

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

This regular meeting of the Sugar creek Township Board of Zoning Commission was held on Tuesday, July 6th, 2021, 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

Dr. Mathews and Mrs. Mueller were also in attendance for the record.

Mr. Betz stated that there are two cases to discuss tonight. Case BZC02-2021 is being continued and they will start off with it. He asked Mrs. Tilford for her presentation.

Mrs. Tilford stated that this is a continuation of a previous case. She will be focusing on the modifications made since the last meeting. Mrs. Tilford gave her new 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 Sugar creek Township Zoning Resolution for approval of the preliminary plan for a proposed subdivision (including condominiums, paired townhomes, and paired patio homes). Subsequent the Zoning Commission's previous review of the originally submitted plan, the applicant did make a number of changes, including a drop in density, an increase in the quantity and quality of the open space provided, an increased setback to the property to the east and a revised layout to address concerns about creativity in design.

Ms. Moore asked if the BZC will make the decision to approve residential development on the proposed plan at the first meeting.

Mrs. Tilford stated that yes, they will discuss it at the first meeting.

Mr. Schleich asked if there was a place for dumpsters or mailboxes.

Mr. Betz asked if the applicant would present their presentation.

Mr. Wisniewski stated that he is the Vice President of planning and entitlements for Grand communities. He showed where the dumpster location will be on a map and stated it will be screened with a wall and landscaping. As far as the mailboxes they will be attached to the amenity center as a central hub for everyone's mail or they will put up smaller facilities that will have 8-12 mailboxes around the community. This makes it easier for the residents to get to their mail and they do not have to have this large structure that they would have to screen.

Mr. Schleich asked if they know what the proposed amenity building will be for.

Mr. Wisniewski stated that it will be a cabana with bathrooms and a storage facility for the pool cleaning equipment and things of that sort. There will be a changing area for the pool that will be there. That area will be fenced in with lounge chairs and tables.

Mr. Baldino asked how many condos are in the gallery units.

Mr. Wisniewski stated that there is a mix of 14 units, 7 units, 10 units, and 5-unit buildings.

Mrs. Hellmann asked what size the one closest to the street was.

Mr. Wisniewski stated that it is a 14-unit building.

Mrs. Hellman asked where the gallery units would be.

Mr. Wisniewski stated that they will be located along the top of the plan shown. He also stated how the entrances and exists for the building will work, and he showed where all the doors to the building are. They have also changed the layout per the BZC request. The design is more creative with the streets and the open space.

Ms. Moore asked what the cost of the units are going to be.

Mr. Wisniewski stated that he was not completely sure. The condo units would start around \$230,000 and the paired homes would start around \$250,000. They are all for sale, there is no renting options.

Mrs. Hellmann asked if they were planning to do rounding on the Bellbrook side of this property.

Mr. Wisniewski stated that yes, they will do as much rounding on the Bellbrook side as they can.

Mrs. Hellmann also asked about addressing the needs people with electric cars will have on this property.

Mr. Wisniewski stated that it is really based off the customers, what they will need from this particular location. He stated that they have not seen an interest in needing electric car charging stations so far. People might have an issue if they do not have one of the homes with the attached garage then where could they charge their car if they had an electric car.

Mrs. Hellmann asked if they were anticipating running electric throughout the community.

Mr. Wisniewski stated that yes, they will be running electric throughout the community for those people without garages. That will be easy to access for those living in the community.

Mr. Baldino asked that there is no intention to have charging stations in the community.

Mr. Wisniewski stated that is correct, there is no plan to have charging stations in the community.

Mr. Betz stated that he would really encourage them to think about implementing charging stations as it has become a big topic of conversation within the Township.

Mr. Wisniewski stated that they would think about it, the problem he sees is that if they provide these charging stations and everyone has to pay a fee for them. Those who are not utilizing the charging stations will say they don't want to pay extra for that, and it will turn people away from buying the units.

Mrs. Hellmann asked if she wanted to buy a unit but there were no more units with garages, she would then have to plan to have an electric charging station outside. How is she going to keep people from using her unit?

Mr. Wisniewski stated that that will be a problem for those hand full of people who do have electric cars. It will be harder for those who do not have a garage to house the charging unit. He also stated that the HOA of the development will have the chance to hear their residents and decide further down the road if the charging stations are necessary or not.

Mrs. Hellmann asked if they would provide something to make it easier for the HOA in the future to make this decision.

Mr. Wisniewski stated that all of the electrical infrastructure that will be installed will be in a reasonably acceptable place in an easement that will allow someone to go in and get that power for the charging stations. The HOA will contact the electrical provider and say they want to put in these charging stations and the company will be able to do so with those electrical lines being in the easements.

Mr. Betz asked if they would consider putting in just 2 units close to the club house for everyone to access.

Mr. Wisniewski stated that yes of course they would consider putting them in place if that would help the community along. One at the community center and one in a different location might better serve the community.

Mr. Betz asked if they would agree to installing 2 units within the property. He understands the concerns about those without electric cars having to pay the small fee for others to charge their cars. But they will know ahead of time that there will be that small charge.

Mr. Wisniewski stated that yes, they would provide 2 units for the community, they would be willing to add them into their plan where they can be easily accessible.

Ms. Moore asked if all the charging stations are universal.

Mr. Betz stated that no they are not, there are many different kinds of charging stations. He stated that they would want level 2 charging stations put in. That way anyone can hook up to it.

Mr. Baldino asked what they do to separate the paired patio homes back yards.

Mr. Wisniewski stated that it is a 6-foot privacy fence that they install.

Ms. Hellmann asked what the back of the first building looks like, because it is facing Center Point. She wants to make sure that they will be slightly if they are going to be facing a main road.

Mr. Wisniewski stated that with all the screening and landscaping going in, it is not likely that anyone on the street will see the back of the building. If they are to add more architectural design, it will increase the cost of the unit itself.

Mr. Betz stated he would like to open the meeting to the public for comments and questions.

Forrest Fuller 1657 Bledsoe Drive. He stated that on sheet 2 there is a topographical map, the Red Wood buildings are shown to be up 10-15 feet above the previous ground level. He is wondering if the proposed buildings are going to be built on the current ground level or will they be elevated. The taller the buildings become the more you will be able to see from the adjacent properties. He also stated on sheet 3 that there is an existing fence, and tree line. He is wondering what will happen to the trees and fence once construction starts. There is no way to tell the impact on the neighboring properties this plan will have. He also wants to know if they start construction what will happen if the plans change months into the project.

Mr. Betz stated that they would take all questions and comments and answer them at the end, so everyone has a chance to speak.

Mr. Betz asked for a motion to close the public hearing.

Mr. Baldino made a motion to close the public hearing for ZC – Case02-2021, 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 they will let Mr. Wisniewski answer the questions asked.

Mr. Wisniewski stated that it looks like on the eastern property line, the first-floor elevation will be about 2 feet above the current elevation. He stated that there is a drainage easement where the

pond will cycle into their pond. The buildings need to be elevated just a little so that water is not flooding into the units. The grading near the tree lines, will require some of the landscaping to come out for the path of the drainage easement. There will still be screening and buffering in between properties. The elevation will only be changing by a few feet.

Mr. Betz asked if it is their intent to save as many trees as possible.

Mr. Wisniewski stated absolutely, they will try to keep as many trees as possible. As long as they are not dead or hazardous to the community. He stated that they will leave the swell open and have a catch basin that will discharge the water into their pond.

Mrs. Tilford stated that if they receive approval today, they will come back before the BZC and the Trustees of the Township for final development plan approval. Everything will have to be built per that plan, they cannot come back and make changes. Their zoning certificate will be for what they have provided at final approval stage. They will not be able to change anything on a whim or in the field, if they run into a problem they will have to come back in front of the board for approval.

Mr. Betz opened the floor to discussion amongst the BZC board members.

Ms. Moore asked about the mounding, with it being so close to her property. She wants to make sure there will be plenty of mounding and screening, so it is not visible to adjacent properties and to Center Point drive. Her second question is about the waterflow through the property if the mounding will affect the flow of rainwater.

Mr. Wisniewski stated that inserting mounding in that area and not affecting the flow of water in some manner will be challenging. They can add some landscaping to have a solution to the drainage.

Ms. Moore stated that she hopes they take into account that there are other people living there and they do not want to have water flowing into those backyards and flooding those properties.

Mr. Wisniewski stated that they do not want to have flooding on anyone's property, and they are sensitive to the issue. They are also sensitive to screening, they want to make sure that everyone has their privacy.

Mr. Baldino asked if the vegetation will be coming out for construction, in some areas.

Mr. Wisniewski stated that it might have to in some cases, but they are not absolutely sure yet.

Mr. Baldino also asked that where the swell is there will not be any vegetation in that area.

Mr. Wisniewski stated that where the swell is vegetation will be able to survive if they change the mounding the water would not be an issue as it would be running in a different direction. There are many species of plants that would be able to hold up with the amount of water running through there and still be able to provide some screening in that area.

Mr. Baldino asked how far the back property line is from the back of the paired patio homes.

Mr. Wisniewski stated that the easement itself is 50 feet, and it is about another 10 feet to the front of the building.

Mr. Schleich asked if there was a sidewalk that goes all the way around.

Mr. Wisniewski stated that the only sidewalk that they propose is what they have shown on the plan. They typically do not put sidewalk on the one side of the road because there tends to be too much concrete, and they want to leave as much green space as possible.

Mr. Betz stated that he is trying to help the adjacent property owners to see what it will look like once it is all built. Where the pool will be, how high the elevation changes will be, where the screening will be.

Mr. Wisniewski stated that they could close in the pipe and have a lot of land scaping in this area, but he does not want to say yes, and have forgotten about something important that they will run into later down the road.

Mr. Betz stated they need to be aware of the effect of having that pipe closed off or open.

Mr. Wisniewski stated that he is aware of the situation and would just like the freedom to be flexible with the space when the time comes to talk about it.

Mrs. Tilford stated that there could be a condition that says the open ditch will be piped to allow for adequate mounding subject to the Greene County Engineer approval. Or a 4 seasons visual barrier that will be provided at the final development plan. With the preference of the pipe to be enclosed.

Mr. Betz stated that they are not trying to be tough they are just trying to be thorough. This is a much better plan than what they saw the first time around.

Mr. Betz asked for a motion to approve the ZC Case02-2021.

Mr. Baldino made a motion to approve ZC Case02-2021 with staff comments added, Mr. Schleich seconded. Upon call of roll, the vote resulted in the following:

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

Mr. Betz asked for a motion to open the public hearing for ZC Case06-2021.

Mr. Baldino made a motion to open ZC Case 06-2021, Mr. Schleich seconded. Upon call of roll, the vote resulted in the following:

- Mr. Betz-yes

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

Mr. Betz asked Mrs. Tilford to give her report.

Mrs. Tilford gave the staff report. Proposed is a Zoning Resolution text/map amendment to add a Wilmington Pike Area Corridor Overlay District, also included are changes to add a section on Zoning Certificates with Zoning Commission Review within the proposed Overlay, changes to our nonconformities section and a modification to the applicability section of Article 9: Parking, Loading and Circulation. Also included is a companion modification to the Long-Range Land Use Plan to reference the Wilmington Pike Area Corridor Overlay.

Ms. Moore stated that on page 47 she believed that they talked about noise as another applicable regulation.

Mrs. Tilford stated that she could add a bullet point, but noise will be regulated by the townships noise ordinance. It is its own resolution, and no further regulation will be added for noise.

Mr. Schleich asked if there was a height for the light poles.

Mrs. Tilford stated that it is mentioned in the lighting standards that they have in the other section of our resolution.

Mr. Schleich asked if it was recommend that the utilities be underground. And how strong of a recommendation is it.

Mrs. Tilford stated that some are not allowed to be underground because they are high transmission power lines and when they go down a lot of people lose power, and it is easier for them to fix if they are above ground. They could require them to be underground and they companies could plead their case to have them above ground if they need it.

Mr. Baldino stated that he recommends changing the text, that all utilities to buildings need to be underground.

Mrs. Tilford stated that it has been recommended in the past, but they can have it be required now that all utilities are underground and if they run into a problem where the lines need to be above ground, they can bring it to the BZC and plead their case.

Mr. Baldino asked on page 45 there is an excellent example. He asked if they could enforce the rule of not parking in front of building.

Mrs. Tilford stated that they encourage having parking behind and to the sides of the buildings.

Mr. Baldino also asked if it is the Wilmington Pike Corridor Area or the Wilmington pike Area Corridor.

Mrs. Tilford stated she believed it was the Wilmington Pike Area Corridor, but it can be changed if need be.

Mr. Baldino asked what the board thought it should be. It makes sense to him that it would be Wilmington pike Corridor Area.

Ms. Moore stated that she thinks it should be Wilmington Pike Area Corridor.

The board decided to stick with Wilmington Pike Area Corridor.

Mr. Betz opened the case to the public for discussion and questions. Hearing none, he asked for a motion to recommend approval of the text amendment with the 3 changes discussed.

Ms. Moore made a motion to recommend approval of the text amendment with the 3 changes discussed, Mr. Baldino seconded. Upon call of roll, the vote resulted in the following:

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

Mrs. Tilford stated that there is a modification proposed to the Long-Range land use plan for the overlay district.

Mrs. Hellman made a motion to approve the modification to the Long-Range Land Use Plan, Mr. Baldino seconded. Upon call of roll, the vote resulted in the following:

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

Dr. Mathews gave a presentation on the various charging stations that are available.

Mr. Betz made a motion to approve the minutes from the June 1st, 2021, meeting, Ms. Moore seconded. Upon call of roll, the vote resulted in the following:

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

Mrs. Tilford stated she had no old business to update the board on.

Mr. Betz asked for a motion to adjourn.

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

Mr. Betz-yes

Mr. Baldino-yes

Ms. Moore-yes

Mr. Schleich-yes

Mrs. Hellmann-yes