

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, April 6th, 2021**

This regular meeting of the Sugar creek Township Board of Zoning Commission was held on Tuesday, April 6, 2021 via Zoom at 7:00 p.m.

Mr. Betz called the meeting to order.

Everyone in attendance stood for the Pledge of Allegiance.

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

Mr. Betz-present
Mr. Baldino-present
Ms. Moore-present
Mrs. Hellmann-present
Mr. Schleich-present

For the record, alternate Dr. Mathews, was also in attendance.

Mr. Betz asked if anyone would like to make a motion to approve the minutes from March 16th, 2021.

Ms. Moore made a motion to approve the minutes, Mrs. Hellman seconded. Upon call of the roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz asked for a motion to open the public meeting for BZC02-2021.

Mr. Schleich motioned to open the public hearing. Mr. Baldino seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mrs. Tilford reviewed the staff report. Applicant, Grand Communities, LLC, is requesting a map amendment to the Sugar creek Township Zoning Resolution to rezone 12.7914 acres from B-2 (General Business) District to PUD-R (Residential Planned Unit Development) District. The

subject parcel can be further identified by parcel number L32000100030029800 (part of) and is owned by Michael D. Spears, James P. Grodecki, and Patrick F. Spears Successor Trustee. The applicant is also requesting preliminary development plan approval under Article 5 of the Sugarcreek Township Zoning Resolution for approval of the preliminary plan for a proposed subdivision (including condominiums, paired townhomes, and paired patio homes).

Mr. Betz then gave the applicant a chance to speak on the project.

Ms. Amanda Webb stated that she is from Grand Communities, she also had with her the engineer, on the project. She gave a short presentation about the location of Sugar Point, and what types of homes they are hoping to build with Fisher Homes. She also showed the landscaping they plan to add to the community to have as many trees and as much green space as possible. She noted that they are also proposing a pool for the community that will sit low to the elevation so as to not be an eyesore to anyone in the community. She noted that the proposed walking trails would connect to the park district area behind the community.

Mr. Betz opening the meeting to the BZC for questions to Mrs. Tilford or Ms. Webb.

Ms. Moore asked if Ms. Webb could clarify how many units would be in the gallery condominium buildings. And also, the power point states available garage parking and Ms. Moore would like clarification on what that means.

Ms. Webb stated that the gallery building is a 10-to-14-unit building. If it is built on a slab, it is 10 units and if it is built as a walk out it gets an additional four units. As for the garage parking some of the units have direct garage access. When buying a unit, you would chose if you want a garage included in your floor plan unit. If you do not have a garage, there is more available parking across the street. Each 10- or 14-unit building has 8 garage accesses, the remaining without garages would park across the street.

Mr. Baldino asked Ms. Webb to point out the doors that each homeowner would be using to access their unit.

Amanda Webb explained that on the ends of the entire unit there are three doors that lead into units and there are 8 doors on the front side of the building. That way everyone has their own access, and there are no shared entries.

Mrs. Hellmann asked if the units with the garages have access directly into the unit.

Ms. Webb stated that yes, she does believe that the units with garages have direct access into that unit from the garage.

Mrs. Hellmann also asked what the price range for these units were.

Ms. Webb stated that she believes that the Gallery homes start in the low \$200,000's.

Ms. Moore asked how far back the units sit from the road. She noted in the picture it looks to be more than 25 feet.

Ms. Webb stated that she believes that it is 35 feet. She then stated that the Gallery units are set back 25 feet.

Mr. Betz stated that on the plans it does show a setback of 25 feet from the front of the property to the road.

Mr. Baldino then asked about the rear setbacks for the Gallery units.

Mrs. Tilford stated that the rear setback is also 25 feet for the Gallery units.

Mr. Baldino asked about the paired townhomes and the end of their property inquiring about open space there.

Mrs. Tilford stated that from the end of the patio to the property line there is about 35 feet. The back yard with the patio is only about 9 feet. So, there is about 25 feet of buffer in that area.

Ms. Moore asked if that means there is only a 6-foot patio on the back of those units.

Mr. Baldino stated that they are actually 10 feet, as stated in the package.

Mrs. Hellman asked about the center lots and what type of units they are.

Mrs. Tilford stated that they are the paired townhomes.

Mrs. Hellmann also asked if the singleton townhomes are the ones on the ends of those center units.

Mrs. Tilford stated yes, they are on the end.

Mrs. Hellmann asked with this design, how was it determined what was going to go where in terms of unit type.

Ms. Webb stated that they designed the layout this way to feature the homes in a way that is most appealing to the buyer. They put the Gallery homes on the north side because of the topography and type of land that they will be building on. The buyers of these homes want more green space around.

Mrs. Hellmann asked if it was customary that they utilize all three design layouts in a development.

Ms. Webb stated that they do usually use all three designs in a community. They have two similar communities in Cincinnati that utilize all three types of homes. The mix of homes sets up well because there are additional yields that help pay for the private streets and the pool facility.

Mrs. Hellmann stated that when you come up upon the entrance there is not much to the imagination on the street around the community. She also stated that she does not like the idea of the pool being out in the front of the development. That it is just going to be a nuisance for

people to mess with at one in the morning. Then that would cause issues in the rest of the community having to deal with people wanting to get into the pool facility.

Mr. Betz asked if the BZC could wrap up their questions so they could move forward to the public comments and questions. He then asked that if the north entrance way onto Centre Pointe Drive will be available for the property to the north to use.

Ms. Webb stated that yes, it will be available to them in the future. They have set it up to be able to give them access.

Mr. Baldino asked where the trash was going to be.

Ms. Webb stated that there is a square up by the pool where the trash will be. It will be setback into a mound, so it will be hidden, and you will only see the gates. All the homes will have individual pick up except for the Gallery homes.

Mr. Baldino also asked what the current percentage of open space was, not including the pool area.

Mrs. Tilford stated that it is 16.7% but they have proposed a 6-foot path around the pond that occupies 11.2% of open space.

Mr. Betz stated that there are 11.1 units per acre and the adjacent development Redwood is 6 units per acre. He then opened the case to residents in the community to ask questions.

Forrest Fuller spoke, he lives at 1557 Bledsoe. He had a question about a similar proposal for the change in zoning for this lot a few years ago, and he thought it got rejected. And if it did get rejected what is the change now to hear this case. He also stated that he is concerned with the three buildings on the very eastern edge of the development, that back up to the Bledsoe development. He thinks the new development looks very close to the Bledsoe property in this eastern area and also along the southern border of the property. He wants to know if anything can be done to increase the amount of green space and to get more space in between the units and the property lines.

Debbie Fuller who also lives at 1557 Bledsoe wanted to add that she would like those on the BZC to come see the impact that has already happened in this area. She would like them to see how this setback looks from the Bledsoe side of the property and how it is going to affect their neighborhood. In all the displays there is no view from the Bledsoe side.

Mr. Betz then asked Mrs. Tilford to address some of the comments.

Mrs. Tilford stated that the only other request for rezoning this property was the Redwood proposal, which was approved. It was initially denied until Redwood came back with a modified design and then it was approved. She believes that that is what Mr. Fuller was talking about. There has not been a proposal for this specific area of land.

Mr. Betz then spoke about the proposed adjacent buildings to the Bledsoe property. He agrees that the buildings are fairly close. And the BZC will talk about that once they get to the deliberation. Mr. Betz then asked for a motion to close the public hearing.

Mrs. Hellman made a motion to close the public hearing for BZC02-2021. Mr. Schleich seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz stated that this is now a discussion between the BZC members. They suspect as this plan goes further along there will be more questions for the developer from Mrs. Tilford. Mr. Betz stated that he has two major concerns, one being that he cannot recall a time where they approved a project with less than 25% green space. The fact that the property is adjacent to a park does not mean anything to him. He does not think that the BZC should go any less than 25% green space or open space. His other comment was that the plan is terribly unimaginative and it reminds him of military barracks. They have lined up all the units on the street one by one by one. He feels as though the plans fall short as to what the community typically sees. Mr. Betz does not think this is what they were expecting at all.

Mr. Baldino stated that he agrees that there are quite a few units presented here and the open space is not up to standard with what the BZC would like to see. He would like to see the developer meet that criteria to allow the community the benefit of the open space.

Mr. Betz stated that if the BZC were to deny the project tonight, they could take it to the Trustees and the Trustees could approve it. Or the developer could revise their plans and resubmit their proposal. He does understand that there is an issue with the price of the land and that they have to make it as dense as possible to be able to make money off of that. Mr. Betz stated that he does not think that there should be two heavily dense developments next to a single-family home development. It looks as though the developer is trying to pack the community so tight together for an economic value and not for the best interest of the whole community, and he does not much care for the economic side of things. He wants to see the development be a great thing for the community. He does not think that these plans meet the quality of design that the BZC would like to see.

Ms. Moore stated that there is a need in the community for this type of housing, the plans are just too dense for the community. She stated that the developer should take the plans and try to revise them to better suit the land they want to develop. Ms. Moore also asked Mrs. Tilford what the zoning was for the Redwood property, she believes it was agricultural.

Mrs. Tilford stated that she believes that the land was zoned business and then rezoned to PUDR.

Ms. Moore stated that if they were to approve a plan like this there would not be much room left for business except for behind Walmart.

Mrs. Tilford stated that if they look at the Spears property the orange is what is proposed to be rezoned and there is a section left outlined in red that is what will be left over.

Mrs. Hellmann stated that Redwood had wanted their property to go up to the back of Walmart. Mrs. Tilford stated that yes that was their plan, they did modify it and came back to the BZC.

Ms. Moore stated that the BZC would be inconsistent if they went by the whole notion that this area would be for business. Redwood was zoned for business and they allowed that as well. She stated that the military base comparison is dead on and it is not an attractive look. She does think this type of housing is needed in the community; this proposal just needs to be less dense.

Mrs. Hellmann stated that she agrees that they do need the condominiums, but the paired patio homes and paired townhomes are not a huge necessity. She asked a question about the cost for the paired patio and the paired townhomes.

Ms. Webb stated that the condos start in the low \$200,000's, the paired townhomes start around \$215,000 and the paired patio homes are around \$220,000. She stated that is the base line, from there the cost goes up based on the options and upgrades you choose.

Mrs. Hellmann stated that the biggest drawback she sees with the condo homes is that lack of a garage for everyone. She also asked what the name of the development in Springboro is.

Ms. Webb stated that it is called the Springs. There is also a portion of that that is called Settlers Walk at the Springs. She also stated that she encourages the BZC to check out their website to see more information and floor plans.

Mr. Baldino asked what it would take to get to the 25% open space.

Ms. Webb stated that it would probably take a tabling tonight, so she can go back and reevaluate some things to be able to get the plans up to standard with what the BZC wants. She asked for clarity on if the BZC likes the condo homes or not with the Gallery layout they have provided.

Mr. Baldino stated that they do not have too much of in opinion of the layout they are just worried about the density.

Ms. Webb stated that she is sure they could go back and take a look at the number of units they have proposed. They do like to have a variety of style of homes in their developments, but they could review it.

Mrs. Hellmann asked if all the units are on slabs.

Ms. Webb stated that no, some of the Gallery units are walk outs. All of the paired homes are on slabs.

Mr. Baldino asked if they were on grade or if the topography goes up to accommodate.

Ms. Webb stated that there is more elevation to match the other condos.

Mr. Schleich asked if there was any more information on what was going to happen in the park area.

Ms. Webb stated that they have talked with the park district and they would like to propose some trails along the creek area or somewhere in the park area.

Mr. Schleich also asked if that would be available to everyone not just for the people who live in the development.

Ms. Webb stated that that is correct.

Mr. Baldino asked for clarification on what they can and cannot say what can go on with the park district as far as playgrounds or swing sets.

Mrs. Tilford stated that because the details with the park district have not been worked out we would recommend that if the plans moved forward, then they would need to have those issues with the park district figured out before moving on to final development plan approval.

Mr. Baldino asked if those improvements could be a part of the conditions of development.

Mrs. Tilford stated that once they figure out what those conditions are, they can be in the conditions of approval.

Ms. Moore stated that if she were to live in this development, she would be more attracted to the paired patio homes or the paired townhomes.

Mr. Betz stated that he did hear a mention of wanting to table the case for this meeting so the developer can go back and review their plans to try and accommodate the open space the BZC is asking for and the less dense community. His thinking is that if they are going to meet the 25% green space they are then going to lose out on units. He thinks that any changes to be made will be substantial enough that they will have to resubmit and go through the whole process again. Mr. Baldino thinks that they should not go down the path of tabling tonight. They should make a decision to approve or deny and have the developer to resubmit in a manner that meets the 25% open space and that meets the more creative ideas they would like to see.

Ms. Webb asked if they were to table tonight and resubmit a preliminary development plan would they be able to resubmit in 2 months instead of next month.

Mrs. Tilford stated that tabling tonight would save the developer time of not having to go back to regional planning. That way they could just submit a revised plan based off of the feedback they have received tonight. She also stated that that would not be an uncommon practice to table the case and allow them time to revise their plans.

Mr. Betz stated that his concern is that the redesign might be significant enough that it probably should have been resubmitted. He stated that he would be okay tabling, but he thinks the changes that would be being made are significant enough to qualify for resubmission.

Mrs. Hellmann stated that she really does not like the pool being up by the front of the development. She thinks it is a bad presentation driving into the community.

Mr. Betz stated that the units along the Bledsoe property line need to be moved further away to provide more space in this area.

Ms. Moore asked what happens to the map amendment if they table this plan.

Mrs. Tilford stated that all of it would be tabled.

Mr. Baldino asked Ms. Webb what would work best for them.

Ms. Webb stated that they would prefer to table the case.

Mr. Baldino asked if there were criteria the BZC would like to see be modified. The placement of the pool, the design of the roads, more open space in the design, the area where the property is adjacent to the Bledsoe property needs more space, and not as many units on the property are all issues he has heard discussed.

Mr. Betz asked for a motion to table the case.

Mr. Baldino made a motion to table BZC02-2021, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Ms. Webb thanked the BZC for hearing their case and providing them with feedback.

Mr. Betz stated that they would move on to the next case which is BZC03-2021.

Mr. Baldino made a motion to open BZC03-2021, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz stated that Mrs. Tilford asked him to come by and look at the plans for review. The things that they are changing are the elevation, they added some windows to the homes, they changed some materials, and they changed the size of some windows. The question was that if staff could go ahead and approve the changes. Mr. Betz stated that with these changes he felt it was something that needed to be brought back in front of the BZC.

Mrs. Tilford opened with the staff report. Applicant, Guttman Development Group, LLC, is requesting minor Modification to the approved Final PUD Plan to modify the elevations proposed for the multi-family buildings makes changes to the clubhouse/amenity/maintenance building area. The subject property is the Reserve at Sugarcreek, Section 1, located at 4393 Brown Road.

Mr. Vecellio introduced himself and thanked the BZC for the assistance in getting the presentation out. The majority of the changes made were to improve the residents' experience, they wanted to change the floor plans to add some more sunlight into the homes. This also changed the outside look of the homes to make them more appealing.

Mr. Betz asked if anyone on the BZC had any questions.

Mrs. Hellman asked if the window grids were just on the sides and the front, not on the back.

Mr. Vecellio stated that that is correct, there are grids on the rear of the townhouse building.

Mrs. Hellmann asked if those were the homes that butt up to Madison's Grant.

Mr. Vecellio stated that yes, the back up to Madison's Grant.

Mr. Baldino asked if there are muttons on only the tops of certain windows.

Mr. Vecellio stated that there are grids that have them at the tops of the windows. But they are all operable windows.

Mr. Baldino asked if there are not grids on all the windows just the top parts.

Mr. Vecellio stated that that is correct, just to keep up with the architectural style.

Mr. Schleich thanked Mr. Vecellio for adding all the windows, it looks like it will add to the experience there for the users.

Mr. Betz asked if there were any other questions for the developer.

Mr. Schleich asked if Mr. Vecellio knew when the barn on that property was going to be cleaned up.

Mrs. Tilford stated that Mr. Vecellio would be getting that cleaned up ASAP.

Mr. Vecellio stated that is correct. They are getting their contractors mobilized to be able to get that cleaned up within the next week or so.

Mr. Betz asked when the date to break ground for the apartments is set.

Mr. Vecellio stated that they are shooting for June/July to mobilize site work. Vertical construction would happen right after. He also stated that the multifamily units would be going in first.

Mrs. Tilford stated that that is a change from the original plan.

Mr. Vecellio stated yes, that is a modification from the original plan. It is a product of the post COVID world.

Mr. Betz wanted to open the discussion to community members.

No one spoke.

Ms. Moore made a motion to close the public hearing for BZC03-2021, Mr. Baldino seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz then opened he case up for discussion within the BZC.

Mrs. Hellmann stated that the plan looks much better.

Mr. Schleich stated that he agrees, the plans look a lot better than before.

Mr. Betz asked for a motion to approve.

Ms. Moore made a motion to approve BZC03-2021, Mr. Baldino seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz told Mr. Vecellio they look forward to seeing some construction on the property in June/July.

Mr. Vecellio thanked the BZC.

Mr. Betz stated they will move on to the next case. Mr. Betz asked for a motion to open the BZC04-2021.

Mr. Baldino made a motion to open BZC04-2021, Ms. Moore seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mrs. Tilford opened with the staff report. Staff is requesting a Long-Range Land Use Plan Amendment that will update the Planning Area Recommendations for Planning Areas 1 and 8.

Mr. Betz opened the meeting up for comments from the BZC.

Ms. Moore asked why we want to allow neighborhood retail services in this area.

Mrs. Tilford stated that the Township does not have a lot of land identified for future commercial use. This intersection has been on the radar for potential neighborhood retail for quite some time. With the school district across the street and the church at the S. Alpha Bellbrook road intersection staff sees it as a natural progression to have some neighborhood retail use in these areas.

Ms. Moore asked for examples of what a neighborhood retail use would be.

Mrs. Tilford stated that there could be an ice cream shop that you could walk to, or some boutique shops that would be perfect for this area with the walking path accessibility.

Ms. Moore asked if they have neighborhood retail services defined anywhere.

Mrs. Tilford stated that it does say non regional and no 24/7 businesses. Mrs. Tilford stated that she thinks it is defined enough to make the intent of the township clear. She noted that the Land Use Plan is a guide and not a regulatory document wherein specific uses are identified.

Ms. Moore stated that she is just worried that if it is not well defined, we could be possibly opening the Township to a lawsuit if they denied someone.

Mr. Betz stated he would not want to see a developer come in and put in a store and lock facility. That is not the type of business we want to see in that area. He stated that this would be a great opportunity to do an overlay district, so they could be more specific on architecture and uses that go into this area. This way they can give developers a very clear picture of what they want.

Mrs. Tilford stated that they can absolutely do that, they can take the groundwork from the Long-Range Land Use Plan and develop more specific requirements in an overlay that would be added to the Zoning Resolution.

Mrs. Hellmann stated that Mr. Betz stated they do not want a store and lock facility, but if it is a mom-and-pop company they would be considered non regional.

Mrs. Tilford stated that it is important to understand that this document is not saying that B2 uses are acceptable. It is saying that neighborhood retail services may be appropriate at the intersections.

Mrs. Hellmann stated that she does understand that, but someone could come back and challenge it. She also stated that non corporate, like if a Starbucks wanted to move in there that would not be appropriate.

Mrs. Tilford stated that it could be appropriate depending on the layout and if it has a drive through, they will have to look at all those factors when they get to that level of review.

Mrs. Hellmann stated that she understands that, but Starbucks is a nation-wide company, and in the document, it says no non regional.

Mr. Baldino stated that he likes the emphasis on how we connect the neighborhood, how do we get the community interacting with each other? There are hiker biker pathways being constructed to connect the developments to each other, and there are these areas where more connectivity could happen. He stated that the Long-Range Land Use Plan encourages community connectivity. He is very passionate about more community connectivity in Sugarcreek, and this area is very important to that process.

Mr. Betz stated that he does agree with Mr. Baldino this is an idea of where people can assemble. The community would be able to walk, ride bikes, drive there, it is a very easy area to get to. It is a very central location that could become Sugarcreek Township's little downtown area. Mr. Betz thinks this is a great opportunity for a small business community, and that he does not see this happening anywhere else. It is a high traffic area, a lot of people would be passing by and seeing these shops. He thinks this would be best followed up with an overlay district, so the developers know exactly what is acceptable.

Mr. Betz suggested that they make some changes to the bullet points on the document specifically changing .

Mrs. Tilford made note of the changes.

Mrs. Hellmann asked if they would be addressing this overlay when they do the other areas.

Mrs. Tilford stated yes we can and timing can be discussed.

Mr. Baldino made a motion to approve BZC04-2021, with the recommended modificatoins. Ms. Moore seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

Mr. Betz asked Mrs. Tilford if she had anything she needed to report.

Mrs. Tilford stated that this upcoming weekend is Community Clean-up Day. Everyone is encouraged to participate and can call Courtney to sign up. She noted our ODNR grant request a pedestrian bridge on the south side of Feedwire Road was approved.

Mr. Baldino asked about the hiker biker path on the Herres property.

Mrs. Tilford stated that yes, they have to put in the hiker biker pathway along Little Sugarcreek road outside of the right of way. The Trustees met and approved the development plan with the BZC recommendations. They did have one exception. They did not require the hiker biker pathway to extend over that pedestrian bridge that is already in place.

Mrs. Hellmann asked if the covered bridge was going to be removed.

Mrs. Tilford stated that it she does not believe it will be removed, it will just be a crossing over the river not a connection to the multi-use path along Little Sugarcreek Road.

Discussion ensued on the connection to Feedwire from Little Sugarcreek Road.

Mr. Betz asked if the bridge we now have funding for through the ODNR grant will be connecting pathways.

Mrs. Tilford stated yes, it connects two sections of pathway that are on the opposite sides of the Little Sugar Creek.

Mr. Schleich asked if anything is coming in over by 675. He stated that he would love to be able to run over there.

Mrs. Tilford stated that it is on the radar for sure. There is a study going on right now looking at 675/Wilmington Pike and improvements to capacity.

Mr. Baldino made a motion to adjourn, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes
Mr. Baldino-yes
Ms. Moore-yes
Mrs. Hellmann-yes
Mr. Schleich-yes

