

Resolution No. 5222

Passed

May 11

2020

**CLEARCREEK TOWNSHIP
WARREN COUNTY, OHIO**

**A RESOLUTION TO APPROVE/MODIFY/DENY THE STAGE 1 PUD
APPLICATION TO AMEND THE ZONING RESOLUTION AND MAP OF 1.976
ACRES, IDENTIFIED AS 1555 E SR 73, PARCEL NUMBER 05-25-400-028,
LOCATED IN SECTION 25, TOWN 3, AND RANGE 5, IN CLEARCREEK
TOWNSHIP, FROM NEIGHBORHOOD BUSINESS PLANNED UNIT
DEVELOPMENT "B-1PUD" TO NON-RESIDENTIAL PLANNED UNIT
DEVELOPMENT "NR-PUD," AND DISPENSE WITH THE SECOND
READING**

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

WHEREAS, on February 5, 2004 via Trustee Resolution 2709, the zoning for the property was changed from Neighborhood Business "B-1" to Neighborhood Business Planned Unit Development "B-1PUD". Since that time, the property owner hasn't continued with the PUD approval process and the property only has a Stage 1 PUD approval. The pre-existing structures have cycled through tenants since that approval.

WHEREAS, the agent is asking for the approved use list (Trustee Resolution 2709) to be expanded to include spirits distillery. The Neighborhood Business "B-1" list of permitted uses doesn't include the distilling of alcohol that is found in a brewpub (General Business "B-2") or alcohol bottler (Light Industry "M-1").

WHEREAS, on April 6, 2020, the Zoning Commission moved to APPROVE the Neighborhood Business Planned Unit Development "B-1PUD" to Non-Residential Planned Unit Development "NR-PUD" zone change and Stage 1 PUD request utilizing Trustee Resolution 2709 as the basis for conditions and adding the use of a brewpub.

NOW THEREFORE BE IT RESOLVED by the Board of Clearcreek Township Trustees that the said application for Non-Residential Planned Unit Development "NR-PUD" for a total of 1.976 acres be

APPROVED/MODIFIED/DENIED with the following conditions:

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

RECORD OF RESOLUTIONS

Form 6301

Resolution No. 5722

Passed May 11, 2020

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 and approved 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. A Brewpub is permitted.
9. Warehouse/storage is permitted for a maximum of 7,200 square feet.
10. Approval of a driveway permit and determination of necessity of road improvements by the Ohio Department of Transportation (ODOT).
11. Compliance with the Warren County Subdivision Regulations.

BE IT FURTHER RESOLVED, by the Board of Clearcreek Township Trustees upon majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading at the earliest date allowable by law.

Mr. MUTERSPAW moved to adopt the foregoing Resolution. Mr. GABBARD seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade	- YEA
Mr. Gabbard	- YEA
Mr. Muterspaw	- NAY

Resolution adopted at a regular public meeting conducted May 11, 2020.

**THE BOARD OF
CLEARCREEK TOWNSHIP TRUSTEES**

**Law Director Bryan Pacheco
Approved as to form**

[Signature]

[Signature]

[Signature]
[Signature]