

STAFF REPORT

CASE: ZC01-2014

APPLICANT: EDCI Partnership and EDCI II Partnership

LOCATION: 3820 Upper Bellbrook Road

ZONED: R-PUCD (Residential Planned Unit Conservation Development) District

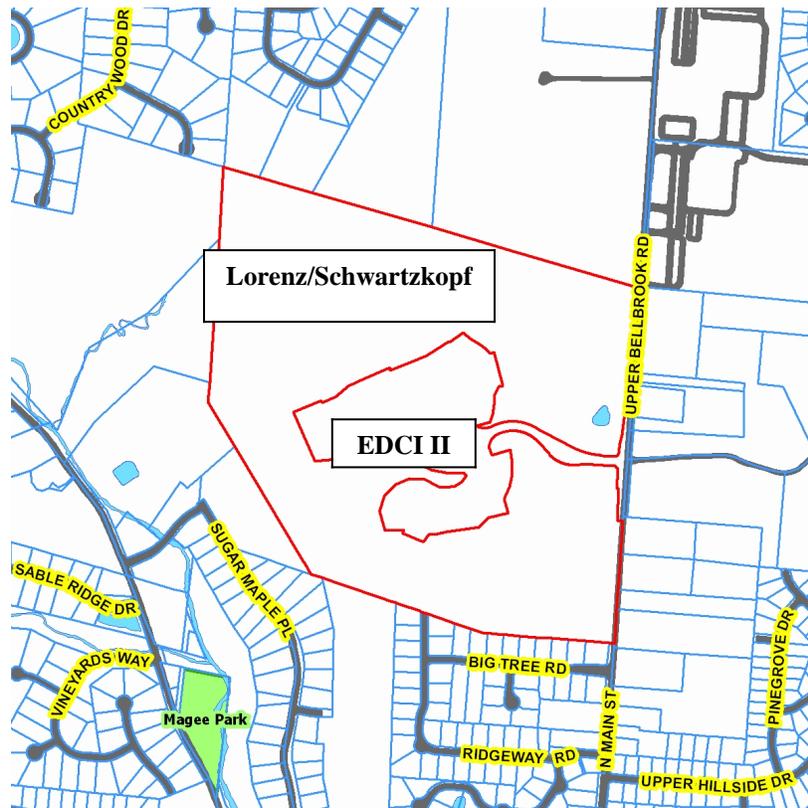
ACREAGE: 139.688 (and 0.495 acres in right-of-way)

DATE: March 11, 2014

DESCRIPTION OF REQUEST

Existing Zoning: The subject parcels are located in the R-PUCD (Residential Planned Unit Conservation Development) District. The parcels, together, comprise the Traditions of Sugarcreek subdivision originally approved by Sugarcreek Township in 2007.

Property Location: The property is located on the west side of Upper Bellbrook Road, adjacent to the Bellbrook city limits to the south and east. The subject request involves two parcels: a 115.189 acre parcel (plus an additional 0.495 acres in right-of-way) owned by Byrdie Kay Lorenz and Dinah Joy Schwartzkopf and a 24.499 acre parcel owned by EDCI II Partnership.



History of Previous Actions:

- On November 14, 2006, a request for a change in zone from A-2 to R-1B/R-POD and a request for approval of the R-POD concept plan was filed for Traditions of Sugarcreek.
- At the December 12, 2006 meeting, the Zoning Commission tabled the requested change in zone from A-2 to R-1B/R-POD and the R-POD concept plan for Traditions of Sugarcreek in order review the Greene County Planning Commission recommendation, received by the Zoning Department on December 26, 2006.
- At the January 9, 2007 meeting, the Zoning Commission recommended approval to the Township Trustees of the requested change in zone from A-2 to R-1B/R-POD and approval of the R-POD concept plan for Traditions of Sugarcreek.
- At the February 19, 2007 meeting of the Sugarcreek Township Board of Trustees a zone change from A-2 (Agricultural) to R-1B/R-POD (Single Family Residential/Residential Planned Overlay District) for Traditions of Sugarcreek was approved.
- At the February 27, 2007 meeting, the Zoning Commission passed a motion to recommend approval to the Township Trustees of the Final R-POD Plan for Traditions of Sugarcreek as presented subject to the following conditions:
 1. **Homes will be a story and a half maximum in the patio home section.**
 2. **Homes will have a maximum of two (2) bedrooms in the patio home section.**
 3. **All conditions referenced in the “Key restrictive covenants for the Traditions of Sugarcreek Project” document dated 2/27/2007 shall be included in the document of covenants and restrictions for the development.**
 4. **Adequate screening consisting of a combination of mounds and vegetation shall be provided along the frontage of Upper Bellbrook Road to screen the first floor of the homes.**
 5. **The proposed trail along the frontage of Upper Bellbrook Road shall be stubbed to the property to the north.**
 6. **Design approaches shall be explored in relation to retention areas to inhibit water fowl.**
- At the March 19, 2007 meeting of the Sugarcreek Township Board of Trustees the Final R-POD plan for Traditions of Sugarcreek was approved subject to the following conditions:
 1. **Homes will be a story and a half maximum in the patio home section.**
 2. **Homes will have a maximum of two (2) bedrooms in the patio home section.**

3. **All conditions referenced in the “Key restrictive covenants for the Traditions of Sugarcreek Project” document dated 2/27/2007 shall be included in the document of covenants and restrictions for the development.**
 4. **Adequate screening consisting of a combination of mounds and vegetation shall be provided along the frontage of Upper Bellbrook Road to screen the first floor of the homes.**
 5. **The proposed trail along the frontage of Upper Bellbrook Road shall be stubbed to the property to the north.**
 6. **Design approaches shall be explored in relation to retention areas to inhibit water fowl.**
 7. **Input from the Open Space Advisory Committee regarding the 7 acre parcel in the northwest corner of the development (identified as “Optional Sugarcreek Open Space Parcel” on the Final Development Plan) will be sought and a determination of final ownership of said parcel shall occur before the recording of Phase 3. The owner may consider recording a conservation easement on said parcel.**
 8. **Signage shall be in accordance with Article 17 of the Sugarcreek Township Zoning Resolution unless a variance is granted by the Board of Zoning Appeals.**
 9. **Compliance with the Fire Code for dead-end streets and the township letter addressing the same shall be required.**
 10. **The applicant has chosen option 2 in Article 14.12 ownership of the open space by an HOA.**
- On January 22, 2009 the BZA approved a variance to extend the timeframe specified in Article 14.09 (D.) from one year to four years, giving the applicant four years from the date of approval of the Final Development Plan to acquire a building permit before the Final Development Plan for Traditions of Sugarcreek would be deemed null and void.
 - On August 9, 2011 the Zoning Commission approved a series of minor modifications to the approved Final Development Plan for Traditions of Sugarcreek, as well as a three-year extension, giving the applicant three additional years to acquire a building permit before the Final Development Plan for Traditions of Sugarcreek would be deemed null and void. This extension expires March 19, 2014. The approved modifications included:
 - Homes will be two-story maximum in the patio home section.
 - Homes will be four (4) bedrooms maximum in the patio home section (three (3) bedrooms maximum in a one-story home and four (4) bedrooms maximum in a two-story home).

The following modifications to the covenants and restrictions made a part of the approval in condition #3 were also approved:

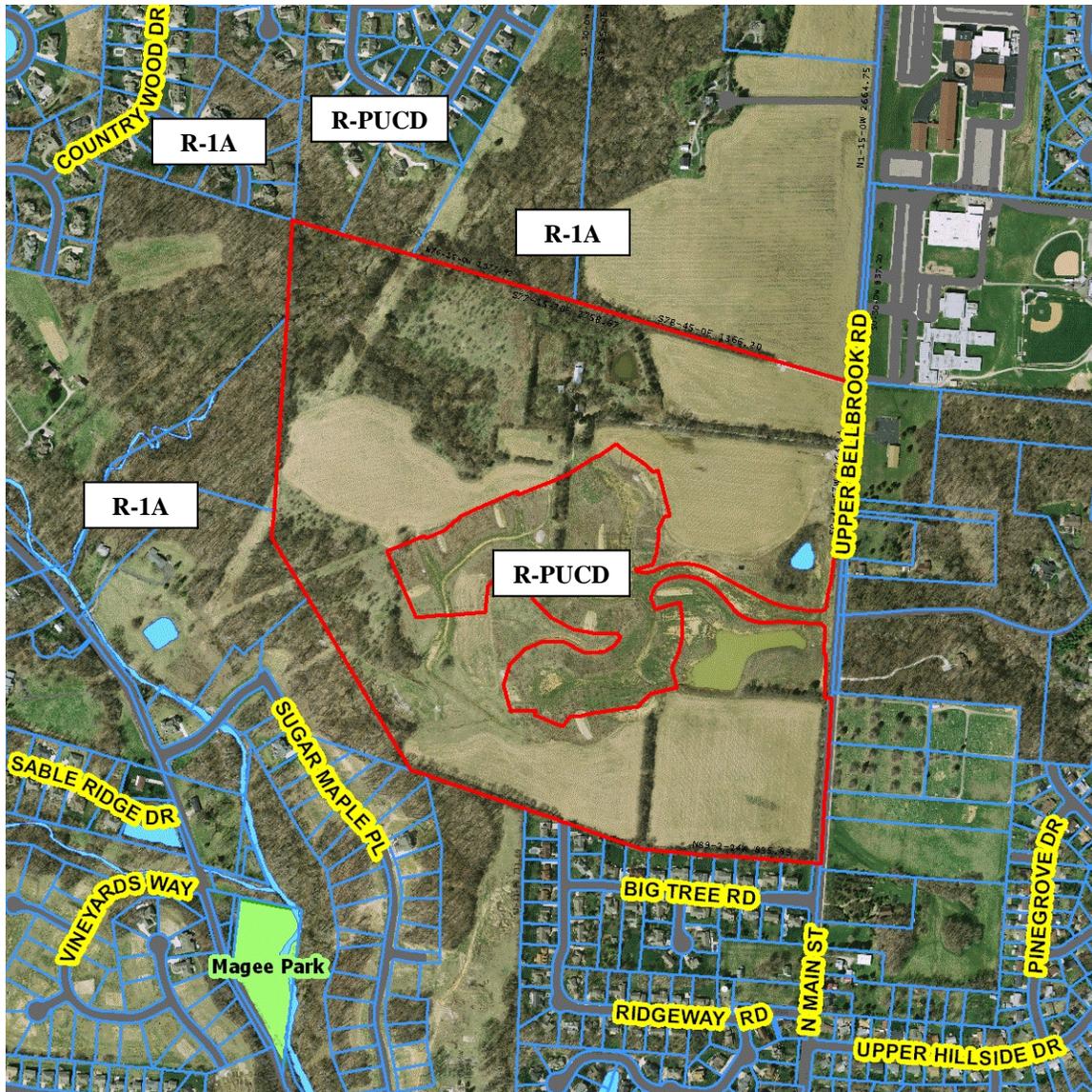
- **Patio Home Section:** Living area for one-story residence shall not be less than 1,400 SF. Living area for two-story residence shall not be less than 1,600 SF.
- **Patio Home Section:** Only approved fencing will be allowed.
- **Conservancy Section:** Living area for one-story residence shall not be less than 1,900 SF. Living area for two-story shall not be less than 2,200 SF.
- **Conservancy Section:** No above ground pools allowed. In ground pools subject to developer's approval.
- **Conservancy Section:** All residences must have wood frame, aluminum clad or vinyl clad windows.

The BZC also required that once 50% of the lots in Phase 1 are built on, that the open space amenities located in Phase 1 (a community pool, pool house, tennis or basketball court and playground) be constructed. Once 50% of the lots in Phase 3 are built on, then the open space amenities in Phase 3 (a playground) will be constructed.

Applicant Proposal: The applicant is seeking a two-year extension to allow the approved Final Development Plan to remain in effect until March 19, 2016.

Zoning of Adjacent Parcels:

- North of the subject site and east of the East of Eden subdivision is property zoned R1-A (the Tischer farm), East of Eden is zoned R-PUCD and Eden Meadows is zoned R-1A.
- East and south of the subject site is the city of Bellbrook.
- West of the subject site on its southern portion is area zoned R-1A. On its northern portion the area is zoned A-1.



Staff Comments:

Pursuant to Section 6.07 of the Sugarcreek Township Zoning Resolution, the BZC may authorize an extension in the time limits specified in Section 6.08 (requiring the receipt of a building permit within three years (or in this case as previously extended by the BZC) or the Final Development Plan is deemed null and void). The property owners have entered into real estate purchase agreements with a builder/development company. The applicant has stated that the current due diligence period runs through June 1, 2014. The executed real estate purchase agreements are not subject to any required minor or major plan modification, but do necessitate the issuance of an extension of the Final Development Plan approval through March 19, 2016. The applicant is requesting that requisite extension. Since the original approval of Traditions of Sugarcreek was granted by the Sugarcreek Township Board of Trustees, numerous amendments have been made to the conservation development district, as well as to the Sugarcreek Township Zoning Resolution as a whole. In granting this extension, development according to the approved plan on file will be allowed to move forward. Any future modifications to the

approved plan (none are proposed with this application) would be processed pursuant to the standards outlined in Section 6.08 of the Sugarcreek Township Zoning Resolution.

Cara K. Tilford, AICP
Director of Planning and Zoning