

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, AUGUST 2, 2016**

This regular meeting of the Sugarcreek Township Board of Zoning Commission was held on Tuesday, August 2, 2016 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Everyone present stood for the Pledge of Allegiance.

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

Mrs. Gallagher-present
Mr. Baldino-present
Mrs. Hellmann-present
Mr. Schieman-present
Mr. Betz-present

Mrs. Hellmann noted that there are a couple of public hearings on the agenda tonight. The first case being BZC04-2016. Mrs. Hellmann opened the public hearing.

Mrs. Tilford provided the Staff Report for BZC04-2016. Applicant, Inverness Group, Inc., is requesting Final Development Plan Approval for Section 4 of the Landings of Sugarcreek subdivision. The subject parcel is 3820 Upper Bellbrook Road, contains 85.52 acres, can be further identified by parcel number L32000100120001900, is owned by Inverness Group, Inc., and is located in the PUD-R (Residential Planned Unit Development) District. Section 4 is proposed to contain a total of 22 building lots and 14.68 acres.

Jim Obert developer at Hills Inverness said he was excited to be here again. Over the last sixty days, they have seen a lot of progress along Upper Bellbrook Road. The hiker/biker trail is completed, landscaping starts tomorrow, and irrigation is going in. The scale is appropriate. Construction has started on Section 3 and they continue to coordinate with the county as well as the city.

Homeowners in Highview Terrace had expressed concern about the drainage. They have done a lot of work on the drainage, taken a 100-year storm down to a 5-year level. He noted that Section 4 is the limits of what we can sewer coming from the front. That is the reason it stops where it does. They are holding off on the two lots. Typically, they would do this, First, he noted that they have no idea what might happen on the Tischer property as far as development plans and do not object to putting in those lots at some point. Second, they are investing a huge amount of money and would prefer to preserve our position there. If they come up with a development plan they would be happy to put in those lots and give them a connection. That is the reason they are holding off. Can they do it? Yes, but he noted that they prefer to preserve our position.

Mr. Schieman asked if any of this included the old dump site.

Mr. Obert said that it is scheduled to start clean up next week.

Mr. Schieman asked how they were going to clear the site.

Mr. Obert said it would be picked.

Mrs. Hellmann asked where the location was.

Mr. Obert advised it was just above where the old pond was.

Mr. Schieman said that previously we had discussed condition number 7 and movement toward dark sky compliant light fixtures. He asked if Mr. Obert had done any investigating.

Mr. Obert stated that he had spent a lot of time. He noted they have right now along Upper Bellbrook Rd, eight lights going in that are dark sky compliant and it took them two months to find something of a commercial nature that would fit that. What is available for a residential type fixture is even more limited. There are several LED fixtures but not many are dark sky. He noted if they wanted to do a gas station or car lot style, those are available. As far as something that meets the dark sky compliant standard that is a traditional residential design, that is very limited.

Mr. Baldino said that he cannot go to Home Depot or Lowes but he can go to a lighting center.

Mr. Obert agreed that there are some but not many. As time goes by, more will become available.

Mr. Baldino said there are residential post lights also available.

Mr. Schieman asked if the builder was part of their company.

Mr. Obert said they are two separate companies. He is in the development arm.

Mr. Schieman asked if our community wanted to limit lighting in this development, could we condition that.

Mrs. Tilford said that it was a little late now as this is the fourth final development plan approval to come through. The applicant did not want to go down the route of managing what a homeowner can put on the outside of their house.

Mr. Betz said that he has been involved in a lot of subdivisions and he has never seen a situation where he stopped a road to avoid the connectivity to the adjacent property. It is not fair to hold the Tischer's hostage.

Mrs. Gallagher asked if anyone knew what the Tischer's were going to do.

Mr. Brescia said even with the next section nothing would have happened. He noted he does not believe Mrs. Tischer is going to sell.

Mrs. Hellman said that they were going to come in and build that small section afterward so they might as well put the road in now.

Mr. Obert said he cannot control what the Board does. They are committed to build the road.

Mr. Tiffany asked what the difference is with respect to what goes on next to it if they are committed to build the road.

Mr. Obert said they don't know what will happen in the next ten to twenty years.

Mr. Tiffany stated that from a street maintenance aspect, we would like to see it go in.

Mr. Betz said we approved a preliminary plan that showed a stub there. If there was an issue, it should have come up then.

Mr. Obert said it is not an issue of building a street there at some point in the future. He noted they do not want to do it today. That is their point.

Mr. Schieman offered that we come back to this issue as time goes by.

Mr. Betz told Mr. Obert that if they have construction going on now you might as well finish it now as opposed to two to three years from now when you have houses built. It is not very efficient.

Mr. Baldino asked if sequencing of construction of lots was something we had an opinion on.

Mrs. Hellman said one development, Oak Brooke, had a stub going nowhere.

Mr. Brescia said if the Tischer's were here and were really concerned about selling then he would be really concerned about making sure that the road was in now, unless the economy bottoms out in the next two years.

Mrs. Hellman closed the Public Hearing.

Deliberation started.

Mr. Betz said he was ready to make a motion.

Mr. Schieman wanted more discussion. He said that he can see both sides.

Mr. Baldino said he goes from the left side to the right side of the conversation. He said he recommends that the section be done completely.

Mrs. Hellman said they are ready for a motion.

Mr. Betz motioned to approve ZC04-2016 with the conditions as recommended by staff subject to the following changes:

Lots 197 and 198 along with the street and all utilities shall be extended to the northern most property line as approved in the preliminary plan and prairie grass shall be added between lots 88 and 89.

Mr. Baldino seconded. Roll was called with the vote being as follows:

Mr. Betz-yes
 Mr. Baldino-yes
 Mrs. Gallagher no
 Mr. Schieman-no
 Mrs. Hellman-yes

Mrs. Hellman added that she failed to recognize that our two alternates were present for the record.

Mrs. Tilford provided the staff report for ZC Case 05-2015. Applicant, Oberer Land Developers, Ltd., is requesting a Minor Modification to an approved Final Development Plan to allow for the construction of two homes prior to the subdivision being recorded. The subject parcel is 1017 Little Sugarcreek Road, contains 21.7256 acres, can be further identified by parcel number L32000100020001200, is owned by Oberer Land Developers, Ltd., and is located in the PUD-R (Residential Planned Unit Development) District.

Greg Smith said Woodland Ridge is 85% complete. The lots have all been graded, infrastructure under the roads is in, and asphalt is on the roads, utilities should be starting this week. They are seeking bonds for the remaining improvements under their control, most notably the widening of Little Sugarcreek and turn lanes. Landscaping will be done in a few more weeks. They are delayed in getting the plat recorded and would like the ability to build two houses on the acreage tract instead of one. They have a pre-sold and a model that would like to get started on.

He gave an update on Oak Brooke. Oak Brooke has the sewer in the first section. Waterline infrastructure will start in the next week or two.

Mrs. Hellman closed the hearing

Mr. Schieman moved to approve the applicant's request. Mr. Baldino seconded. Roll was called with the vote being as follows:

Mr. Schieman-yes
 Mrs. Galagher- yes
 Mr. Betz-yes
 Mrs. Hellmann-yes
 Mr. Baldino-yes

Mr. Baldino moved to approve the July 28, 2016 minutes. Mr. Schieman seconded. Roll was called with the vote being as follows:

Mr. Baldino-yes
 Mr. Schieman-yes
 Mrs. Gallagher- yes
 Mr. Betz-yes
 Mrs. Hellmann-yes

Mrs. Hellman noted that there was no new business.

Mrs. Hellmann introduced old business discussion on agritourism.

Mrs. Tilford did some research on the semantics on the issue of 5 acres or more vs. more than 5 acres which resulted in that language being removed. This change was approved by Trustees.

The next topic was mining operations.

Mrs. Hellman noted that the history of Spring Valley and conditional use was the big issue and Mrs. Tilford was asked to include the conditional use requests in packet.

Mrs. Hellman said Ms. Hayden was here to talk about mining operations.

Ms. Hayden said that as she understood Sugarcreek Township does not have a mineral extraction district. As a result, if a land owner wanted to engage in mineral extraction activities they would need to either come to the Zoning Commission to request an addition to the zoning text or they could go to the Board of Zoning Appeals and seek a use variance. BZA approval of a use variance is very difficult to obtain. The standard for use variance is very high and they would have to prove that their land had no economic value without the use variance. This Board needs to decide if it is something that you want to allow then you will need to make changes to your Zoning Resolution and your Comprehensive Plan. Most places have land owners end up at a BZA. If the Township decides that this is not something that they want to tackle then they need to do nothing. It is not permitted now and the odds are slim for someone getting through the BZA.

Mr. Schieman said there is a lot of uncertainty and he proposes an approach that is accountable and powerful rather than an indirect approach and it gives process for landowners. We create a district and make mineral extraction a conditional use and an applicant would have to apply for a zone change.

Mr. Betz said he does not think that a mining operation belongs in this community. If we create a separate zoning district where mining is permitted, we are opening the door for people to come in.

Mr. Schieman said that the change he is proposing does not open the door. What he is trying to do is get our approval policy changed so that the elected officials have control.

Mr. Tiffany said that there is a list of permitted uses. The job of the BZC is to determine what is best for this community.

Mrs. Gallagher said let sleeping dogs lie.

Mr. Betz made motion to initiate an amendment to the Long Range Land Use Plan to prohibit mineral extraction in all planning areas. Mrs. Hellman seconded. Roll was called with the vote being as follows:

Mr. Baldino-yes

Mrs. Hellmann-yes

Mr. Betz-yes
Mrs. Gallagher-yes
Mr. Schieman-yes

Mrs. Hellmann adjourned the meeting.