

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
THURSDAY, OCTOBER 6, 2020**

This regular meeting of the Sugar creek Township Zoning Commission was held on Tuesday, October 6, 2020 via Zoom at 7:00 p.m.

Mr. Betz called the meeting to order and asked Mrs. Tilford to take roll.

Upon call of the roll, the vote resulted in the following:

Mr. Betz – present
Ms. Moore – present
Mr. Schleich – present
Dr. Mathews – present
Mrs. Hellmann – present
Mr. Baldino – absent
Mrs. Mueller – alternate present for the record

Mrs. Tilford, being duly sworn, provided the Staff Report for BZA02-2020. Applicant, Guttman Properties, LLC, is requesting a minor modification to the approved Final PUD Plan for the Grand at Sugar creek to modify condition 16 requiring a replat of the Brown's Run subdivision and for review of the elevations proposed for the twin family homes as required in condition 18. The subject property is the Grand at Sugar creek, Section 1, located at 4393 Brown Road located in the PUD-R (Residential Planned Unit Development) District.

Mr. Paul Metzger came forward on behalf of the applicant. He explained that Regional Planning suggested the recorded amendment process over the replat process, as it's an easier process to see accomplished with the same end result.

Discussion centered on the proposed elevations.

Mr. Metzger reviewed the proposed setbacks for the structures. Side yards are 5'-11" with a 5' setback requirement, rear yards at 49' with a 40' setback requirements, and front yards are 21' and 24' with a 20' setback requirement.

Mrs. Hellmann asked about the two bedroom only vs. two bedroom with den unit makeup.

Mr. Metzger indicated it is their plan to have a 50-50 split.

Ms. Moore asked about lot 11. She asked how that would sit in that property.

Mr. Metzger said lot 10 would be square with the road and they will probably angle 11 a bit so it doesn't look odd or out of place. There are easements on the west side to deal with too.

Ms. Moore asked about the lot right behind it.

Mr. Metzger stated that would be one their townhomes.

Mr. Betz stated he didn't get a copy of the grading plan that shows the mounds. He asked about screening of the adjacent residential.

Mrs. Tilford stated it isn't intended to screen the adjacent residential. The starting elevation is 976 moving to 980. There is change in grade that provides some screening.

Mr. Betz noted that landscaping would be integrated with that as well. He noted setbacks are to the structure not the patio unless it is covered, correct.

Mrs. Tilford stated to the structure. She cannot recall any discussion about keeping the patio out of the 40' setback here during the PUD process.

Mr. Betz asked about the setback on the Redwood project.

Mrs. Tilford noted she could not say off the top of her head.

Mr. Betz noted unhappiness with the Redwood project. He believes that a huge error was made not getting enough greenspace between the street and the buildings. In an effort to try to avoid that same problem he asked if it possible to move the building back closer to the rear property line. The patio is 10' x 12'. If the building is moved back 5' that may be better.

Mrs. Tilford noted, as Mr. Betz knows, the front yard setback isn't measured to the edge of the road. There is the sidewalk and the treeline within the right-of-way.

Mr. Betz concurred but said he is trying to get more green in the front.

Mr. Schleich expressed concern with moving the structures closer to the adjacent single-family residential in Brown's Run noting concerns raised by those residents during the approval process.

Mr. Betz stated it is a 40' setback to the structure required if the building is moved back 5' it is still 45' from the property line.

Mrs. Hellmann asked the benefit of staggering the units noting that is one of the issues with Redwood.

Mr. Betz noted that the units are somewhat staggered already. He noted a 45' setback to the rear yard with a landscape mound is not objectionable. He noted he is trying to avoid what was done at Redwood noting it looks terrible. He noted he is proposing the unit be pushed back 5' to get more greenspace adjacent to the street

Mr. Schleich noted that the residents adjacent to this development were pushing for a 50' setback there.

Mrs. Tilford stated that is generally a 50' perimeter setback reduced to 40'

Mr. Metzger objected to any discussion on changes to setback requirements. They are not here to revisit previously approved setbacks.

Mr. Betz stated this is the first time we are seeing the layout of these lots.

Mrs. Tilford noted that building envelopes were approved during the Final PUD Plan process; the setbacks were established then as 20' front, 5' side and 40' rear.

Mr. Betz stated he sees no issue pushing the envelopes back, the envelopes are still the envelopes. Why cant we do that?

Mrs. Tilford noted what Mr. Metzger is saying is they want to be able to build to those approved setbacks. This is an elevation review, not a review of setbacks not an opportunity to force a 25' setback when 20' was approved

Ms. Moore questioned the impact of 5'.

Mr. Betz stated he would like to see more greenspace along the street.

Mr. Metzger stated an unwillingness to reopen a discussion on setbacks.

Mr. Betz stated he is not proposing to change the setbacks.

Mrs. Tilford stated you are asking for a 25' front yard setback where a 20' front yard setback was approved. `

Mr. Betz stated he is not changing a minimum of 20' and a rear of 40'. He is allowing them to stay within the setback limits. He is not changing any of that. He is just saying move it back.

Mrs. Tilford stated what you are saying is you want to change the 20' minimum to a 25' minimum.

Mr. Betz stated he isn't changing the envelope.

Mr. Schleich stated to Mr. Betz that he believes he is.

Mr. Betz stated he understands why Mr. Schleich is fighting for this because his neighbor wanted 50'.

Mr. Metzger stated that he is comparing apples to oranges. Redwood is a flat elevation, we are not. This product is not Redwood. He noted that are not here to discuss changing previously established setbacks.

Mrs. Hellmann stated that they have moved back on the setback as is; they aren't at the minimum that was established.

Mr. Metzger stated that was correct. Patios aren't counted in to the setback, but if he needs to build decks instead of patios because of grade, which is totally possible, coming back off that setback is going to be problematic. Decks are considered when measuring setback. He is not looking to lose any flexibility. Also pushing back 5' means 5' longer driveways, 5' longer water services, not a huge deal but a consideration for us. He noted he appreciates Mr. Betz's concerns, but our product is much different than Redwood.

Mr. Betz asked for any additional comments. There being none he asked for a motion to close the public hearing. Ms. Moore made a motion to close the public hearing, which was seconded by Mrs. Hellmann. Upon call of the roll, the vote resulted in the following:

Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Betz-yes
Mr. Schleich-yes
Dr. Mathews-yes

Ms. Moore asked about the lot on Belfast.

Mrs. Tilford noted this will be a single-family lot in Brown's Run, matching the development pattern in that single-family subdivision. The street there will remain a stub street.

Mr. Betz stated that the only thing you would like us to add is that wood siding or concrete siding be specified.

Mrs. Tilford stated that was correct. We don't want it to be plastic or polymer based.

Mr. Metzger stated that they would like to have wood fiber based be allowed as well.

Ms. Moore asked what wood fiber is.

Mr. Metzger stated smartsiding is a wood composite material.

Mrs. Tilford asked if saying wood based or concrete based wouldn't cover that?

Mr. Metzger stated as long as that's inclusive of all wood.

Mrs. Tilford stated it would be.

Ms. Moore made a motion to require that siding products be wood based or concrete based.

Mrs. Tilford clarified that Ms. Moore was making a motion to approve the minor modification to to modify condition 16 requiring a replat of the Brown's Run subdivision to be handled by recorded amendment and to approve elevations proposed for the twin family homes as required in condition 18 subject to siding being wood based or concrete based.

Ms. Moore concurred and her motion was seconded by Dr. Mathews. Upon call of the roll, the vote resulted in the following:

Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Betz-no
Mr. Schleich-yes
Dr. Mathews-yes

Mr. Betz asked for an update on the overall project.

Mr. Metzger indicated that they are paving Public Road A this week and will complete the construction of that road. They are working on some changes internally to the senior building in response to covid and hope to start construction in the first part of 2021.

Mr. Betz asked about the multi-family. Mr. Metzger indicated that they are working through that. They are working on architectural plans now. They are hoping for the same timeframe.

Mr. Betz asked about the townhome buildings.

Mr. Metzger noted it would be constructed with the multi-family.

Mr. Betz asked about the status of multi-family projects at Cornerstone.

Mr. Metzger indicated that they have stair towers and elevator towers up.

Mr. Betz asked for a motion to approve the March 3, 2020 BZC Meeting which was made by Mrs. Hellmann and seconded by Mr. Schleich.

Ms. Moore noted on the second page there is a missing Mr. in front of Baldino.

Upon call of the roll, the vote resulted in the following:

Ms. Moore-abstain
 Mrs. Hellmann-yes
 Mr. Betz-yes
 Mr. Schleich-yes
 Dr. Mathews-abstain

Mrs. Tilford noted that the Physician Based Health and Wellness Center text amendment was approved by the Trustees. Dr. Murphy did apply for Conditional Use Approval and was granted that approval by BZA. It's our understanding that the center is open with a waiting list.

Mrs. Tilford updated the Zoning Commission on the Trustee's action to require licensing of massage establishments, noting that this is a proactive measure.

Mrs. Hellmann made a motion to adjourn which was seconded by Dr. Mathews. Upon call of the roll the vote resulted in the following:

Ms. Moore-yes
 Mrs. Hellmann-yes
 Mr. Betz-yes
 Mr. Schleich-yes
 Dr. Mathews-yes