

**SUGARCREEK TOWNSHIP
BOARD OF ZONING COMMISSION
TUESDAY, AUGUST 12, 2014**

This regular meeting of the Sugarcreek Township Board of Zoning Commission was held on Tuesday, August 12, 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.

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

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

Everyone present stood for the Pledge of Allegiance.

Mr. Schieman welcomed those in attendance for tonight's meeting. He noted the nice audience turnout.

He referred to the first item on the agenda, consideration of Case ZC03-2014. He asked Mrs. Tilford to provide the Staff Report.

Mrs. Tilford provided the Staff Report. Hills Land and Development is requesting a map amendment to the Sugarcreek Township Zoning Resolution to rezone 3820 Upper Bellbrook Road from R-PUCD (Residential Planned Unit Conservation Development) District to PUD-R (Residential Planned Unit Development) District. The subject property contains 115.189 acres, can be further identified by parcel number L32000100120001900, and is owned by Birdie Kay Lorenz and Dinah Joy Schwartzkopf. Hills Land and Development is also requesting preliminary development plan approval under Article 5 of the Sugarcreek Township Zoning Resolution for approval of the preliminary plan for The Landings at Sugarcreek subdivision. After the conclusion of the hearing the matters will be submitted to the Board of Township Trustees for its action.

Mr. Schieman noted that copies of the Staff Report were available on the table in the entry. He explained the hearing process. He asked for the applicant to come forward.

Jim Obert, 4901 Hunt Road, Cincinnati, Ohio stated that he is excited to present this project, as is Hills. He noted he has Michael Copfer of Hills with him, as well as Shane DeLong with RVP Engineering. He passed out a copy of his presentation to the board members, as well as a copy for the record. He proceeded to walk the board through his presentation. He noted that the

property was begun as the Traditions of Sugarcreek and because of the economy it stalled. They have an agreement to purchase 115 acres, surrounding 24 acres currently owned by Mark Brescia's group. They attempted to work with them, but discussions did not move forward, so they opted to pursue this plan. He went over original access planned to the property and noted that they've kind of turned it inside out. They have two entrances now off Upper Bellbrook Road. He stated that he and Michael met with Cara and Barry three times to discuss the proposal. He noted that the prior plan had a lot of 60' lots; and they have eliminated those. He noted that they are focusing on a larger product in this community. He noted that the stalled Traditions development has been an eyesore and that their development will help elevate the whole corridor. He stated that they have spoken with the County Engineer on access. Water and sewer are available. Sanitary Engineering has a concern about deep sewers, particularly sewer lateral and they have a plan to address that. He noted that plan is to have a homeowner's association maintain the open space areas. He referred to the prior approved plan noting that they are proposing 14 less lots with an average frontage of 77.5'. The average frontage in the approved Traditions neighborhood was to be 69'. He noted their lots are substantially larger than what was approved in the Traditions development. He noted that they will not be utilizing vinyl or aluminum lap siding. He noted that they have two different lot types proposed, 70' lots and 85' lots. He pointed out the gas lines and the overhead lines as development constraints noting that their plan will only cross the gas line twice. He pointed out that they will have over 40% open space and have committed to an asphalt hiker biker trail along the frontage of Upper Bellbrook Road and a mulch trail along the gas line area. He noted that they are talking about some additional linkages and have talked about cooperating with Mark on storm water, which helps both projects. He noted that they are connecting to existing roads, as well as stubbing to the Tischer property, the Clemens property, as well as two stubs to Mark's property. They have been in discussions with the Park District about the triangle area in the corner. They are open to making that parkland if they want it. He stated that they have to work out how that will happen from timing and sequencing standpoints. They are willing to commit to it; it is a matter of when, not if.

Mr. Schieman asked the BZC members if they had questions for Mr. Obert.

Mr. Baldino asked if the open space area is transferred to the Park District, does that impact the calculation.

Mrs. Tilford clarified that we allow open space to be transferred to a Park District as an option for ownership, so it will not impact the overall calculation.

Mr. Michael Copfer, 4901 Hunt Road, Cincinnati, Ohio with Inverness Homes came forward. He explained that Inverness Homes is different from most volume builders in that all plans are able to be customized. Inverness has a 96-97% approval rate meaning that 96-97% of buyers would buy from that again. That far exceeds the average in the industry. He reviewed pictures of the homes that Inverness is going to be building. He invited everyone to visit their model at Weatherstone. He noted that they offer ranches and two stories and that they have a diverse array of home plans.

Mrs. Hellmann asked about the exterior of the first elevation shown. She asked what material was used.

Mr. Copfer stated it is hardi cement board.

He stated that the second home shown in a model in Carriage Trails.

Discussion ensued on the different elevation options, front facing garages vs. side entry garages.

Mr. Baldino asked if, given the lots sizes, they would have an opportunity to do side entry garages.

Mr. Copfer indicated that they have mixed opportunity. It will depend on the lot and plan chosen.

Mr. Schieman asked about slabs.

Mr. Copfer indicated that he would anticipate that all homes in this development would have basements. Out of the 200 to 300 homes they build every year, maybe two or three of them are on slabs. He indicated that occurs in price point challenged markets where they build their lower line. They will not be building their lower line here. This is not a price point challenged market. He noted that they also build full basements, including under our morning rooms.

Mr. Betz indicated that the lots don't look wide enough to do side entry garages.

Mr. Copfer indicated that side entries will most likely be seen on the cul-de-sac lots and the corner lots. The 70' lots will be less able to accommodate them. He noted that they anticipate more ranches to be constructed on the smaller lots. These lots typically appeal more to the empty nesters.

Mr. Obert discussed the architectural detailing done to help break the mass of the front entry garages with setbacks and single garage doors. They work hard at this.

Mr. Schleich asked if three car garages would be offered.

Mr. Copfer indicated they would. They would expect that option to be considered on the cul-de-sac lots, those lots wide enough to accommodate them.

Mrs. Hellmann asked if they would consider this there mid-range, lower or top of the line product.

Mr. Copfer indicated that the 70' lots would be the bottom of their top line and the 85' lots would be the top of their top line. They aren't offering any of their entry or middle line products.

Mrs. Hellmann clarified that the homes shown are their top line.

Mr. Copfer confirmed that the homes shown are their top line.

Mr. Betz asked about anticipated price point.

Mr. Copfer stated that an average price on the 70' lots is anticipated to be \$350,000, on the 85' lots it is anticipated to be around \$450,000. He noted that their crystal ball isn't as good as it used to be.

Mrs. Hellmann asked about lot prices.

Mr. Copfer indicated that they are the developer and builder, the lot price is built in.

Mr. Schieman commented on the need to clean up the view of the property. The BZC is interested in you trying to get some agreement with EDCI II to provide some sort of unified view from the road.

Mr. Obert indicated that they share that concern, that one of the reasons they met with EDCI II last week, it was one of the discussion items. They share the concern.

Mr. Schieman noted that he was out with the Park District and they walked and surveyed the land. Connectivity is important to our Trustees. The Park District has discussed, potentially, a more extensive trail network back in the northwest corner of the property.

Mr. Obert stated that he isn't sure how feasible that is. Up to the gas line easement is practical. Topography is going to be limiting on the south side of that gas line. He indicated Hills is willing to continue discussions with the Park District. If it is going to be open space we don't really care if it's held by an HOA, the Township or the Park District. If the Park District decides that they want to build a trail system through there and we work out the other details, he doesn't see why that couldn't happen.

Mr. Schieman indicated that would be an ideal place for connectivity.

Mr. Schieman indicated that the board would like to see the mulch trail extended to the asphalt path.

Mr. Obert stated that he can't say that they would stand opposed to that. He explained that residents typically don't want people walking in their backyards. It can be a great feature but it can also be a negative. We are open to continued discussion. He can't say we would stand opposed to bringing the mulch trail out to the asphalt trail, but it is something we'd like to continue discussion on as we move through the Final Development Plan process.

Mr. Betz asked how they plan to develop.

Mr. Obert pointed out where the existing sanitary ends. Part of the discussion with Ron Volkerding is how they sewer the entire site. He noted that they have two options. One is in cooperation with the EDCI II people. He explained options for phasing.

Mr. Betz summarized that they planned to start from Upper Bellbrook Road and work back.

Mr. Betz inquired about construction access.

Mr. Obert stated that would be through their entries.

Mr. Betz asked how they control the construction traffic from using Ridgeway.

Mr. Obert indicated that they could potentially barricade and the City of Bellbrook has its police powers, what they do, we will live with.

Mr. Betz noted that this is a difficult site to work with because of the odd piece of ground in the middle. He knows they've talked about cooperation. Have you talked about land swaps?

Mr. Obert stated that we have had a 50,000' level discussion on that last week. We have, as developer, to deal with what we have under contract. We have expressed a willingness to cooperate.

Mr. Betz indicated that Mark will have a tough time laying his out.

Mr. Obert indicated that actually we went through that exercise and did a layout; it is very feasible to develop his piece of property.

Mr. Betz indicated that he used to live on Ridgeway Road up until five years ago. It always concerned him that Ridgeway might become a thoroughfare when this property develops. Ridgeway is stubbed; we all knew there would be a connection when this develops. He indicated that they developer has handled it well, downplayed it, but not so with the proposed extension into Mr. Brescia's parcel. I am concerned about the extension of Ridgeway into Mr. Brescia's property.

Mr. Obert indicated that they are open to continuing discussion.

Mr. Copfer indicated that they are the logical buyer to purchase Mr. Brescia's lots. Another option, not extending Ridgeway, is connecting to Mr. Brescia's land somewhere between lots 76-80.

Mr. Betz stated that option would be preferable; the BZC concurred.

Mr. Tiffany indicated that we met with them last week and Mr. Brescia's concern was access to his parcel. This addresses that. Mr. Tiffany confirmed that Mr. Brescia could get the same number of lots with this layout.

Mr. Copfer indicated that we would give Mr. Brescia an easement.

Mr. Tiffany noted if they have to delete a lot, we would allow them to pick up a lot. He noted the appreciation for the pockets on the cul-de-sacs. This is so important for our snow removal operation.

Mr. Schieman asked that we let them ask to make up that lot.

Mr. Betz stated that this is a great plan.

Mr. Baldino stated our concerns about open space and connectivity are met here.

Mr. Schieman invited the audience to bring forward questions for the developer or make comments to the board.

Mr. Mike Schweller, 3579 Big Tree Road, Bellbrook, Ohio came forward. He noted he is Deputy Mayor of Bellbrook. He is here speaking as a resident of Big Tree Road. He hates to see this development go through, but we all know this is what happens with all great parcels of land. He would like to see at least quarter acre lots. He hopes that the board makes the homebuilder accountable to the home prices discussed tonight. He will get with Bellbrook on a gate on Ridgeway. He likes the alternative access to the EDCI II parcel discussed tonight. He noted that they do not want to bear the brunt of this development's traffic. He is concerned about the additional traffic on Upper Bellbrook Road. He believes the County Engineer needs to be brought in on this. He referred to a large ravine containing a lot of farm waste. He asked that the board make sure that issue is remediated. He prefers this plan to plans that he has seen before. He wants to make sure that the open space is maintained.

Mr. Schieman noted that the County Engineer has been involved and has reviewed the plan.

Mrs. Tilford clarified that the county may require acceleration and deceleration lanes.

Mr. Schieman indicated that he saw a dumping site on this property a few months ago; it is there, the developer does know about it. It is unsafe.

Mr. Tom Bakita, 3530 Big Tree Road, Bellbrook, Ohio came forward. He stated he owns a four bedroom, two and half bath, all brick home and he doubts it would appraise for \$300,000. His lots is 100' x 160'. He asked how a house on two tenths of an acre could sell for \$300,000-\$350,000. He knows Mr. Betz didn't sell his house for that much. He isn't seeing how this will be upscale.

Mrs. Pilar Cason-Noland, 3625 Ridgeway Road, Bellbrook, Ohio came forward. She thanked Mr. Betz for representing her neighborhood. She noted that she lives at 3625 Ridgeway Road where the gate would be proposed. She has a 6 and 8 year-old. The idea of construction traffic is alarming. A house on Ridgeway Road sold in two hours for \$290,000. It had not been updated. She doesn't think she could get \$300,000 for her 5 bedroom, three and a half bath home. She is concerned about the price. She doesn't want this development to devalue her neighborhood. She noted that her neighborhood is nice, it's kind of mid-range. They were told that the lot directly behind 3625 in the other neighborhood would be half a million dollars. She

is concerned about ranch homes on smaller lots. She agrees that she wouldn't want people walking through her backyard and she doesn't think that these homeowners would want it either. She agrees with all Mr. Schweller's concerns. She is concerned too about the traffic on Upper Bellbrook Road.

Mr. Bakita came forward and asked what assurance the board would have that this doesn't become a bait and switch with respect to price point.

Mr. Schieman stated that we have had an experience in the past few years wherein the product built lately isn't what the township was promised. He stated he is speaking for himself and not looking at our Administrator or Planning Director but he will be looking for conditions of approval to address those concerns as much as he can.

Mr. Copfer reminded the board and audience that the current approved plan has 60' lots on it, 128 on this parcel. We are losing lots and making them bigger, so we can do a more expensive product.

Mr. Schieman stated that in the previous developer's plans those were estate lots. There is a conceptual shift to what is proposed now.

Mr. Obert stated to be correct, all the lots adjacent to the City of Bellbrook, were 60' lots on the currently approved plan, not estate lots.

Mr. Schieman acknowledges that point.

Mrs. Hellmann asked if they are covering the specifics in the HOA document with respect to materials, etc.

Mr. Obert stated that architectural review will be a part of the HOA document. He stated that the Zoning Commission is discussing a topic that they need to be careful with; according the Fair Housing Laws you cannot dictate price or square footage. He noted that he is a licensed real estate agent and he doesn't want you to get in trouble. They can't make this project work without being in the mid-\$300's to mid-\$400's. Their pro forma data shows that this won't work if we don't do that. We have invested \$20,000 worth of effort in this project so far, we wouldn't have invested that if we didn't think that this project was going to work. Not to downgrade Ridgeway, but those are older homes. People want new. People like him, an empty nester, prefer smaller lots. He doesn't want to spend his weekends taking care of a half-acre lot. We understand what the consumer wants. The buyer wants new, fresh; they want open floor plans and two-story atriums. There will be a price difference between Ridgeway and our development and we will be higher.

Mr. Betz asked if they will be the only builder.

Mr. Obert indicated that they plan to be the only builder. Having just gone through the greatest recession since the great depression, things change and they can't control that. Their hope and desire is to build on Mark's property too.

Mr. Betz asked what build out is.

Mr. Obert said they'd love to be at seven years, but they are planning for 10 to 12 years.

Mr. Betz asked staff if we can dictate price point.

Mrs. Tilford indicated that we cannot.

Mrs. Noland asked what other development was a letdown. She noted that when they built the homes behind the high school that really hurt her plat. She noted that the value of her neighborhood is only increasing. She asked about the finishes proposed in the homes. In this economy, she doesn't understand how they are going to get \$350,000 for homes on lots smaller than hers. Land is limited. We have a great school district; we want to keep the values up.

Mr. Betz stated that everyone sitting here wants that same thing.

Mr. Bakita asked if any of the homes presented represented the homes that would be built.

Mr. Obert indicated that they all do.

Mr. Bakita stated that the lots appear long and skinny. He stated that the houses shown won't fit on a 70' lot. They will have to be townhomes to fit. Will the orientation of the homes be side to side, not front to back?

Mr. Betz noted that he was scaling and from the back of the lot proposed closest to you, the lot is 35' away.

Mr. Bakita reiterated that these houses will be oriented differently than the houses in his neighborhood.

Mrs. Tilford stated that they would be oriented the same way as the houses in his subdivision.

Mr. Mark Brescia, 1367 Soaring Heights Drive, Sugarcreek Township, Ohio came forward. He noted that they are working with Hills on project coordination. He explained that they couldn't get to price on Hills buying their piece; they have substantially more money invested than do the Czotter sisters. He noted their concern with respect to access, which is being addressed. Greene County recommended extending Ridgeway to our piece as the best way for us to access the parcel early on in their development. We are fine with it being at an earlier point. They have reached tentative agreements on sanitary and water. In the long-run their piece will fit in to this development. He noted that they should be bringing in a plan for the Board to consider in the next three or four months as a second phase of this project.

Mr. Mike Pittman, Sugarcreek Township Trustee, came forward. He noted his appreciation for the comments and concerns expressed by the neighbors tonight. As a Township Trustee, standard procedure is to never talk in these meetings. They have shown us pictures of homes to

be built. He asked if residents could go to Washington Township to view the houses.

Mr. Copfer showed the model at Weatherstone Estates. That model is priced in the \$480,000 range. He showed a model at Carriage Trace, in the \$450,000 range. One picture is a model in Huber Heights. Residents are welcome to tour. He will provide Cara the information.

Mr. Schieman closed the public portion of the meeting. He noted we have two questions in front of us. One question is the rezoning; the other is the Preliminary Plan.

Mr. Betz makes a motion to approve the rezoning requested from R-PUCD to PUD-R, which was seconded by Mr. Schleich. Upon call of the roll, the vote resulted in the following:

Mr. Betz-yes
 Mr. Schleich-yes
 Mr. Baldino-yes
 Mrs. Hellmann-yes
 Mr. Schieman-yes

Mr. Schieman asked what the time frame is for Final Development Plan Approval.

Mr. Obert indicated that we have a lot of stuff to do. He anticipates the Phase 1 Final being filed in late winter or early spring, with groundbreaking in the summer of 2015. It could happen a little sooner or a little later.

Mr. Schieman noted we have six recommended conditions.

Mr. Betz stated that he would like to add that the hiker/biker trail be connected to Upper Bellbrook Road and the west property line.

Mr. Schieman stressed that we are doing preliminary approval tonight; Cara has listed conditions that are big picture issues. We have heard they're open to these; we've put the stake in the ground. He would like to give them flexibility with the hiker/biker trail.

Mr. Betz stated that everything is very doable like limiting construction access and the additional access into the EDCI II property. He stated he would assume that these items would be reflected on the Final Plan.

Mrs. Hellmann made a motion to recommend approval of the Preliminary Plan, subject to the six conditions of approval outlined in the Staff Report, which was seconded by Mr. Baldino. Upon call of the roll, the vote resulted in the following:

Mr. Betz-yes
 Mr. Schleich-yes
 Mr. Baldino-yes
 Mrs. Hellmann-yes
 Mr. Schieman-yes

Mr. Betz thanked the audience for their comments.

Mr. Schieman stated that the Board shares the concerns voiced.

Mrs. Hellmann made a motion to approve the May 13, 2014 Minutes, which was seconded by Mr. Schleich. Upon call of the roll, the vote resulted in the following:

Mr. Betz-abstain
Mr. Schleich-yes
Mr. Baldino-abstain
Mrs. Hellmann-yes
Mr. Schieman-yes

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

Mr. Betz-yes
Mr. Schleich-yes
Mr. Baldino-yes
Mrs. Hellmann-yes
Mr. Schieman-yes

Mrs. Tilford stated that on Monday we will be having a Work Session with the Trustees to talk about compensatory storage, the work completed by the BZC and how the Trustees would like to move forward.

Mr. Schieman asked for an update on the Pape farm case.

Mrs. Tilford stated that the developer is looking to file for Final Development Plan approval in September, with a hearing date then in October.

Mrs. Tilford updated the Board on the issues facing the Regional Planning and Coordinating Commission. They are evaluating the services that they provide, as well as what they charge for services and membership fees.

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

Mr. Betz-yes
Mr. Schleich-yes
Mr. Baldino-yes
Mrs. Hellmann-yes
Mr. Schieman-yes