

CITY OF CLAYTON, OHIO

RESOLUTION NO. R - 04 - 25 - 39

A RESOLUTION AFFIRMING ORDINANCE NO. O-01-25-02 AND FURTHER AUTHORIZING AND DIRECTING THE MONTGOMERY COUNTY, OHIO BOARD OF ELECTIONS TO CONDUCT AN ELECTION OF THE ELECTORS OF THE CITY OF CLAYTON, OHIO AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2025 ON THE QUESTION: SHALL ORDINANCE NO. O-01-25-02 WHICH ADOPTED THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE, WITH SPECIFIED CONDITIONS, THE APPLICATION OF SDG WARNER VILLAGE LLC FOR A CHANGE IN ZONING FROM RESIDENTIAL SINGLE UNIT DISTRICT (RSD) TO PLANNED DEVELOPMENT DISTRICT (PDD) AND TO FURTHER APPROVE THE PRELIMINARY DEVELOPMENT PLAN FOR 183.1044 ACRES OF PROPERTY LOCATED NEAR THE INTERSECTION OF SWEET POTATO RIDGE ROAD AND MAIN STREET BEARING PARCEL I.D. NO. M60 03010 00001 WITHIN THE CITY OF CLAYTON, OHIO BE APPROVED?

WHEREAS, per City of Clayton Charter Section 10.04(A)(4), a Notice of Acknowledgment may be approved by Council via Resolution; and

WHEREAS, on or about November 6, 2024, an application was filed by the property owner, SDG Warner Village LLC, for property located near the intersection of Sweet Potato Ridge Road and Main Street consisting of Parcel I.D. Number M60 03010 0001 and containing 183.1044 acres within the City of Clayton, Ohio ("Subject Property") and requesting a zoning change for same from Residential Single Unit District (RSD) to Planned Development District (PDD) and further requesting approval of the proposed Preliminary Development Plan for said subject property; and

WHEREAS, the Clayton Planning Commission held a public hearing on December 16, 2024, on said re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon, and the Clayton Planning Commission, at said meeting, *voted to approve, with specified conditions, the re-zoning and Preliminary Development Plan request*; and

WHEREAS, the Clayton City Council held a public hearing on January 16, 2025, on the aforesaid re-zoning and Preliminary Development Plan request at which time any and all persons were given an opportunity to be heard thereon; and

WHEREAS, on March 6, 2025, Council adopted Ordinance No. O-01-25-02 (*Exhibit A*) adopting the Planning Commission's *recommendation of approval of the re-zoning and Preliminary Development Plan request for the Subject Property with specified conditions*; and

WHEREAS, a Petitioner’s Committee was formed per Clayton Charter Section 10.02 seeking the referendum of Ordinance No. O-01-25-02 and on April 10, 2025, the Montgomery County Board of Elections provided the attached Certification Form (*Exhibit B*) certifying the referendum petition contained a sufficient number of valid signatures to be placed on the ballot; and

WHEREAS, in accordance with Clayton Charter Section 10.04(A), Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter and acknowledges the substantive validity of said referendum petition.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That City Council hereby affirms Ordinance No. O-01-25-02 and, in accordance with Clayton Charter Section 10.04(A), City Council hereby determines the aforementioned referendum petition meets all other requirements of Ohio law and the Charter of Clayton and acknowledges the substantive validity of said referendum petition.
2. It is the legislative determination and order of this Council that an election shall be held within the City of Clayton, Ohio on November 4, 2025, at which election the Board of Elections of Montgomery County, Ohio, is directed and ordered to conduct an election within the City of Clayton, Ohio on the question set forth in Section 3 of this Resolution. The election shall be conducted by the Board of Elections during the regular hours of voting on such date as prescribed by the laws of Ohio. The purpose of such election shall be to submit to the electors of the City of Clayton, Ohio for their approval or rejection, the question of whether Ordinance No. O-01-25-02 proposing the approval, with specified conditions, of the application of SDG Warner Village LLC, for a change in zoning from Residential Single Unit District (RSD) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 183.1044 acres of property located near the intersection of Sweet Potato Ridge Road and Main Street bearing Parcel I.D. No. M60 03010 00001 within the City of Clayton, Ohio, be approved?
3. The ballot shall be in the following form:

“Shall Ordinance No. O-01-25-02 proposing the approval, with specified conditions, of the application of SDG Warner Village LLC, for a change in zoning from Residential Single Unit District (RSD) to Planned Development District (PDD) and to further approve the Preliminary Development Plan for 183.1044 acres of property located near the intersection of Sweet Potato Ridge Road and Main Street bearing Parcel I.D. No. M60 03010 00001 within the City of Clayton, Ohio, be approved?”

A majority affirmative vote is necessary for passage.

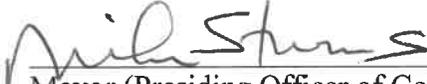
YES

NO

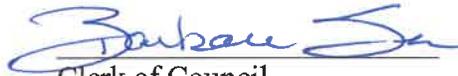
4. The Board of Elections of Montgomery County, Ohio, the Clerk of Council, the City Manager and the Law Director are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City of Clayton, Ohio at the general election required by this Resolution to be held on November 4, 2025.
5. *Upon adoption by Council of this Resolution, the Clerk of Council is hereby directed forthwith to certify a true copy of this Resolution to the Board of Elections of Montgomery County, Ohio, immediately upon its passage.*
6. That this enactment shall become effective immediately upon its adoption by Council.

ADOPTED BY COUNCIL ON APRIL 17, 2025.

AUTHENTICATION:

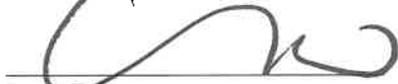


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Eaton Register Herald Date of publication April 23, 2015

Barbara Sen
Clerk