
25. All sanitary sewer main line extensions are services are to be constructed in accordance with Montgomery County rules, regulations and specifications.
26. Approval of the Signage Plans as submitted:
  - a. Single Family Residential Subarea and Condominium Subarea:  
Maximum height 8', Maximum size per sign is 7 square feet, Cumulative signage is 150 square feet.
  - b. Clubhouse Subarea: Maximum height 8', Maximum size per sign is 7 square feet, Cumulative signage for the subarea is 30 square feet.
  - c. Village Center Retail Subarea:
    - i. Entry Towers: Maximum height 15', Maximum size per sign is 32 square feet, Cumulative signage for the subarea is 64 square feet.
    - ii. Tenant Wall Signage: Maximum height unspecified, Maximum size per tenant façade is 25 square feet, Cumulative signage for wall signs in the subarea is 1450 square feet, Maximum number of signs is 49.
    - iii. Tenant Window Signage: Maximum sign size per tenant façade is 4 square feet.
    - iv. Tenant Sandwich Board Signage: No size specified, no maximum number specified.
    - v. (Soraya Farms Development Text received February 7, 2007, Soraya Farms Exhibit D-2 received February 7, 2007, Landscape Plan (L1.01, L1.02 and L1.03) received February 7, 2007.
27. Any non-standard traffic signs shall be maintained by the Homeowner's Association or Associations.
28. Temporary signage located on State Route 48 and Lytle Five Points Road shall not be located across from existing residential dwellings.
29. The location of signage shall conform to the locations identified on Soraya Farms Exhibit D-1 Sign Plan received February 7, 2007.
30. Compliance with Chapter 16 (Parking and Loading Regulations) of the Clearcreek Township Zoning Resolution.
31. Open space shall account for thirty-one (31) percent or 52.94 acres of the development as depicted on the Soraya Farms Overall Plat (C1.02) and Soraya Farms Exhibit C Openspace Plan received February 7, 2007.
32. Compliance with Chapter 17 (Buffer and Screening) of the Clearcreek Township Zoning Resolution, except for the western boundary of the property and along the northern boundary of the property where it touches Montgomery County. A parking lot buffer is all that is required along the southern, western and northern boundary of the B-1 PUD subsection. A streetscape buffer shall be required along State Route 48.

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County Legal Blank Inc. Form No. 33014

Resolution No.

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Passed March 15, 2007

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

33. Approval of the interior landscape along the new subdivision roads and pedestrian pathways as identified on the Soraya Farms Exhibit C - Openspace Plan, Exhibit B Tree Plan, Preliminary Plan (C1.03, C1.04, C1.05), Landscape Plan (L1.01, L1.02, L1.03, L1.04, L1.05, L1.06 and L1.07) received February 7, 2007 with the following exceptions:
- a. In road medians, 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 two entrances to the development.
    - v. Cul-de-sac planting shall conform with the Cul-De-Sac Island Planting received February 26, 2007.
    - vi. The vegetation will be maintained by the Homeowner's Association.
  - b. The document Leahy Berming/Landscape Plan received February 26, 2007 shall serve as the document by which the trail will be realigned as well as the location of the buffer to the Leahy property. The design of the berm and the minimum size of the evergreen trees shall conform to Chapter 17 of the Clearcreek Township Zoning Resolution.
34. All trails shall have a distance marker located every 1/8 of a mile which indicates the direction of compass, distance along the trail and name of trail.
35. Trash receptacles shall be located along all trails for the purpose of waste collection. These receptacles shall be securable to prevent tipping and an infestation of varmints.
36. The perimeter landscape buffer shall be approved as identified in Soraya Farms Perimeter Landscape Plan (L1.04, L1.05, L1.06 L1.07) received February 7, 2007 with the following modifications:
- a. No final plat shall be approved without meeting the expectations of Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution.
  - b. No credit shall be issued for existing vegetation unless it is depicted on a landscape plan.
  - c. A conservation easement shall be recorded along the boundaries of the single family dwelling lots that are coincident with the Centerville Forest Subdivision. The easement shall be 25' in depth and vegetation as identified in Soraya Farms Perimeter Landscape (L1.04) be maintained through time or that the vegetation shall be replaced per Section 17.06 (Option 5) of the Clearcreek Township Zoning Resolution.

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Dayton LegalMark, Inc., Form No. 00045

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

37. The State Route 48 Streetscape landscape buffer shall be approved as identified in Soraya Farms Landscape Plan (L1.01, L1.03) and Development Text received February 7, 2007 with the following modifications:
- Chapter 17 Buffer and Screening of the Clearcreek Township Zoning Resolution shall serve as the guide for minimum trees size, location and quantity.
  - A continuous earth mound shall be no less than four (4) feet in height as measured from the elevation of the proposed State Route 48 road pavement. This mound shall be located parallel to State Route 48 and run from the northern to the southern property line of the "B-1PUD" zoned property. Vegetation shall be located on the mound to maximize screening of business area from road right-of-way.
  - Along the "R-1PUD" zoned property the streetscape buffer shall have earth mounds that mimic the Villages of Winding Creek residential development. Refer to Villages of Winding Creek, Landscape Concept Details, Typical Entry and Roadway Buffer Planting, Received January 14, 2005 as the guide for mound height, vegetation location and quantity. The mounds shall be located parallel to State Route 48 and run from the northern to the southern property line of the "R-1PUD" zoned properties.
38. Compliance with Chapter 29 (Lighting Regulations) of the Clearcreek Township Zoning Resolution. Lighting fixtures for the retail/clubhouse and pathways shall be as represented in the documents (2A-2M) provided February 26, 2007.
39. Zoning setbacks for structures in the Condominium Section of the PUD shall be measured from dedicated road right-of-way (ROW) and/or defined easement of right-of-way and/or property line.
40. Minimum dwelling unit livable area sizes will be: Single-Family Detached 1,800 sq ft, Two-family Condo 1,800 sq ft per unit, Four-family Condo 1,700 sq ft per unit as identified in the Soraya Farms Development Text received February 7, 2007.
41. Minimum lot size, and frontage requirements shall be approved in conformance with the Soraya Farms Cover Page (C1.00), Development Text and Lot Width Plan received February 7, 2007.
42. Minimum Building Setbacks shall be: Single Family Detached: Front Yard 40', Side Yard for Lot Size 55'-74' 6' per side, Lot Size 75'-84' 7' per side, Lot Size 85' and greater 8' per side, Rear Yard 25'. Condominium: Front Yard along Public Roads 30', Front Yard along Private Roads 10', Setback from Centerville Forest 50', Setback from Western Boundary of Village Retail Center 10', Setbacks from Northern Boundary of Village Retail Center 10'. Village Retail Center: Front Yard along Public Roads 20', Side Yard 5' per side, Rear Yard 5'.
43. Due to the proposed reduced front yard building setbacks, double width driveways shall be provided to ensure adequate off-street parking exclusive of garage spaces. Such parking shall not encroach across sidewalks.

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DeVot Legal Blank, Inc., Form No. 33045

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

44. There shall be a uniform location for house numbers. House number signs shall be a minimum of eight (8) inches by eight (8) inches, mounted six (6) 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 (3) feet from the house corner nearest the garage doors. For Condominium areas the following additional requirements shall be applicable: a second house number sign shall be located on the street side of the building.
45. Homeowner's Association(s) shall be created to own and maintain all common open space, including median strips, retention and common amenities.
46. 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 Homeowner's Association is required, to be created and the creation of the Homeowner's Association and its by-laws or code of regulations relating to the operation of the Homeowner's Association shall be incorporated into the declaration of covenants which shall be recorded of public record in the offices of the Warren 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. The declaration of covenants shall be reviewed by the Clearcreek Township Zoning Official for conformance with the conditions of approval. The declaration of covenants shall also contain an approval clause for signature by the Board of Clearcreek Township Trustees and such approval shall be required before the developer records the declaration of covenants of public record.
47. The developer shall outline the use and maintenance of trails, clubhouse for members of the development and non-members of the development.
48. The developer shall cause the exterior finishes requirements to be explicitly provided for in the declaration of covenants including enforcement of the covenants by the Homeowner's Association or Associations, and to allow for discretionary enforcement by the Board of Clearcreek Township Trustees upon the failure of the Homeowner's Association or Associations to do so.
49. The developer shall cause an Architectural Review Committee to be created 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 above.
50. Submission of preliminary and final plans, in compliance with the Warren County Subdivision Regulations.

# REC ID OF RESOLUTIONS

Official Legal Blank, Form No. 3024E

Resolution No. 3209

Passed March 15, 2007, 2007

## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

### 51. Architectural requirements:

#### a. Single-Family Residential, Clubhouse and Condominium

- i. Four sided architectural appearance shall be required so that similar architectural design elements and details shall be utilized throughout all elevations of the structure. All building elevations shall be articulated with consistency of detailing.
- ii. Exterior Materials
  1. Brick
  2. Stone
  3. Manufactured Stone
  4. Wood -- Cedar or Redwood
  5. Cementitious Sideboard
  6. Stucco -- limited to a maximum of forty (40) percent of each elevation.
  7. Maintenance-free vinyl
  8. Trim: EIFS Cementitious Fiberboard, Reinforced Vinyl, Aluminum or wood sheathed in vinyl or aluminum
- iii. Colors for Body and Trim
  1. Earth tones or subdued in nature.
- iv. Roof Materials
  1. Dimensional Asphalt Singles.
- v. Garage Doors (where applicable)
  1. Shall include but not be limited to panel doors to coordinate with architecture.

#### b. Village Center Retail:

- i. Four sided architectural appearance shall be required so that similar architectural design elements and details shall be utilized throughout all elevations of the structure. All building elevations shall be articulated with consistency of detailing.
- ii. Exterior Materials
  1. Brick
  2. Wood -- Cedar or Redwood
  3. Cementitious Sideboard
  4. Stucco -- limited to a maximum of forty (40) percent of each elevation.
  5. Stone
  6. Manufactured Stone
  7. Maintenance-free vinyl
  8. Wood trim
- iii. Colors for facade
  1. Earth tones or subdued in nature.
  2. Roof and facades will be coordinated to compliment each other.
- iv. Colors for trim
  1. Earth tones, muted and natural tones.
  2. Exterior finish products shall not be high gloss or high chroma colors.
- v. Roof Materials
  1. Dimensional Asphalt Singles.

# RECORD OF RESOLUTIONS

Dwyco Legal Blank, Inc. Form No. 60016

Resolution No.

3209

Passed March 15, 2007

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

### vi. Garage Doors

1. Shall include but not be limited to panel doors to coordinate with architecture.

(Development Text: Received February 7, 2007)

- c. Building I Soraya Farms Landscape Plan (L1.04) received November 28, 2006, Architectural Drawings received February 7, 2007.
    - i. Staff calculated total footprint to be 7,322 square feet.
    - ii. Up to six individual units.
    - iii. Range of square footage for units 1,200 to 1,342 square feet.
    - iv. Patio area approximately 783 square feet.
  - d. Building II Soraya Farms Landscape Plan (L1.04) received November 28, 2006, Architectural Drawings received February 7, 2007.
    - i. Staff calculated total footprint to be 7,322 square feet.
    - ii. Up to six individual units.
    - iii. Range of square footage for units 1,200 to 1,342 square feet.
    - iv. Patio area approximately 783 square feet.
  - e. Building III Soraya Farms Landscape Plan (L1.04) received November 28, 2006, Architectural Drawings received February 7, 2007.
    - i. Staff calculated total footprint to be 4,360 square feet.
    - ii. Up to three individual units.
    - iii. Range of square footage for units 1,400 to 1,480 square feet.
  - f. Building IV Soraya Farms Landscape Plan (L1.04) received November 28, 2006, Architectural Drawings received February 7, 2007.
    - i. Staff calculated total footprint to be 8,460 square feet.
    - ii. Up to six individual units.
    - iii. Range of square footage for units 1,300 to 1,480 square feet.
52. The following items will be defined as amenities for Soraya Farms:
- a. Open Space as identified on Soraya Farms Exhibit C Openspace Plan, received February 7, 2007.
  - b. Trail network as identified on Soraya Farms Exhibit C Openspace Plan, Preliminary Plat (C1.03, C1.04 and C1.05) received February 7, 2007 and Leahy Berming/Landscape Plan received February 26, 2007.
  - c. Clubhouse as identified on Soraya Farms Landscape Plan L1.02, and Architectural Drawings received February 7, 2007.
  - d. Pool as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
  - e. Tennis and Volleyball Court as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
  - f. Overlook Structure as identified on Soraya Farms Landscape Plan L1.02 received February 7, 2007.
  - g. Ponds as identified on Soraya Farms Preliminary Plat (C1.04, C1.05) received February 7, 2007.
  - h. Clubhouse amenities and retail amenities as identified on the documents received February 26, 2007.
  - i. If an amenity is identified to exist within a phasing section, it shall be built at the same time as the public improvements.
  - j. Recreational amenities shall be installed prior to final site plan approval for twenty (20) percent of the proposed residential dwellings.



# RECORD OF RESOLUTIONS

02/20/07 Lead Sheet, Jr., Form No. 00015

Resolution No. 3209

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## CLEARCREEK TOWNSHIP WARREN COUNTY, OHIO

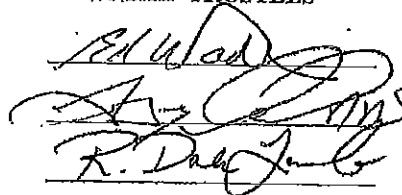
53. Provision of sufficient hydrants for fire suppression activities, at developer expense, as determined by the Clearcreek Fire District, prior to final site plan approval. Hydrant locations are to be approved by the Clearcreek Fire District, submit fire hydrant plans for approval prior to installation. If the Clubhouse or Village Retail Center buildings are fitted with a fire sprinkler system, the fire department sprinkler connection (FDC) shall be located within 75 feet of a fire hydrant and at least 40 feet from the building, measured by a manner approved by the Fire Official. The FDC shall consist of a 5 inch Stortz connection with a 30 degree downturn. The location of the FDC shall be approved by the Fire Official. A water flow test of the public water system shall be conducted in the presence of the Fire Official prior to submission of system calculations. The facilities must install a Knox Key Box. The information for the purchase and installation of the key box shall be obtained by contacting the Fire Official. The location of the key box must be approved by the Fire Official.
54. Nighttime deliveries are discouraged. In the event that adjoining property owners report problems, the Trustees reserve the right to set time limitations on deliveries.
55. Annual inspections of the PUD will occur every July. The intent of the inspection by the Zoning Department is to verify that the vegetation in the buffers, vegetation around the building and parking areas, building materials, and building conditions are being maintained on an ongoing basis and the property continues to be maintained like it was first constructed. If the quality of any of the former is noted to be degraded by the Zoning Department the property owner will be required to make improvements within 90 days of notification.

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

Mr. Wade - Yea  
Dr. McDonald - Yea  
Mr. Lamb - Yea

Resolution adopted at a regular public meeting conducted March 15, 2007.

THE BOARD OF CLEARCREEK  
TOWNSHIP TRUSTEES



Handwritten signatures of the Board of Clearcreek Township Trustees, including names like Ed Wade, Dr. McDonald, and Mr. Lamb.

