

**STAFF REPORT**

**CASE:** ZC02-2014-F

**APPLICANT:** Oberer Land Developers, LTD

**LOCATION:** 5250 Little Sugarcreek Road, 69.030 acres

**ZONED:** PUD-R (Residential Planned Unit Development) District

**REQUEST:** Final Development Plan Approval

**DATE:** December 9, 2014

**DESCRIPTION OF REQUEST**

**Existing Zoning District:** The subject property is currently zoned PUD-R (Residential Planned Unit Development) District.

**Applicant Proposal:** The applicant is requesting Final Development Plan Approval for the Oak Brooke subdivision.

**Property Location:** The property is located on the east side of Little Sugarcreek Road, approximately 900 feet south of Swigart Road. The subject property is adjacent to 247.462 acres of land owned by the Bellbrook Sugarcreek Park District.

**Zoning of Adjacent Parcels:** The parcels to the north (a 5 acre residential tract and a 9 acre tract containing a DP and L substation) are zoned A-1 (Agricultural) District. The parcels to the south include two 5 acre residential tracts zoned A-1 (Agricultural) District and two residential lots located in the Deerfield Estates subdivision zoned R-1A (Single Family Residential) District. The parcels to the east (a 5 acre residential tract, a 2 acre residential tract and a number of undeveloped parcels ranging in size from 2 acres to 52 acres) are zoned A-1 (Agricultural) District. The parcel to the west (247.462 acres owned by the Bellbrook Sugarcreek Park District) is located in the A-1 (Agricultural) District.

**Existing Conditions:**

Currently the property is undeveloped and the majority of the property is farmed. It contains an 1870 SF residential structure constructed in 1900 and a barn in poor condition. All existing structures are proposed to be razed. There are two wooded areas on the subject site, one along the smaller southern property line, the other along the larger western property line. The property generally drains from east to west. The property has roughly 670' of frontage on Little Sugarcreek Road. Two creeks are present on the property both generally within the existing wooded areas. The requisite stream setback has been depicted on the Final Development Plan submitted for approval.

**Subject Property:**

**History of Previous Actions:** At the May 13, 2014 Zoning Commission Meeting the Zoning Commission recommended approval of a map amendment from A-1 to PUD-R for the subject property. The Zoning Commission also recommended approval of the Preliminary Development Plan for the subject property subject to the following conditions:

1. Final design shall be subject to approval of the Greene County Engineer's Office.
2. Final design shall be subject to approval of the Greene County Department of Sanitary Engineering.
3. The development shall comply with the recommendations of the Soil and Water Conservation District.

4. Final design shall be subject to approval of Sugarcreek Township Fire Department.
5. The use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia and soffits, or similar minor architectural or structural elements as approved by the Zoning Compliance Officer.
6. Final Development Plan approval shall include a condition of approval referencing design standards as specified in the HOA documents (to be provided at the time of Final Development Plan submission).

At the June 16, 2014 Trustee Meeting the Trustees approved a map amendment from A-1 to PUD-R for the subject property. The Trustees also approved the Preliminary Development Plan for the subject property subject to the following conditions:

1. Final design shall be subject to approval of the Greene County Engineer's Office.
2. Final design shall be subject to approval of the Greene County Department of Sanitary Engineering.
3. The development shall comply with the recommendations of the Soil and Water Conservation District.
4. Final design shall be subject to approval of Sugarcreek Township Fire Department.
5. The use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia and soffits, or similar minor architectural or structural elements as approved by the Zoning Compliance Officer.
6. Final Development Plan approval shall include a condition of approval referencing design standards as specified in the HOA documents (to be provided at the time of Final Development Plan submission).

The Trustees also required the removal of the stub street called Strawberry Way and the inclusion of a 10' pedestrian access easement in its place.

**Applicable Articles and Findings of Fact:**

**Section 5.10 A. establishes the approval criteria for a final development plans as follows:**

- **Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development application and final development application. If deemed necessary by the Board of Township Trustees, this assurance may require a bond to ensure the successful completion of these improvements.**
  - Greene County will hold bonds for streets and storm, survey markers and sidewalks, and water and sanitary improvements. Staff

recommends that the township require a bond to ensure completion of the open space improvements (landscaping, mounding, etc.).

- **The proposed final development application for an individual section of the overall PUD is consistent in contents (building location--as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development application and the Sugarcreek Township Comprehensive Development Plan.**
  - The Final Development Plan submitted is consistent with the approved Preliminary Development Plan. A pedestrian access easement needs to be added to the plan in place of the removed stub street, Strawberry Way, pursuant to Trustee approval of the Preliminary Development Plan.
  - The Zoning Commission and Board of Township Trustees made a determination of consistency with the Long Range Land Use Plan at the time that the Preliminary Development Plan was approved.
- **Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.**
  - The applicant has provided a phasing schedule which includes five proposed phases (all phases are included in this request for Final Development Plan approval).
- **That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the BZC, left in its natural state.**
  - The applicant has submitted a landscaping plan, as required. Staff recommends that the trees depicted on individual building lots (not in open space areas) be planted no closer than 8' from the right-of-way line. It will be the responsibility of the builder to plant the trees depicted on individual building lots. Mounding has been provided in the open space area between lots 59-67 and lots 85-93, as well as between the adjacent property to the north and lots 1-3 and on open space lots "A" and "B" adjacent to Little Sugarcreek Road. The applicant has also submitted signage details. Standard maximum permitted height for subdivision signs is 6'. The applicant is proposing 6.5', which is permissible if approved by the BZC and Township Trustees.
- **That any exception from the design standards provided in the PUD District is warranted by the design and amenities incorporated in the final development application.**

- At the time of Preliminary Development Plan approval, the applicant anticipated that ten home plans would be constructed within the Oak Brooke subdivision. The applicant has provided details for nine home plans to be constructed in the Oak Brooke subdivision. One ranch plan has been provided at 1890+ SF. The two-story plans provided range from 2472+ SF to 3250+ SF.
- As was a condition of Preliminary Development Plan approval, vinyl and aluminum siding will be prohibited with the allowance for aluminum or vinyl fascia and soffits. Covenants, Conditions and Restrictions for the subdivision have been provided, as have Design Guidelines. The Design Guidelines provide for the requisite prohibition on vinyl and aluminum siding and set a minimum square footage of 1700 SF for a ranch and 2200 SF for a two-story. As a condition of Preliminary Development Plan approval, Design Guidelines will be included as a condition of Final Development Plan approval.
- **That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.**
  - The applicant has provided an emergency access easement which will need to be constructed to Fire Department standards to provide emergency access. The Greene County Engineer has reviewed the Final Development Plan submitted. A left turn lane will be required on Little Sugarcreek Road and the Final Plan submitted has accounted for the necessary improvements to Little Sugarcreek Road.
- **That the final development application is consistent with the intent and purpose of Article 1 of this Resolution.**
  - The proposed development is consistent with the intent and purpose of Article 1 of the Sugarcreek Township Zoning Resolution: General Provisions.
- **The final development application has been transmitted to, and comments have been received from, all other agencies and departments charged with responsibility of review.**

- The Final Development Plan was provided to the Greene County Engineer's Office, the Greene County Department of Sanitary Engineering, the Greene Soil and Water Conservation District and the Sugarcreek Township Fire Department for review and comment. The County Engineer will require a left turn lane on Little Sugarcreek Road. Sanitary Engineering has indicated that it is premature at this time to say that an assessment for water and sewer will be approved (the extension of sewer and water by assessment is proposed meaning that the property owners serviced by the extension of water and sewer, i.e. the Oak Brooke property owners, would pay an assessment to cover the cost of that extension if approved by the county). Water is proposed to be pulled from Carpenter Road, through the Derek and Jennifer Montgomery property to service the subdivision. Sewer is proposed to be extended from the Park District property on the opposite side of Little Sugarcreek Road, through the Betty Earley property, and through the William Smyth property on the east side of Little Sugarcreek Road (or alternatively through the Barbara Myron property on the east side of Little Sugarcreek Road) to service the proposed subdivision. The Greene Soil and Water Conservation District provided a list of necessary items to be provided and reviewed during the subdivision review process at Greene County. It was recommended that the developer consider a dry pond to the south of lot 94 or piping to the proposed nearby retention pond. The Fire Department is satisfied with the emergency access easement provided. Their full review has been provided to the applicant.
- **The final development application contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably required for the public health, safety and welfare.**
  - Covenants, Conditions and Restrictions for the subdivision have been provided, as have Design Guidelines. The Design Guidelines provide for the requisite prohibition on vinyl and aluminum siding and set a minimum square footage of 1700 SF for a ranch and 2200 SF for a two-story. Other design guidelines include a limitation on the number and size of sheds, a prohibition on above ground pools and restrictions on the location and types of fencing permitted.
- **A schedule or timeline shall be submitted that details when the planned open space amenities and buffers will be installed. If the PUD contains multiple lots to be developed over a period of time, no more than 25% of the lots should be built on before the planned amenities and buffers are installed. However, the Zoning Commission or Board of Township Trustees may modify this requirement based on the specifics of each case.**

- The applicant has provided a phasing schedule which includes five proposed phases (all phases are included in the applicant's request for Final Development Plan approval). All open space amenities and buffers will be located in Phases 1 and 2. No more than 25% of the lots will be built on before the planned amenities and buffers are installed.

**Staff Comments:**

Staff recommends the following as conditions of approval, should the BZC move to recommend approval to the Township Trustees:

1. Final design shall be subject to approval of the Greene County Engineer's Office.
2. Final design shall be subject to approval of the Greene County Department of Sanitary Engineering.
3. The development shall comply with the recommendations of the Soil and Water Conservation District.
4. Final design shall be subject to approval of Sugarcreek Township Fire Department.
5. The use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia and soffits, or similar minor architectural or structural elements as approved by the Zoning Compliance Officer.
6. No more than 25% of the lots shall be built on before the planned open space amenities and buffers (including landscaping) are installed.
7. A bond shall be provided to the Sugarcreek Township Trustees to ensure completion of the open space amenities and buffers (including landscaping) included in the plan submission.
8. A pedestrian access easement shall be added to plan in place of the removed Strawberry Way.
9. Street trees, constructed no closer than 8' from the right-of-way line, shall be the responsibility of the builder and shall be depicted on site plans for individual building lots submitted for approval.
10. The Design Guidelines (Article V) of the Declaration of Covenants, Conditions and Restrictions for Oak Brooke shall become part of this approval. Any changes to the Design Guidelines (Article V) of the Declaration of Covenants, Conditions and Restrictions for Oak Brooke shall be subject to approval by the Director of Planning and Zoning. Changes to any Construction Requirement provided within the Design Guideline (Article V) of the Declaration of Covenants, Conditions and Restrictions for Oak Brooke shall be subject to approval by the Zoning Commission.

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Cara K. Tilford, AICP  
Director of Planning and Zoning