

STAFF REPORT

CASE: ZC04-2014

APPLICANT: Oberer Land Developers, LTD

LOCATION: 23.99 acres located on the west side of Little Sugarcreek Road between 5425 and 5475, approximately 1750' north of the intersection of Little Sugarcreek and Feedwire Roads

ZONED: A-1 (Agricultural) District

REQUEST: Map Amendment to PUD-R (Planned Unit Development-Residential) District and Preliminary Development Plan Approval

DATE: December 9, 2014

DESCRIPTION OF REQUEST

Existing Zoning District: The subject property is currently located in the A-1 (Agricultural) District.

Applicant Proposal: The applicant is requesting approval of a Map Amendment to PUD-R (Planned Unit Development-Residential) District and Preliminary Development Plan Approval for a proposed subdivision.

Property Location: The property is located on the west side of Little Sugarcreek Road, approximately 1750' north of the intersection of Little Sugarcreek and Feedwire Roads. The subject property is adjacent to 247.462 acres of land owned by the Bellbrook Sugarcreek Park District. The 247.462 acres owned by the Bellbrook Sugarcreek Park District is adjacent to an incorporated area.

Zoning of Adjacent Parcels:

The parcels to the north (a 1 acre residential tract and a 247.462 acre parcel of land owned by the Bellbrook Sugarcreek Park District) are zoned A-1 (Agricultural) District. The parcel to the south and west (a 247.462 acre parcel owned by the Bellbrook Sugarcreek Park District) is zoned A-1 (Agricultural) District. The parcels to the east (six five+ acre residential tracts and a 1 acre residential tract) are zoned A-1 (Agricultural) District.

Subject Site:**Greene County Regional Planning and Coordinating Commission Recommendation:**

The Greene County Regional Planning and Coordinating Commission reviewed the applicant's request and did recommend that the subject rezoning request from A-1 (Agricultural) District to PUD-R (Planned Unit Development-Residential) District be considered for approval based on the findings and discussion outlined in the Executive Committee Report. Upon receiving the report and recommendation, staff found errors within both the findings and discussion sections. The Greene County Prosecutor's Office has determined that the RPCC should repeat process and issue a recommendation reflective of accurate findings and discussion. For that reason, it is necessary that the Zoning Commission table this case until that recommendation is received.

Sugarcreek Township Long Range Land Use Plan:

The subject property is in Planning Area 1: Northcentral Sugarcreek. The applicable Planning Area Recommendations include:

- Portions of this planning area adjacent to an incorporated area or adjacent to public land adjacent to an incorporated area are priority areas for Planned Residential Development, with densities to be determined on a case by case basis by the Zoning Commission and Township Trustees.
- The township strongly supports the connectivity plan included in this document and developments in this planning area should incorporate elements of that connectivity plan as applicable.

Existing Conditions:

Currently the property is undeveloped and the majority of the property is farmed. It contains no existing structures. The property generally drains from east to west and has 913.44' of frontage on Little Sugarcreek Road.

Applicable Articles and Findings of Fact:

Section 3.06 of the Sugarcreek Township Zoning Resolution governs Map Amendments. Review Criteria outlined in Section 3.06 D) includes the following:

- 1. The amendment is in accordance with the Sugarcreek Township Long-Range Land Use Plan and this Zoning Resolution; and**
- 2. Where more than one zoning district is available that permits the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the recommendations of the Long Range Land Use Plan.**

The Long Range Land Use Plan and the Zoning Resolution have established that the PUD-R District is the appropriate classification for parcels adjacent to incorporated areas or adjacent to public land adjacent to incorporated areas. The specific intent of the PUD-R is to allow for orderly growth and development between Sugarcreek Township and adjacent incorporated areas and to foster innovative and creative development techniques that conform to the goals, objectives and policies set forth in the Sugarcreek Township Long-Range Land Use Plan.

Section 5.08 of the Sugarcreek Township Zoning Resolution governs development within the PUD-R District.

- **Section 5.08 A. establishes that the PUD-R is limited in its applicability to those areas adjacent to incorporated areas or adjacent to public land adjacent to incorporated areas.**
 - The subject parcel does meet the applicability clause as it abuts Park District property adjacent to an incorporated area.
- **Section 5.08 B. establishes permitted uses as detached and attached single-family dwelling units subject to the development standards established in this section. Multi-family uses are also permitted, as are other permitted uses in the R-1B Zoning District.**
 - The applicant is proposing a detached single-family subdivision with 40 lots.
- **Section 5.08 C. deals with maximum permitted density. Section 5.08 C. states that density shall be determined on a case-by-case basis taking into account recommendations from the Long-Range Land Use Plan, adjacent land uses, unique features and characteristics of the land, development plan layout, quality and character of the proposed open space, and the maximum density permitted by the adjacent incorporated area.**
 - The Long-Range Land Use Plan establishes a density to be determined on a case-by-case basis by the Zoning Commission and Township Trustees.

Density is proposed at 1.67 dwelling units per acre. The adjacent incorporated area's smallest lot in a straight zone is 10,000 SF (R-1e) (just under a quarter of an acre). Within a PUD, the adjacent incorporated area allows a maximum gross density of 6.0 dwelling units per acre and within a residential cluster development, a maximum density of 2.0 dwelling units per acre is permitted.

- **Section 5.08 D. addresses development standards.**
 - **Pursuant to 5.08 D. 1. the maximum height permitted for principal structures within the development will be 35' (measured to the mean height between the eaves and ridge on gable, hip or gambrel roofs).**
 - **Within Section 5.08 D. 2. the Zoning Resolution guidance is given stating that in a PUD-R, applicants shall strive to set aside 25% of the total site as open space. Lakes and ponds, including retention ponds with a water feature, may be included in the open space set aside.**
 - The applicant has provided open space along the northern and western perimeter of the property, as well as along the property's Little Sugarcreek Road frontage. An additional open space area with a pond and water feature is proposed adjacent to lot 32. Total open space proposed is 4.41 acres or 18.38%. No open space areas proposed would be disqualified pursuant to Section 5.08 D. 2. c. The applicant has proposed that the open space areas along the northern and western perimeter of the property (totaling 2.26 acres, identified as 50' preservation area and adjacent to Bellbrook Sugarcreek Park District land) be donated to the Bellbrook Sugarcreek Park District. The applicant has chosen open space ownership and maintenance by an HOA for the remaining open space areas.
 - **Section 5.08 D. 3. a. deals with setback requirements and requires a 50' buffer when a PUD-R District abuts a non-residential use.**
 - The intent of Section 5.08 D. 3. a. is to buffer proposed residential uses from divergent and often incompatible commercial uses. It is not the intent of Section 5.08 D. 3. a. to require buffering of passive parkland.
 - **Section 5.08 D. 3. b. requires a 100' structure setback from the right-of-way line when a lot is adjacent to a collector or arterial street.**
 - A 100' structure setback from the right-of-way line adjacent to Little Sugarcreek Road will be required for lots 1, 40, 26 and 25.
 - **Section 5.08 D. 3. c. establishes that subsequent to approval of the Preliminary Development Plan, setbacks will be established by the applicant.**
 - The applicant has provided the following intended setback scheme:
 - Minimum Front Yard Setback: 30'
 - Minimum Rear Yard Setback: 30', 20' for lots 1-16

- Minimum Side Yard Setback: 5'/15' total
- **Section 5.08 D. 4. requires the inclusion of a 10' wide asphalt bike bath of equivalent along the right-of-way of any abutting collector of arterial road.**
 - The applicant will be required to provide the required 10' wide bike path along the property's Little Sugarcreek Road frontage (a sidewalk is shown on the plan submitted).
- **Section 5.08 D. 5. addresses design standards and states that quality of design shall be considered when reviewing all PUD-R applications. Design standards may include the use of unique street design and landscaping, the use of a sufficient number of house types to avoid a monotonous streetscape, the incorporation of limitations on the use of certain building materials, the incorporation of hiker/biker trails and ponds or other water features to the extent reasonably possible and desirable, and the use of detached garages that are setback a minimum of five feet from the front façade of the dwelling or the use of side entry garages.**
 - Per the applicant, twelve to thirteen home designs will be constructed within the proposed development with three elevation options for each home. Ten home designs have side entry garage options. All lots proposed would support the construction of a home with a side entry garage. Staff has discussed a prohibition on the use of vinyl and aluminum as a siding material. The applicant indicated concurrence with such a prohibition, but would like to retain the ability to utilize vinyl or aluminum fascia/soffits. The applicant has incorporated a pond with a water feature and has indicated that at the anticipated price point (intended to start at \$290,000), we can expect to see 70-80% of the homes constructed with side entry garages. Staff has discussed providing a pedestrian access into the park from the development (all perimeter lots have access, interior lots do not). The applicant has been in discussions with the Park District about where access makes the most sense, taking into consideration the Park District's development plans. Landscaping plans are required at the Final Development Plan stage and will be reviewed by the both the Zoning Commission and the Township Trustees.
- **Section 5.08 D. 6. deals specifically with building materials and requires the maximization of natural building materials. The Zoning Commission and Township Trustees may regulate building materials in a PUD-R District on a case-by-case basis.**
- **Section 5.08 D. 7. states that development within a PUD-R District shall be subject to all other applicable development standards including standards for accessory structures, parking, lighting and signage. Exceptions and variations may, and should be granted by the**

Zoning Commission and Township Trustees when it is determined that due to certain design elements, or natural features, such exceptions and variations are warranted.

- A complete design of landscaping and signage has yet to be developed. Landscaping and signage will be evaluated at the time of Final Development Plan review.
- **Section 5.08 D. 8. states that the Zoning Commission may waive or modify any of the PUD-R District standards, taking into consideration the standards of the adjacent incorporated area.**

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

- **The PUD application and preliminary development application are consistent with the recommendations of the Sugarcreek Township Long-Range Land Use Plan and the requirements of this Resolution.**
 - The subject property is in Planning Area 1: Northcentral Sugarcreek. The applicable Planning Area Recommendations include:
 - Portions of this planning area adjacent to an incorporated area or adjacent to public land adjacent to an incorporated area are priority areas for Planned Residential Development, with densities to be determined on a case by case basis by the Zoning Commission and Township Trustees.
 - The township strongly supports the connectivity plan included in this document and developments in this planning area should incorporate elements of that connectivity plan as applicable.
- **The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network. A traffic impact study may be required and reviewed by the Greene County Engineer's Office. Cross access easements or stubbed streets to adjacent parcels may be required to facilitate better traffic flow.**
 - The Greene County Engineer's Office has reviewed the plan and will require a left turn lane on Little Sugarcreek Road.
- **The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.**

- **The proposed development will not impose an undue burden on public services and facilities such as fire and police protection, the transportation network, the school system, and the water and sewer services.**
 - The Fire Department has reviewed the plan submitted and provided comments. An emergency access drive has been provided meeting the Fire Department's requirement for secondary access.
- **The minimum common open space areas have been designated and shall be duly transferred to a legally established homeowners or property owners association, where applicable, or have been addressed in a form established in this article.**
 - The applicant has chosen the option of having the open space along the perimeter of the property, referred to as the 50' preservation area on the plan, owned by the Bellbrook Sugarcreek Park District. The remainder of the open space will be owned and maintained by an HOA. At the time of submission of the Final Development Plan, the applicant will be required to provide all necessary legal documentation related to the incorporation of a Homeowner's Association.
- **The location and arrangement of residential, nonresidential, and accessory structures, parking areas, walks, pedestrian ways, lighting and appurtenant facilities shall be compatible with the surrounding land uses. Any part of a PUD not used for residential and accessory structures or access ways shall be landscaped or otherwise improved and identified with proposed uses unless specified as part of open space land in accordance with this article as approved by the BZC.**
 - At the time of submission of the Final Development Plan, the applicant will be required to submit landscaping plans.
- **The preliminary development application has been transmitted to, and comments have been received from, all other agencies and departments charged with responsibility of review.**
 - The Preliminary Development Plan has been reviewed by the Greene County Regional Planning and Coordinating Commission, the Sugarcreek Township Fire Department, the Greene County Engineer's Office, the Greene County Department of Sanitary Engineering and the Greene Soil and Water Conservation District.
 - RPCC, Fire Department and Engineer's Office comments were addressed above.

- The Greene County Department of Sanitary Engineering has stated that the developer has inquired about installing water and sewer by special assessment, however to date petitions letters have not been received, which is required prior to action by the board which come in the form of resolution. 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 property owners of lots in this proposed subdivision, would pay an assessment to cover the cost of that extension, if approved by the county. Sanitary Engineering will require a loop on the water main, the identification of water and sewer easements, and the extension of water from the proposed street to connect to proposed water line extension on north property line through the emergency access drive.
- The Greene Soil and Water Conservation District has reviewed the proposed plan and provided comments noting that additional drawings (grading, utility and erosion control) will be needed (and included as part of the subdivision review process).

Staff Comments:

The approval process for Planned Unit Developments is two-part. The Map Amendment and Preliminary Development plan are approved first and then the more detailed Final Development plan is submitted for review and approval.

Staff has met with the applicant to discuss the layout of the proposed subdivision. The applicant has provided two alternative layouts. One pushes the cul-de-sac further from Little Sugarcreek Road; the other creates two access points into the subdivision and eliminates the cul-de-sac all together. All three layouts are being provided to the BZC to facilitate discussion.

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. 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).
7. Details on park access shall be provided at the time of Final Development Plan approval.

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Director of Planning and Zoning