

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, MAY 13, 2014**

This regular meeting of the Sugarcreek Township Board of Zoning Commission was held on Tuesday, May 13, 2014 at the Sugarcreek Township Administration Office, 2090 Ferry Road, Sugarcreek Township, Ohio at 7:00 p.m.

Mr. Schieman called the meeting to order.

Everyone present stood for the Pledge of Allegiance.

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

Mr. Baldino-absent
Mr. Schieman-present
Mrs. Hellmann-present
Mrs. Gallagher-absent
Mr. Betz-absent
Mr. Schleich-present
Mr. Bennett-present

Mr. Schieman thanked those members of the public present for the meeting. He noted that all Zoning Commission meetings are open to public, however only cases like map amendments typically get people out. Mr. Schieman explained the meeting process.

Mrs. Tilford provided the Staff Report for Case 02-2014. Van Atta Engineering is requesting a map amendment to the Sugarcreek Township Zoning Resolution to rezone 5250 Little Sugarcreek Road from A-1 (Agricultural) District to PUD-R (Residential Planned Unit Development) District. The subject property contains 69.030 acres, can be further identified by parcel number L32000100140001900, and is owned by Richard E. Pape. Van Atta engineering is also requesting preliminary development plan approval under Article 5 of the Sugarcreek Township Zoning Resolution for approval of the preliminary plan for the Berryhill Estates subdivision.

Mr. Schieman highlighted that the zoning change being requested is allowed in this Planning Area. The request for a PUD-R zoning classification is consistent with the Long Range Land Use Plan and the Preliminary Plan submitted is also consistent with the PUD-R standards outlined in the Zoning Resolution. He underlined that this is not approval of a Final Development Plan. That step involves more advanced plans; this stage is more advanced than a conceptual plan but it is still preliminary in nature. Finally, he noted that the Zoning Commission will provide a recommendation on the request and that recommendation will be provided to the Township Trustees. The Trustees will also hold a public hearing and ultimately make the decision to approve or deny.

Mrs. Hellmann asked Mrs. Tilford about the update to the Staff Report.

Mrs. Tilford noted that the applicant provided acreages of each open space area, as requested by staff. The Staff Report was updated to include the acreages of each open space area. She noted that the overall total open space acreage was unchanged.

Mr. Bennett asked about the distance to the Middle School.

Mr. Tiffany estimated that the Middle School was roughly one half mile from the site.

Mr. Greg Smith with the Oberer Company and Mr. Mark Locke with Ryan Homes came forward, representing the applicant. Mr. Smith indicated that this is a joint project; Oberer will be the developer and Ryan Homes will be the home builder. He indicated that the location of the site, its proximity to I-675, the Greene, recreational opportunities, etc. as well as the school district make it a great site. We have the very large park across the street. He reviewed the original concept plan with 104 lots. He noted that after meeting with staff, the plan was revised. We have 98 lots now, we added the stub to the Black property to the east providing a future connection, we have emergency access from DP&L, we increased the setback from Little Sugarcreek Road, we increased the amount of open space to 21%, and we avoided impact on the existing creeks. He noted that they could get to 25% open space, but that would result in smaller lots; the plan presented they feel is a better plan. He noted the only impact they will have on the existing creeks now is the one crossing. With the plan we are swapping the existing crossing for the proposed new crossing.

Mr. Locke came forward, noting that the homes proposed in this development will be the same homes that they are building in the Vineyards of Bellbrook. When the Vineyards is complete, they will move operations over to this site. The homes in this development will be the same design and finish as the homes they are building in the Vineyards as well as the same price point. They will have 8-12 different home styles with multiple elevations. They are in concurrence with the prohibition on vinyl siding. The line we offer in the Vineyards and the line we will offer here is our exclusive line, it is our high end line. It is a product line offered in few areas in the Dayton market.

Mr. Schleich asked about side entry garages.

Mr. Locke indicated that 70-80% is a low end of what we expect to see as far as the percentage of homes with side entry garages. We have sized the lots to accommodate side entry garages because a majority of the buyers here will demand it.

Mrs. Hellmann asked how many of the lots are not sized to accommodate a side entry garage.

Mr. Locke indicated that all 98 lots will accommodate a side entry garage.

Mrs. Hellmann asked about the stream crossing.

Mr. Smith indicated that they would install a large box culvert to not impede stream flow. The existing culvert will be removed.

Mr. Locke referred to the mention of mounding on the north side of the project by staff. He and Mr. Smith have committed to staff, as well as to a number of adjacent property owners, to add mounding. He noted that until they truly do storm water calculations and engineering, they won't know exactly what they can do. They don't want to create a problem with water flow but they intend to look at. Cara mentioned water flows from east to west, so we don't want to create a problem at the lot line with the retention of water.

Mr. Schieman noted that he was out at the property and walked it today. The width of flowing water was less than 2'. It isn't like the width of the Little Sugarcreek.

Mrs. Hellmann asked for clarification on the width of the proposed mound in the central open space area.

Mrs. Tilford noted that the width of that open space area was 60'.

Mr. Schieman indicated to the public that questions related to the development will be taken now.

Ms. Nina Herzog, 1899 Surrey Trail, came forward. She questioned why so many houses were being proposed on so little acreage.

Mr. Smith indicated that the density proposed is very reasonable and in line with the Long Range Land Use Plan. Given that public water and sewer are being brought to the property, the lot sizes really cannot be increased to cover the development costs.

Mr. Schieman clarified to Ms. Herzog that her question deals with our zoning and why we would allow this density. He indicated that he will address her comment later, since it deals more with what the township is doing from a zoning standpoint rather than what the developer is proposing.

Mrs. Herzog states that not even half of an acre is too small. She feels that if one house catches fire, they will all go.

Mr. Schieman noted that he would address that later.

Dr. Thomas Pumpelly, 5248 Little Sugarcreek Road, came forward. He indicated that he is the property to the north. He thanked the developer for considering mounding. He asked about the mound particulars.

Mr. Locke indicated that typically they do mounds with a 3:1 slope. He noted that they did make those lots a little deeper to accommodate a potential mound. They have a similar, common desire; we want to screen our residents from you as much as you want to be screened from our residents.

Mr. Smith noted that the mound could be as tall as 6', but they wouldn't want to do a continuous 6' mound. From both aesthetic and drainage purposes, that isn't desirable. When they get to the

final design phase, they will strategically locate the tallest mounds taking into consideration the view shed. They prefer more natural looking mounding.

Dr. Pumpelly indicated that there is a water problem. There is a ditch running between the two properties that drains water up to Little Sugarcreek Road. He asked if that could be tiled to accommodate water flow.

Mr. Smith indicated that they would look at it. They don't want to grade on the Pumpelly property, but they will look at the topography.

Dr. Pumpelly indicated that the creeks may be drier now, but they flow hard and fast during wet times.

Mr. Locke indicated that was one issue that they talked about with staff. That's why the plan was modified to stay out of that area.

Mr. Mark Black, 3169 Indian Ripple Road, came forward. He explained he is the son of Merlin and Judy Black. They own the adjacent property to the east. He wanted to know if DP&L has given their okay to the emergency access easement.

Mr. Smith noted that it is the opinion of the Fire Chief that they don't have to okay it. They will take the route necessary to access a property, regardless of ownership. We have talked to DP&L but have not requested an easement.

Mr. Black indicated that the Black property will continue to be farmed and wanted to know how buyers are notified that they will be adjacent to a working farm.

Mr. Locke indicated that Ryan Homes has an addendum to every purchase contract relative to easements, surrounding land uses, etc. They don't try to hide anything from their customers.

Mr. Black inquired about the placement of Strawberry Way.

Mr. Schieman indicated that he will address this.

Mr. Black indicated that Strawberry Way, as proposed, abuts his parent's land. There will be no development of this property for at least 10-15 years. The location of this stub street will have a material impact on the development of his parent's property.

Mr. Smith indicated that it was placed there, because the Black property is the most likely to develop of all the adjacent properties to the east. We placed it in a way that lots could be developed on each side of the stub street as it is extended onto the Black property. Utilities will also be run to the property line. If utilities aren't stubbed there, the Black property wouldn't have access to utilities except by getting an easement from lot owners after the fact.

Mr. Schieman thanked both gentleman for their comments and noted that more discussion on this topic will take place later in the meeting.

Mr. Howard Ackerman, 1350 Eden Meadows Way, came forward to talk about the stub street. Mr. Schieman asked Mr. Ackerman to hold his comments for later.

Mr. Jay Jira, 904 Little Sugarcreek Road, came forward. He asked if there is a requirement for a second entrance.

Mr. Schieman explained that they have met that requirement with the proposed access through the DP&L lot for emergency access. The Fire Department has reviewed the plan and approved it.

Mr. Jira asked if the developer had the intention to bring natural gas to the development.

Mr. Smith stated that they like to provide it, but it is usually up to Vectren to decide if the number of users justifies bringing it.

Mr. Locke indicated that they would be bringing it from the north, if it is brought to the site.

Mr. Smith indicated that all our developments with Ryan Homes have natural gas.

Mr. Jira indicated that he would be interested in getting natural gas.

Mr. Jira asked if it would be city water.

Mr. Locke indicated county water and sewer.

Mr. Jira asked about pressure.

Mr. Smith indicated that no issues with pressure are anticipated. They may be looking at a pressure regulator; if need to do anything with pressure, it would be entirely at our cost.

Mr. Jira asked about burying utility lines along Little Sugarcreek Road.

Mr. Smith indicated that it would be up to the utility companies, if they wanted to bury them.

Mr. Jira indicated that there is a lot of tile on the farm. He wants to make sure that any tiles that are disturbed are fixed.

Mr. Smith indicated that any tiles located where the storm sewer is will be hooked into the storm sewer system. He explained that if they break tile, it will be routed in the storm sewer system, it becomes their storm water to regulate and maintain.

Mr. Jira asked where the overflow for the pond will be.

Mr. Smith indicated that it will overflow into the creek. The subdivision ordinance and good engineering practices require that no more stormwater be released from our site than is currently released from our site.

Mr. Jira stated that he pumps water out of his sump in the dead of August.

Discussion ensued on pond design. The applicant agreed to evaluate pond design understanding Mr. Jira's concern.

Mrs. Eileen Pape, 5408 Little Sugarcreek Road, came forward. Mrs. Pape asked about the wooded area between the back of her property and theirs.

Mr. Smith indicated that the trees would be maintained.

Mr. Locke indicated that those trees are very valuable to her and very valuable to us.

Mrs. Pape asked about the traffic.

Mr. Schieman noted that the Greene County Engineer would require a turn lane.

Mrs. Pape asked about the traffic on Feedwire.

Mr. Tiffany discussed upcoming improvements to Feedwire Road that should ease a lot of existing congestion.

Discussion ensued on the culvert. Mr. Locke explained where the culvert would go, noting that is the only area where disturbance to the stream will be.

Dr. Pumpelly asked about the lift station.

Mr. Smith indicated that they have about four different routes to take with sewer. Once they get past this evening, they will have to work through that issue.

Mr. Locke indicated for the record that Greene County does allow and has allowed lift stations.

Mr. Schieman indicated that the preference is for gravity sewer. Mr. Locke clarified that was also their preference.

Dr. Pumpelly asked about the price of the homes.

Mr. Locke noted that he cannot predict the market. All he can say is that the homes that will be built in this development will be like those homes currently being built in the Vineyards of Bellbrook. They have sold roughly 23 at an average sales price of right around \$390,000. He noted that that price does include the lot.

Dr. Pumpelly noted that his property is probably the most impacted as any adjacent property. He asked if he could get some of the larger lots adjacent to him.

Mr. Locke indicated that it was designed to stay out of the area of the stream. Those lots are not as deep as those they're across from, but they are deeper than some of the internal lots. The roadway might shift over a little bit, but that would be to achieve the best line of sight.

Discussion ensued on radon gas.

Dr. Pumpelly asked about the impact to his front yard and his well.

Mr. Locke indicated that they would contract with the utility companies to bring the utilities to the site.

Mr. Schieman indicated utilities being extended shouldn't be anywhere near his well.

Mrs. Hope Taft, 2933 Lower Bellbrook Road, came forward. She noted that her organization is very concerned about impervious surface coverage and compacted soil. She asked what plans the developer has to mitigate impact.

Mr. Locke indicated that this is going to be a subdivision with streets and lots. If you walk the site to see what is draining and flowing into the creek now I think, and I know that the Chairman agrees, that we are going to be improving what is draining into it now.

Mr. Smith indicated that currently the site is almost 100% farmed. The streams don't have much grass between the edge of water of the stream and the farm. You have erosion, chemicals etc. now. We will have a 50' stream buffer, infrastructure for the settlement of sediment. We are capturing our stormwater, filtering it, and releasing it slowly. Greene County Soil and Water keeps a very good eye on us and they are not shy to tell us how we can do better. We aren't allowed to put in an impervious road.

Mrs. Taft asked about pervious concrete for the path proposed.

Mr. Smith indicated that they have used it in Dayton on 20 houses and they were not happy with its performance. It doesn't look good and it cracks. We wouldn't be doing these new homeowners any favors by using pervious concrete on their driveways.

Mrs. Taft commended the developer for wanting to maintain as much vegetation as possible throughout the creek corridors.

Mrs. Merna Herzog, 255 Upper Hillside, asked if the houses proposed are so big and huge. Are they planning on doing something smaller, do they have a ranch-style option?

Mr. Locke indicated that they do.

Mr. Greg Bell, 5521 Winshire Terrace, came forward. He asked about the path along Little Sugarcreek Road.

Mr. Schieman noted that it may not be there on the final plan.

Mr. Schieman stated that he believes now everyone is up to speed as far as general information is concerned. He opened the Public Hearing for questions directed to the Zoning Commission.

Mr. Ackerman came forward again. He noted that the RPCC recommendation states pedestrian access to the east should be considered for a future connection to the Middle School. He submitted a document to the Board outlining his suggestions to address this comment. This document was added to the case file, as well as provided to the applicant. Mr. Ackerman also asked when utilities had to be decided on, if there would be an HOA with restrictive covenants and what they were, and why there was an open space lot between lots 6 and 7.

It was noted that prior to approval of the Final Development Plan, the water and sewer question would be answered. There would be an HOA, with the covenants submitted prior to approval of the Final Development Plan. The open space lot between lots 6 and 7 was established to protect the creek corridor.

Nina Herzog, 1899 Surrey Trail, Bellbrook came forward. She noted that she has been a resident for 31 years and that hers was an empathetic plea for a no build scenario. She stated that we do not need 98 more houses. She referred to a research project she recently completed in which she read the Long Range Land Use Plan and it calls for large portions of the township to be preserved. She noted that nothing should be built around a stream corridor. She referred to a Dayton Daily News article from 1983 in which the impact of 675 was discussed as mindlessly encouraging growth. She noted that in 2007 the Dayton Daily News referred to Sugarcreek Township as a breakaway and a sanctuary. She discussed her concerns about added traffic on Little Sugarcreek and Feedwire Roads.

Mr. Schieman noted that he was surprised with Ms. Herzog's call for a no build scenario, given that she has read the Long Range Land Use Plan, specifically noting its discussion on maintaining the geographical integrity of the township. He explained the impact of the Park District property across the street on this parcel's ability to be annexed, noting that the Park District is not an owner with respect to certain types of annexation petitions. He noted that if the township adopted a no build policy within Planning Area 1, it would be highly likely that owners would annex. If that happened, we would lose all say in the development proposal. He noted that he feels Ms. Herzog's emotion. He noted that the developer has already made significant adjustments to the plan, after conferring with staff. He noted that he may not be in love with the solution to this annexation issue, but this parcel is important from a long-range strategic perspective.

Ms. Herzog noted that she intended to go to Centerville's meetings too and that she understood what the township was trying to protect.

Mrs. Hellmann noted that the township has adopted a proactive position. She noted that Ms. Herzog's efforts may be helpful at the state level as townships attempt to address issues within the annexation laws and respond to proposed changes to them.

Mr. Black came forward again. He explained that his father has lived on Carpenter Road since the 1930's. He inquired about their fence.

Mr. Schieman stated, assuming the fence is on his property, no one can remove it.

Mr. Black noted that they have no plans to develop their property. He noted that he understands that development of this parcel is imminent. He noted that he expects it with the development of Cornerstone. He noted that his request was simple. They do not want a stub street to their property. They want it moved to the Nguyen parcel. If that isn't possible, then they want it to be a paper street. He noted that eliminating the stub street to his parcel will help immensely in their future dealings with the township.

Discussion ensued on the stub street. It was determined that stubbing the Nguyen parcel made little sense, as it was a five acre tract with little prospect for future development.

Mr. Black indicated that if their property did develop, it would be in five acre lots like the Carpenter Creek subdivision adjacent to them.

Mr. Greg Bell, 5521 Winshire Terrace, came forward. He noted that his property borders the Little Sugarcreek about a half mile south of the subject site. He bought the house in 2002. Due to all the development that has happened since then, he has lost about 10'-15' of bank. He wants to make sure that he doesn't lose his backyard. How do we get the drainage to be better? Can we improve conditions instead of negatively impact them?

Mr. Schieman noted that he knows Mr. Bell's property. He knows the issues. He will do his best to address them within certain regulatory limits.

Dr. Pumpelly came forward. He noted that he has lots of questions and concerns about how this development will impact his family. He noted they didn't ever realize that they would be dealing with a housing development next to them like they left in Beavercreek. He noted, as proposed he would have 7-8 lots abutting him, plus DP&L. He noted that Mr. Schieman did a good job explaining the annexation dynamic at play and noted that he doesn't want to live in Centerville either. He noted that Kent Turner, the gentleman that farms the property and lives in the house, couldn't even attend tonight because he was so upset. He asked if the Tecumseh Land Trust could buy the property. He has researched the issue and each house can be expected to yield 4.31 to 21.85 trips per day with an average of 9.55 trips per day. That would be over 900 trips per day with only one way in and one way out. He believes a Traffic Impact Study should be performed. It is typically recommended when you have over 150 houses, but there is a caveat that it should be done when you have a single access like in this case. He noted he is concerned about the hill to the south; it will be difficult for people to get in and out. To the north there is another hill and a curve. A turn lane will be great but they need to do a Traffic Impact Study. He feels a traffic light is warranted. He noted that they love Sugarcreek Township and asked that

it not be turned into a Beavercreek or Centerville.

Mr. Schieman noted that the land trust issue isn't something that the township can facilitate. We don't know that the landowner hasn't looked into that as an option. He explained that Bob Geyer will look at sight distance. He is 99.9% sure a traffic light will not be required.

With no one else present wishing to speak, Mr. Schieman closed the Public Hearing.

Mr. Schleich asked to discuss the stub street.

Mr. Schieman noted that the Nguyen's would have been notified of the Public Hearing.

Mr. Tiffany noted that from both roadway planning and logical standpoints, stubbing to the Black farm makes the most sense and that's why it was recommended. He noted that paper streets are not preferable; they never get built.

The Zoning Commission concurred that a paper street was not a viable option. Discussion ensued on moving the stub to the Nguyen parcel or to the property line of the Black farm ensued.

Mr. Tiffany indicated that moving it to the Nguyen parcel in effect turns that parcel into a corner lot and it has a huge impact.

Mr. Black indicated that if his property were to develop it would be into five acre lots.

It was determined by the Zoning Commission, with the concurrence of staff, that the stub street be removed and instead a 10' pedestrian easement be provided to accommodate future connectivity to the Middle School.

Mrs. Hellmann made a motion to approve the rezoning from A-1 to PUD-R as requested by the applicant, which was seconded by Mr. Schleich. Upon call of the roll, the vote resulted in the following:

Mrs. Hellmann-yes
 Mr. Schleich-yes
 Mr. Bennett-yes
 Mr. Schieman-yes

Mr. Schleich made a motion to approve the Preliminary Development Plan with the seven conditions outlined in the Staff Report, which was seconded by Mrs. Hellmann. Upon call of the roll, the vote resulted in the following:

Mrs. Hellmann-yes
 Mr. Schleich-yes
 Mr. Bennett-yes
 Mr. Schieman-yes

Mrs. Tilford noted that the case would be placed on the June 16, 2014 Trustee Agenda for a Public Hearing.

Discussion ensued on the Floodplain Overlay. Mrs. Tilford reviewed the estimates received from the engineering firms, putting cost at roughly \$3000. Mrs. Tilford discussed the reasoning behind an Overlay versus a development standard. She noted that she has had the draft reviewed by ODNR, as well as talked with the Miami Conservancy District. Both entities recommended a threshold. She recommended the inclusion of a threshold, but wanted to review the threshold issue with the Zoning Commission.

The Zoning Commission directed Mrs. Tilford to come back with a final product, inclusive of a threshold at the July 8th Zoning Commission Meeting.

The Zoning Commission noted that they will not meet on June 10, 2014.

Mrs. Hellmann made a motion to approve the April 8, 2014 Minutes, which was seconded by Mr. Schleich. Upon call of the roll, the vote resulted in the following:

Mrs. Hellmann-yes
Mr. Schleich-yes
Mr. Bennett-yes
Mr. Schieman-yes

Mrs. Tilford noted that our effort to secure Community Development Block Grant funding from Greene County was unsuccessful.

Under the commercial development update, Mrs. Tilford noted that plans for Dunkin Donuts have been approved.

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

Mrs. Hellmann-yes
Mr. Schleich-yes
Mr. Bennett-yes
Mr. Schieman-yes