

SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, February 9, 2016

This regular meeting of the Sugarcreek Township Zoning Commission was held on Tuesday, November 10, 2015 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Mr. Schieman, Chairman, called the meeting to order at 7:00 p.m.

Mr. Schieman asked Mrs. Tilford to take roll. Upon call of the roll, the vote resulted in the following:

Mr. Schieman - Present
Mr. Betz - Present
Mr. Baldino - Present
Mrs. Hellmann - Present
Mrs. Gallagher - Absent
Ms. Moore – Present

Everyone stood for the Pledge of Allegiance.

First order of business was the election of officers for the calendar year of 2016. Mr. Baldino nominated Donna Hellman as Chairperson, which was seconded by Mr. Betz. All voted in favor of Mrs. Hellmann.

The gavel was transferred to Mrs. Hellmann.

Mrs. Hellmann asked for nominations for Vice Chairperson. Bill Schieman nominated Mr. Betz which was seconded by Mr. Baldino. All voted in favor of Mr. Betz.

Mrs. Hellmann welcomed the public on the snowy night.

Mrs. Tilford read the case ZC 12-2015, which is laid out in the staff report. She also noted that the adjacent property of 6.63 acre parcel will be incorporated into the development plan. The remaining acreage of the approximately 90 acre lot will remain A1 Agricultural. The E District standards require a minimum lot size of 2.5 acres, whereas the A1 District standards require a minimum of 5 acres lot size.

Mrs. Tilford describes the soils throughout the parcel and possibly changing this area of land into a conservation easement.

Mrs. Hellmann gave the floor to Jim Keyes for his presentation, which was followed by discussion from the public.

Mr. Jim Keyes, representing the developer Thomas Cronin, began his presentation stating the plan was to have 9 5-acre lots across the back. The middle conservation easement is clearly visible in the photographs and cannot be developed on. The rezoning request of 30 acres in the front will be developed into 10 lots. Also, 9 lots will be developed in the back of this parcel, so in total there will be 19 developed lots from this. There will be septic fields and the aforementioned conservation easements. The front lots will each be 5 acres, but the back lots have the option to be much larger.

Mr. Schieman asked why Mr. Keyes didn't bring an entire plan for these proposed properties.

Mr. Keyes replied in stating that it wasn't necessarily required at this point, this was more of an issue to rezone the 2 pieces of land to later become developments. He stated that nothing concrete would be presented (10 properties, 9 in the back) until this rezoning was approved. Once this would be approved a specific drawing would be presented in a future hearing.

Mrs. Hellmann asked if this road would match up with Ferry Road. Mr. Keyes confirmed. He also confirmed it would be a public road.

Mr. Tiffany added that it would have to be built to the county standards.

Mrs. Hellmann opened the discussion to the residents of the township.

Mr. David Pier, of 3493 Wilmington-Dayton Road, voiced his concerns and questions about the watershed from this possible development. He described the current issues of flooding across his and multiple adjacent properties from this area.

Mr. Gerry Smith, of 3455 Ferry Road, voiced his concerns about the 5 acre lots. He inquired about the value of the houses that could be built. The taxes of these properties effect the education in this district. He also stated the increase of traffic flow in this area will affect the already heavy traffic that goes through this area. He stated this could double the traffic through this area. It is a core value of Sugarcreek Township to have at least 5 acre lots. By approving this rezoning of land will discourage the core values of the township.

Mr. Keyes addressed his point stating that their Long Range Land Use Plan has followed the "gross density" requirement in place for several years. This is really the issue at hand. The plans meet the requirement of gross density when looking at the 97 acres as a whole. The rezoning is asking for a gross density Long Range Land Use Plan of 5 acres for each lot. The language, which has been instated for several years, says that the plan is complaint with the written language of the Long Range Land Use Plan.

Mr. Smith states that there shouldn't be any encouragement to develop this farmland, that "Scenic Sugarcreek" should adhere to this motto.

Mrs. Hellmann asked if there has been a traffic study done in this area.

Mrs. Tilford said no. Bob Geyer looked at this and stated that the new road be required to line up with Ferry Road, but he didn't have any reservations about the traffic generated from 19 addition homes.

Mr. Chris Metzler, of 3784 Wilmington-Dayton Road, agrees with Mr. Smith's statements. His concern is the precedence possibly set for undeveloped land near this land, if this is developed into 2.5 acre lots. His concern is related to the Minnie Brown farm land that would possibly be sold and developed in future years.

Mrs. Hellmann stated that rezoning would have to be approved for possible development of aforementioned farm land.

Mrs. Tilford stated that the land would be held to the standard of 1 unit per 5 acres, gross density for the Long Range Land Use Plan.

Mrs. Hellmann reiterated that this is not the same as the issue with development near Centerville. There were some changes in the zoning to allow some flexibility to deal with potential annexation. That is not the same as this issue.

Mr. Keyes stated that they revise their Long Range Land Use Plan every approximately 5 years, which is a public process.

Mrs. Hellmann stated that Mr. Metzler, or any resident, could be involved in the committee to change the requirements and standards of the Long Range Land Use Plan.

Mr. Rick Woosde, of 3758 Wilmington-Dayton Road, asked about the frontage minimum or maximum for these lots.

Mrs. Tilford stated that they have to have 150 ft of frontage. There are also pan handle lots that are allowed 50ft at the road and widen out to 250ft at the building line. The cul-de-sac lots are required to have 40ft of frontage.

Mrs. Mary Morris, of 2870 Denham Court in Washington Township, stated that 3 sides of her property will back up to this land. She stated that this new development will take away their CAUV unless a neighbor will allow to bring in farm equipment to farm the field. She also stated there is a creek that runs through the woods, and any drainage from the development doesn't effect the flow of this creek.

Mr. Will Woody, of 3750 Wilmington-Dayton Road, stated his main concern was the issue of traffic. With an approximation of 120 new cars added to traffic from these residences. He has heard that this road will stay a 2 lane road. He stated this is already a traffic hazard.

Mrs. Hellmann stated that the road is the county's responsibility. She asked Mrs. Tilford if there is a way to slow down the speed or post more signs for the speed limit.

Mrs. Tilford replied saying there is a process for subdivision review, which is a different process than being discussed at this meeting. This discussion is only whether or not rezoning of this land will be approved. If Bob Geyer reviews this through the subdivision process and there are improvements needed, he would be able to specify these to the developer.

Mrs. Hellmann stated the design at this point is fluid.

Mr. Woody replied with his concern of possible changes of plans after the rezoning is approved. He asked if there would be another meeting to review changes and design plans for the development.

Mrs. Hellmann and Mrs. Tilford replied that deed restrictions will be put in place, but a plan does not have to be brought before the BZC to approve. The developers would have to work with the County to deal with watershed, etc.

Mrs. Tilford also stated that this is a straight zone. The applicant is applying to rezone 30 acres and wants to develop this according to the Estate Zoning District Standards, which in this case is 2.5 acre lots and frontage of 150ft. As long as this is consistent with the Estate Zoning District Subdivision review process, the township then can approve this plan.

Mr. Woody asked if it would be at all possible to increase the lots to more than 19 houses.

Mrs. Tilford replied with no. That is the reason for the deed restrictions. This would limit the front 30 acres to 10 lots and the back acreage to 9 lots. There would be a set gross density of these areas, however the layouts of the lots could change through the process.

Mr. Shawn Smith, of 3730 Wilmington- Dayton Rd, expressed his opinions related to the front 30 acre rezoning issue. He agrees with Gerry Smith and Chris Metzler. He wants to see 5 acre lots and no less.

Mrs. Hellmann closed discussion. She asked if the board had any follow up questions for Mr. Keyes.

MR. ---- asked what the intent would be to handle the water issues of this land with further development.

Mr. Keyes clarified the question- will the water flow be blocked by potential new driveways? There is discussion on how to handle this water retention because water flows north on this property. Land will be tilled to make the ground higher to retain this water.

The middle piece of land can be made into a conservation easement which will help keep water issues at bay.

Mrs. Hellmann asked where the ridge is.

Mr. Keyes pointed out on the images that the ridge is behind the front acreage and west of the power lines.

Mr. Tiffany stated there will be a private drive established to service these houses. The goal for the conservation area is to keep it as reserved and nature as possible.

Mrs. Hellmann asked where the drive would come in from the main road.

Mr. Tiffany stated that the cul-de-sac will be put into place for larger service vehicles, ie- school buses, fire trucks, etc. to be able to reach houses in the vicinity and turn back around.

Mrs. Hellmann asked if Greene County Soil and Water would be involved in this project.

Mr. Tiffany confirmed. The water has to be retained and not drain excessively out of the property.

Mr. --- asked for clarification on the conservation easement.

Mr. Keyes replied stating that the pieces of land would be privately owned, but nothing can be built on or changed with the land. It will stay a wildlife preservation conservation area. The second purpose of this land is to separate the two developments. The price range of these lots will be by >\$600,000 on the front lots and >\$1,000,000 on the back lots. This is based on the cost of the lots and development of houses on these lots. He reiterated the conservation easement can be bought and become private property, but nothing can be built on this land.

Mr. Tiffany elaborated on the conservation easement. There will be grasses, a pond, some trees, etc planted and set up to establish the piece of land. Once that is done, no one can come in and change this land. This is specifically a nature piece of land.

Mrs. Hellmann asked what the projection on build-out for this project.

Mr. Keyes stated, that ideally, it would take at least 2-3 years. There will be about 5 specific builders developing these lots. They will then market these lots for residents. The developers would build on and sell the lots, residents will not buy the lots and build themselves.

Mr. Smith asked when the Article of Gross Density specific language was instituted.

Mrs. Tilford said it has been instituted since 2007.

Mr. Keyes said it has been in the last 2 Long Range Land Use Plans at least.

Mr. Smith asked if there was any chance of this changing.

Mr. Keyes said there would be discussion about this issue.

Mrs. Hellmann stated when there is another Land Use plan reviewed, which will be in approximately 2018 the requirements could change.

Mr. Smith asked if this acreage size could decrease or increase.

Mrs. Tilford stated that it could change and increase, but it will never decrease.

Mrs. Hellmann stated that the intent is to keep the lands rural. The conditions of everything would be reviewed by the committee and there is possibility of change.

Mr. Smith asked if these decision would be made behind closed doors.

Mrs. Hellmann responded stating no, there is a committee that would decide the specifications of the Land Use Plan.

Mrs. Tilford stated that if the committee decided to make modifications, this would be a public process.

Mrs. Hellmann closed the discussion of this issue. Public hearing of input is closed on this issue.

Mr. Schieman stated that he has some concerns about the straight zone. It is not consistent with the Long Range Land Use Plan. He is not in favor or approving these issues piecemeal.

Mr. Betz stated that he is not in favor of the rezoning. He thinks the comprehensive plan should be followed. If this is approved, it would go against this plan. Also, if the lots were set up to be less than 5 acres, adjacent parcels will come to the board and request smaller lots than 5 acres as well. He is concerned about the possible precedence set for future developments to be smaller than 5 acre lots.

Mrs. Hellmann stated that she wants to see a more detailed layout before giving her approval. She wants to see more finite plans and comprehensive plans.

Mr. Baldino stated that there is good intent here for future development, however he is not in favor of less than 5 acre lots being developed.

Mr. Tiffany reminded the board that specific layouts of the lots are not required to be presented to the board, only acreage allotment.

Mrs. Tilford stated that it is possible that 19 1-acre lots could be developed if the rest of the farm is preserved under current zoning regulations, and not need approval from the board.

Mrs. Hellmann stated that she appreciated the deed restriction that is being offered. The next property will have to meet what is allowed for that property there. Each will be handled on a case by case basis.

Mr. Tiffany stated that the language of the Long Range Land Use Plan may change in the future.

Mr. Baldino made a motion to approve this case.

Mr. Betz seconded this motion.

The committee voted to approve this case.

Mr. Baldino- yes

Mr. Betz- no

Mrs. Hellmann- yes

Mr. Schieman- no

Mr. Schleich- no

The motion did not carry, so the decision will now be sent to the Trustees. They will hear this case in their March 21st meeting.

Mr. Pier asked what he can do on his property to protect from the watershed.

Mr. Tiffany stated that damming the water is not possible because it would change the direction of the water.

Mr. Baldino made a motion to approve the December 8 meeting minutes, which was seconded by Mr. Schieman.

The committee voted to approve the minutes.

Mr. Baldino- yes

Mr. Schieman- yes

Mr. Schleich yes

Mr. Betz- no

Mrs. Hellmann- yes

Mrs. Hellmann started the new business discussion. First is the meeting date alternatives. Because the Township Association changed the date of their meeting, it affects these meetings.

Mr. Tiffany stated that about a year ago, the Township Association meeting changed from the first Tuesday to the second Tuesday of the month. He said himself, as well as the trustees has a conflict attending these and those meetings.

It was agreed to change the BZC meeting to the first Tuesday of the month.

Mr. Schieman stated that the specific language in the Long Range Land Use Plan needs to be addressed based on this meeting's discussions. The language "gross density" could cause development to proceed with lots of less than 5 acres. He suggested this language be changed to specifically say lots can be no less than 5 acres.

Mrs. Tilford added to Mr. Schieman statement that if this language would change, there would be an exception for the AC District because they have already established a gross density of 1 lot per 5 acre. She stated that if this would be discussed by the BZC and approved, it would then be sent to the Trustees for discussion and approval.

Mrs. Tilford said this would affect planning areas 3-8. The change in language would state that single family residence lots be at least 5 acres, deleting the usage of gross density, with the exception of the AC District.

Mrs. Hellmann motioned to put this discussion of the Long Range Land Use Plan specific language on the agenda for the next BZC meeting, which was seconded by Mr. Betz.

All voted in favor of this motion.

Motion carries to put this discussion on the agenda for the meeting on March 1st.

Mrs. Hellmann stated that old business included the draft plan for the flood plane overlay.

Mrs. Tilford stated that Bill will be out of town for the first Trustee meeting in march, so it was requested that the committee talk about the work session in the second meeting in March.

Mrs. Hellmann asked for any last announcements.

Mrs Tilford reminded the zoning commission that she sent information on the RPCCT and Prosecutor's Office workshops. She is still looking for RSVPs for people that haven't responded.

Mr. Schieman motioned to adjourn this meeting, which was seconded by Mr. Baldino.

All voted in favor and meeting was adjourned.