

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, August 3rd, 2021**

This regular meeting of the Sugar creek Township Board of Zoning Commission was held on Tuesday, August 3rd, 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-absent
- Ms. Moore-present
- Mrs. Hellmann-present
- Mr. Schleich-absent
- Dr. Mathews-present

Dr. Mathews was also in attendance for the record.

Mr. Betz stated that there are three cases to discuss tonight. Case ZC07-2021 is going to go first.

Mr. Betz asked for a motion to open case ZC07-2021.

Ms. Moore made a motion to open ZC Case 07-2021, Mrs. Hellmann seconded.

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

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

Mr. Betz asked Mrs. Tilford for her presentation.

Mrs. Tilford gave her staff report. Applicant, Inverness Group, Inc., is requesting Final Development Plan Approval for Sections 7 and 8 of the Landings of Sugar creek subdivision. The subject parcel is Marwood Drive, contains 13.523 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.

Mr. Betz asked if any members of the BZC had questions for Mrs. Tilford. Hearing none he asked if the applicant would like to speak.

Bob Krongold stated that this is the last 2 sections that Inverness will be developing. There have been a lot of discussions over the last 8 months and Inverness is ready for approval and any questions they might have.

Mr. Betz stated he had a few questions. He knew there were some issues with the sanitary and sewer lines.

Mrs. Tilford started that the sanitary sewer issue still remains, Mr. Krongold may be able to give a little more insight on that. The staff understands that there has been an appeal filed.

Mr. Krongold stated that this has been a 3-year process. The contractor they have applied for sewer and water lines, they were not approved. Their contractor sued the county, and it went to federal court. The initial ruling was against the plaintiff, the case was thrown out. The court is having them go into mediation and that will happen at the end of the month. He is not sure when it will be resolved.

Mr. Betz asked that these sections 7 and 8 are not related to the sewer and water problems.

Mrs. Tilford stated that that is correct they are fed from a different line.

Mr. Betz asked that everything else is being resolved.

Mrs. Tilford stated yes, she would like to commend Inverness for their work with the Township over the course of the last 3-4 months. They have really stepped up and done a ton of work out at the development.

Mr. Betz asked if anyone from the public had any questions for the applicant. Hearing none, he asked if anyone from the board had any questions.

Mr. Betz asked for a motion to approve the application. Subject to the conditions as recommended by staff.

Mrs. Hellmann made a motion to approve the application for ZC Case 07-2021 subject to the conditions as recommended by staff, Dr. Mathews seconded. Upon call of roll, the vote resulted in the following:

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

Mr. Betz asked for a motion to open the public hearing for ZC Case 08-2021.

Dr. Mathews made a motion to open the public hearing for ZC Case 08-2021, Ms. Moore seconded.

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

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

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

Mrs. Tilford gave the staff report. Applicant, Phillip M. Herres, is requesting a map amendment to the Sugarcreek Township Zoning Resolution to rezone 12.03 acres located at 4271 Clyo Road from PUD-R (Residential Planned Unit Development) District to A-1 (Agricultural) District. The subject parcel can be further identified by parcel number L32000100020000800 (part of) and is owned by Phillip M. Herres and Gigi Ellen Withrow, Trustees.

Mrs. Hellmann asked if they decided to build a house would they have to come back for approval.

Mrs. Tilford stated that if they wanted to build a house, they would just require a zoning certificate. If they wanted to split the lot into 2 lots that would permit one house on each lot that would require a lot split done by staff.

Mrs. Hellmann asked when it was the PUD it could be 4-5 but now since it is A1 it is limited to 2.

Mrs. Tilford stated that that was correct.

Mr. Betz asked if there is a minimum lot size in the A-1 district.

Mrs. Tilford stated that it is 5 acres.

Mr. Betz asked if the applicant had a presentation.

Mr. Glardon stated that what Mrs. Tilford explained is pretty much the gist of it.

Mr. Betz asked if there were any questions for the applicant. Hearing none, he asked if anyone from the public wanted to speak. Hearing none he asked for a motion to close the public hearing.

Dr. Mathews made a motion to close the public hearing, Mrs. Hellmann seconded.

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

Mr. Betz-yes

Dr. Mathews-yes

Ms. Moore-yes

Mrs. Hellmann-yes

Mr. Betz asked if there was any deliberation to be had.

Mrs. Hellmann stated that the case is pretty straight forward.

Ms. Moore asked if there was an entrance to this property.

Mrs. Tilford stated that there is frontage all along little Sugarcreek Road.

Mrs. Hellmann made a motion to approve the application for ZC Case 08-2021, Ms. Moore seconded.

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

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

Mr. Betz stated they will move on to the final case of the night ZC Case 09-2021.

Ms. Moore made a motion to open the public hearing for ZC Case 09-2021, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

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

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

Mrs. Tilford gave the staff report. Applicant, Phillip M. Herres, is requesting a major modification to an approved Preliminary Development Plan to reduce the area of the development site by 12.03 acres and to revise the approved layout. The subject development site contains 42.85 acres located at 4267 and 4271 Clio Road. The subject parcels can be further identified by parcel numbers L32000100020006700 and L32000100020000800 (part of) and are owned by Phillip M. Herres and Gigi Ellen Withrow, Trustees.

Mr. Betz asked if these conditions were the same as what they have in their packets.

Mrs. Tilford stated yes.

Mr. Betz asked if the applicant would like to speak.

Tom Glardon spoke from Van Atta Engineering. He stated that Mrs. Tilford did a great job explaining their process. They have provided Greene County with the geotechnical soils report for the property, they have also completed the traffic impact study for the area. They plan on keeping as many trees as they can. Mr. Glardon did want to mention in regard to the 75 foot setback that the reason they do not show that along the southern properties is because they will potentially be losing lots there. Greene County is requiring them to keep the two emergency accesses and they will be infringing on the ability to build on those lots.

Mrs. Tilford stated that the are he is talking about is open space.

Ms. Moore asked if Kensington was stubbed right now.

Mr. Glardon stated that Kensington is stubbed, and they had proposed to do an emergency access drive, but Greene County is now requiring a secondary fully paved road.

Ms. Moore stated that people could be entering through Kensington to get into the development.

Mrs. Tilford stated that yes that is correct.

Mr. Glardon stated that they have provided that traffic impact study for Clyo road to show the county that that would be the primary access road and there would be no detrimental impact to the traffic flow on Clyo Road.

Mr. Betz asked about the 75 foot setback.

Mr. Glardon stated that it was a misunderstanding and that he is fine with it.

Mrs. Hellmann stated that she liked the meandering sidewalk at the entrance on the original plan. She asked if one side of the sidewalk could meander instead of having it be plain and straight.

Mr. Glardon stated he is sure that it could meander. There was some green space lost but they are doing the same landscape as before so that should be possible to meander the sidewalk on both sides.

Mrs. Diorio stated that she would not like to put the sidewalk in between two of the best lots in the development.

Mrs. Tilford stated that they are open to ideas of where to put the sidewalk.

Mr. Betz stated that in the previous meeting one of the commissioners stated that they would like to see the sidewalk come up to those two lots. He is not sure how much use the sidewalk will be if it is alongside the road rather than coming in between those lots.

Mrs. Tilford stated that road D is not a typical 50 foot right of way because it is a secondary access. So possibly putting a sidewalk there does not have as much of an impact as if there was a 50 foot right of way requirement.

Mr. Betz stated that there does need to be some sort of sidewalk.

Mrs. Tilford stated that they can go back to the old condition, that the plan be revised to add sidewalk to the west side of road D connecting to Kensington, moving road D as far away from the property line as possible, while maintaining the integrity of the pond. Screening and buffering in this area will be required in the extent feasible with details discussed in the final development plan stage.

Mr. Betz stated that they were trying to help move road D to have more area for landscaping.

Mr. Glardon stated that they will look at this and address it at the final development plan approval.

Mrs. Hellmann asked about how they were going to handle the driveways.

Mrs. Diorio stated that right now they have one family looking at both of the lots so it is highly likely that they will put those driveways together.

Mrs. Hellmann asked how many garages are on the patio homes.

Mrs. Diorio stated that that will depend on homeowner, some want 3 car garages, and some want 2 car garages. The majority will have 2 car garages.

Dr. Mathews asked if they will be having any garages with set ups for electrical charging stations.

Mrs. Diorio stated that yes, they do those all the time.

Mr. Betz asked if there were any other questions from the BZC, hearing none he asked if anyone from the community wished to make any comments.

Mrs. Harr stated that there are concerns at night with cars coming down that road around the curve that lights will be shining in their homes. There is great concern about how far away they can move the road, what kinds of things they are going to access with this development. She wants to know what kind of buffer will be put up so the water from the pond will not run down the hill into her front yard.

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

Dr. Mathews made a motion to close the public hearing, Mrs. Hellmann seconded. Upon call of roll, the vote resulted in the following:

Mr. Betz-yes

Dr. Mathews-yes

Ms. Moore-yes

Mrs. Hellmann-yes

Mr. Betz asked if the developer would respond to Mrs. Harr's questions and to hear how they are going to address her concerns.

Mrs. Diorio stated that they were hoping to not have road D at all and to have their two accesses with the emergency entrances.

Mr. Glardon stated that with her concerns they will look at how to move away from the property lines as much as possible and how to have the grading in a way that benefits those around this road. There will be landscaping put in to match the standards that are required in this area.

Mrs. Tilford made a suggestion as an additional condition, it appears that lot 7 wraps around the right of way, can we create an open space there. That way it will be open space that the HOA will control so there will be no easements.

Mr. Betz stated that the BZC is concerned as well. When they come back for final development plan approval, we need to address all these issues.

Mr. Glardon stated that he has a meeting next week with Stephanie Goff, he will bring up these issues with her about the right of way.

Mr. Betz opened the floor for discussion amongst the BZC members.

Ms. Moore stated that she is unclear about where they landed with the sidewalks.

Mrs. Tilford stated that the decision was to allow them to add sidewalk to the west side of road D and connect it to Kensington, not through the cul-de-sac between the lots, because of topography.

Mr. Betz stated that he believes the sidewalk could be on either side, whichever helps them achieve more space effectively.

Mr. Betz asked if that would help move the road further away from Mrs. Harr's house.

Mr. Glardon stated that it will all be in the right of way, that way the road would not have to shift. He stated that with the traffic study and the discussions with Greene County the intent was that the road would only be used by those 9 estate lots. He knows that is not always how it works out but hopefully the patio homes would be more persuaded to use the Clyo Road entrance rather than the secondary entrance.

Mr. Betz stated that he is very concerned with how they handle lots 2-4, he understands the concern about the traffic lights at night. There has to be a way to screen that for those residents.

Mrs. Diorio stated that she liked Mrs. Tilford's idea of taking the extra space from lot 7 to turn it into open space.

Ms. Moore stated that she read the HOA will be responsible for the maintenance of the 10-foot bike path along Clyo Road. She wants to know what maintenance means, if it breaks down and degrades, do they have to patch it.

Mrs. Tilford stated that that is correct, if the bike path breaks down the HOA will be responsible for fixing it.

Ms. Moore asked what other HOA is responsible for things like that.

Mrs. Tilford stated that the Landings is responsible for theirs. Anytime that the pathways are put in it is the responsibility of the HOA to maintain it.

Mr. Betz stated that in respect to the sidewalk, he would like it to not follow the road, and to meander around the landscaping.

Mr. Glardon stated that they are totally fine having the sidewalk meander around the development.

Mr. Betz stated that he is happy that Van Atta is working with them and listening to their suggestions and requests.

Mrs. Tilford stated that she modified the condition that connected the cul-de-sac to Kensington to Reed, about adding sidewalk to road D.

Mr. Betz asked for a motion to approve subject to the recommended conditions.

Dr. Mathews made a motion to approve BZC Case 09-2021, Mrs. Hellmann seconded.

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

Mr. Betz-yes

Dr. Mathews-yes

Ms. Moore-yes

Mrs. Hellmann-yes

Mr. Betz asked if there was any old business to be discussed.

Mrs. Tilford stated that there has been talk about solar farms. Yesterday at the trustee meeting the Trustees are submitting a letter to the County Commissioners to put on notice that the Township is going to follow process and be involved. The Township cannot regulate the solar farms, but the Township can say we are interested in this project, if you come into Sugarcreek Township there will be eyes on you. Some of the solar companies try to avoid communities like that, they want to go where they are not going to ruffle any feathers.

Mr. Betz stated that himself and Mrs. Tilford had a conversation in regard to the overlay district about how they could provide incentives to have developers include charging stations. One idea they came up with would be to give a credit to the developers for parking. If they were required to provide 100 parking spots, and we give them a 10% credit, that would mean they only have to provide parking for 90 cars. We give them the credit in exchange for 1 or 2 charging stations. The charging stations is something that Mr. Betz would like to get in front of for the future. It is not a requirement, but we want to incentivize it, so they are more available in the township. The parking space credit seems to be the best incentive yet.

Mrs. Hellmann asked if the charging station spots have to be wider or longer.

Dr. Mathews stated that the parking spaces are not much different in size.

Mr. Betz stated that they do not just have to put it in the overlay.

Mrs. Tilford stated no they could put it in the standard, so it is applicable everywhere.

Dr. Mathews asked if there were any other townships or cities that are also doing this.

Mrs. Tilford stated that Columbus has a big EV charging station initiative. Around this area she has not heard of anyone doing it.

Mrs. Hellmann stated that she thinks it is a great idea, the future is coming fast, and the charging stations are going to be needed. She also asked if this is something that could be implicated into the apartment complexes and condos.

Mrs. Tilford stated that the reduction can certainly be added into those places. It is a blanket reduction so they could out in a charging station and get a reduction as well.

Mrs. Hellmann asked what was going on at the Grand.

Mrs. Tilford stated that they have pulled their zoning certificates for the Assisted living facility, nothing has happened since then. They will have to reapply since the certificate expired. Now they are shifting to building the multi family first, but they do n have financing in place, so we will see.

Mrs. Hellmann asked about the cellphone tower on Centerville Road.

Mrs. Tilford stated that it is an electrical line.

Mr. Betz asked if there was any status on the Applebee's Property.

Mrs. Tilford stated no, she has not heard anything yet.

Mr. Betz asked if the Trustees approved the overlay district.

Mrs. Tilford stated that yes, they have, and it will go into effect Mid-August.

Mrs. Hellmann asked if anything is happening with the old Fresh Thyme location.

Mrs. Tilford stated that it is under contract for a retailer, but she does not know who yet.

Mr. Betz stated that they will fall into the overlay district as well.

Mrs. Tilford stated yes, it will fall under the overlay district.

Ms. Moore said the Sugarcreek side does not start until you cross the bridge.

Mrs. Tilford stated that shopping center which includes Target, Home Depot, and Pet Smart is all included in the overlay district.

Mr. Betz asked for a motion to adjourn.

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

Mr. Betz-yes

Dr. Mathews-yes

Ms. Moore-yes

Mrs. Hellmann-yes

