

**STAFF REPORT**

**CASE:** ZC10-2015

**APPLICANT:** MV Residential Development, LLC

**LOCATION:** 4700 and 4704 Feedwire Road, 24.525 acres

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

**REQUEST:** Final Development Plan Approval

**DATE:** December 8, 2015

**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 Waterford at Sugarcreek development. 231 multi-family units are included, consistent with the approved Preliminary Development Plan.

**Property Location:** The subject property is located on the south side of Feedwire Road approximately 1000' east of Clyo Road.

**Zoning of Adjacent Parcels:** The parcels located to the north of the rezoning site (Sweet Arrow Reserve owned by the Bellbrook Sugarcreek Park District and a 4.5 acre single-family residential lot) are located in the A-1 (Agricultural) District. The parcel located to the east of the rezoning site (open space land part of Sugar Ridge Section 1) is located in the R-PUCD (Residential Planned Unit Conservation Development) District. The parcel located to the south of the rezoning site (a single-family residential use on a 52 acre parcel) is located in the A-1 (Agricultural) District. The parcel located to the south and west of the rezoning site is located in the R-1A (Single-Family Residential) District and is undeveloped.

**Existing Conditions:**

Currently the property is undeveloped. There are five existing buildings that will be removed with the development of the property. The property generally drains to the south and east. The Little Sugar Creek is located along the property's eastern perimeter with regulatory floodplain following its path. There is also another unnamed stream running east-west through the larger parcel.

**Subject Properties:**



**History of Previous Actions:** At the August 11, 2015 Zoning Commission Meeting the Zoning Commission recommended approval of a map amendment from R-PUCD to PUD-R for the subject properties. The Zoning Commission also recommended approval of the Preliminary Development Plan for the subject properties 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. Final design shall be subject to approval of the City of Bellbrook Water Department.
4. The development shall comply with the recommendations of the Soil and Water Conservation District.
5. Final design shall be subject to approval of Sugarcreek Township Fire Department.
6. The use of vinyl and/or aluminum siding shall be prohibited.
7. The percentages of stone and/or brick may vary throughout the site depending upon the exposure of the elevation to the public, but will average 30% +/- across the community's combined elevation area. Elevations will be presented and reviewed during the Final Development Plan stage.
8. Any changes to the plan recommended by the GCEO as a result of the Traffic Impact Study shall be reflected on the Final Development Plan submitted for approval. The developer shall be responsible for necessary road improvements including, but not limited to, improvements deemed necessary to Feedwire Road to accommodate the proposed development.
9. Details on the proposed internal pedestrian network shall be reflected on the Final Development Plan submitted for approval.
10. The developer shall remove the existing 6' path located along Feedwire Road in Sugar Ridge, Phase 1 and replace it with a 10' wide asphalt path adjacent to the right-of-way terminating at the eastern property line and where topography becomes severe adjacent to the Little Sugar Creek (this path will mirror the path shown on the submitted preliminary plan). The path shall be constructed to township specifications.
11. The developer shall provide right-of-way to the township to allow for the construction of a 10' bridge crossing adjacent to Feedwire Road to connect to the two path sections. Details will be finalized with legal counsel.
12. The developer shall provide easements to the township covering all constructed 10' path to allow for public access, use and maintenance (including the Sugar Ridge, Phase 1 relocated path). Details will be finalized with legal counsel.
13. Only fixtures certified by the International Dark Sky Association as dark sky friendly shall be utilized for lighting proposed within the development. Fixture details shall be included with the submission of the photometric plan at the time the Final Development Plan is submitted for approval.

At the September 8, 2015 Trustee Meeting the Trustees approved a map amendment from R-PUCD to PUD-R for the subject properties. The Trustees tabled the Preliminary Development Plan for the subject properties. At the September 21, 2015 Trustee Meeting, the Trustees approved the Preliminary Development Plan (modified slightly to allow for an additional 12' between the buildings and the floodplain area) for the subject properties 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. Final design shall be subject to approval of the City of Bellbrook Water Department.
4. The development shall comply with the recommendations of the Soil and Water Conservation District.
5. Final design shall be subject to approval of Sugarcreek Township Fire Department.
6. The use of vinyl and/or aluminum siding shall be prohibited.
7. The percentages of stone and/or brick may vary throughout the site depending upon the exposure of the elevation to the public, but will average 30% +/- across the community's combined elevation area. Elevations will be presented and reviewed during the Final Development Plan stage.
8. Any changes to the plan recommended by the GCEO as a result of the Traffic Impact Study shall be reflected on the Final Development Plan submitted for approval. The developer shall be responsible for necessary road improvements including, but not limited to, improvements deemed necessary to Feedwire Road to accommodate the proposed development.
9. Details on the proposed internal pedestrian network shall be reflected on the Final Development Plan submitted for approval.
10. The developer shall remove the existing 6' path located along Feedwire Road in Sugar Ridge, Phase 1 and replace it with a 10' wide asphalt path (either adjacent to the right-of-way or in place of the current 6' wide path) terminating at the eastern property line and where topography becomes severe adjacent to the Little Sugar Creek. The path shall be constructed to township specifications.
11. The developer shall provide right-of-way to the township to allow for the construction of a 10' bridge crossing adjacent to Feedwire Road to connect to the two path sections. Details will be finalized with legal counsel.
12. The developer shall provide easements to the township covering all constructed 10' path to allow for public access, use and maintenance (including the Sugar Ridge, Phase 1 relocated path). Details will be finalized with legal counsel.
13. Only fixtures certified by the International Dark Sky Association as dark sky friendly shall be utilized for lighting proposed within the development. Fixture details shall be included with the submission of the photometric plan at the time the Final Development Plan is submitted for approval.

**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.**
  - Staff recommends that the township require a bond or a letter of credit in favor of the township to ensure completion of any open space improvements along Feedwire Road not in place prior to occupancy of the first residential building. Staff also recommends a bond or letter of credit in favor of the township be provided to ensure completion of any incomplete landscaping and pedestrian paths on a building by building basis prior to occupancy of each building.
  - The developer is proposing private streets within the development. Pursuant to Section 7.07 F. of the Sugarcreek Township Zoning Resolution, all private streets shall comply with the specifications for residential streets as provided in the Greene County Subdivision Regulations except that curb and gutter, sidewalk and/or drainage requirements may be waived if approved by the Greene County Regional Planning and Coordinating Commission. Pursuant Section 7.07 G. of the Sugarcreek Township Zoning Resolution, prior to the issuance of any Zoning Certificate by Sugarcreek Township to commence construction on any private street or any construction related to the private street (including the use to be located on the private street), and prior to any actual construction of any private street or related construction, a cash bond, a letter of credit in favor of the township or a bond with sureties approved by the Sugarcreek Township Fiscal Officer shall be posted with the Township by the developer of the private street in the amount necessary to ensure that the private street is constructed in accordance with the above specifications. Pursuant to Section 7.07 H. of the Sugarcreek Township Zoning Resolution for all private streets regardless of the number of lots being served, independent written verification, by a third party licensed professional engineer, must be submitted for township review and approval for the following items: 1.) The above referenced construction standards have been met and 2.) The amount of the bond or other assurance needed to ensure the construction of the private street.
    - A bond or letter of credit be required to comply with Section 7.07 G.

- **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. Building layout and total number of units are consistent with the approved Preliminary Plan.
  - The unit tabulation changed slightly from the Preliminary phase to now, as was described as possible by the applicant as buildings were refined. Prior unit breakdown included 92 one bedroom units, 109 two bedroom units and 30 three bedroom units. Unit breakdown now is 97 one bedroom units, 108 two bedroom units and 26 three bedroom units. The total number of units with garages remained steady at 126.
  - 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.
  - Staff notes that the Final Development Plan submitted does reflect changes made to building location adjacent to the floodplain at the Trustee level.
- **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 intends a development period to span approximately eighteen to twenty-four months. Once construction begins, it will continue until completion.
- **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 an overall site landscaping plan, as required, as well as a landscaping plan with details specific to the different unit types. A total of 462 canopy trees and 1,115 shrubs are required. The applicant has provided a total of 454 trees and 1,373 shrubs per the submitted landscaping plans. 1,294 shrubs will be planted along the perimeter of the buildings, in excess of our requirement. The additional shrubs will be utilized as site/clubhouse landscaping, as well as in conjunction with the bioretention basins. The applicant has indicated a willingness to add eight additional trees to the plan submitted to reach 462. Staff notes that 82 of the total trees proposed are evergreen trees. The

applicant will be preserving trees on site, particularly within the floodplain area, so counting evergreen trees toward the total tree requirement seems warranted. The landscape architect has expressed a concern about the requirement to install 36" shrubs (height at the time of planting). Shrubs will be of varying heights per the submitted landscaping plan. This deviation is driven by availability, variety and survivability. To compensate for the deviations described, the applicant has also provided a total of 846 perennials and ornamental grasses, as well as more shrubs than otherwise required as stated above.

- The applicant is proposing one 5' tall, 40 SF monument sign constructed of corten steel with pin mounted stainless steel letters centered in the island at the main entrance into the development. The sign will be either externally illuminated with a shielded up light or the individual letters will be backlit. The applicant is also proposing a dry stack stone wall 3' in height in conjunction with the monument sign and on either side of the boulevard entrance.
  - The applicant is proposing a concrete internal pedestrian network with widths varying from 3'-6' (differing widths were utilized based on the number of units served as well as to respond to site grading issues). This internal pedestrian network is connected to the 10' hiker biker path adjacent to Feedwire Road.
  - The applicant is proposing a white, vinyl fence with stone columns as a compactor screen. Staff is recommending that the compactor screen be full stone veneer to match the building elevations (gate only may incorporate the siding material utilized but may not be white vinyl).
  - The applicant has provided details for the clubhouse, pool, pool fencing (4' black aluminum with a self-closing, self-latching gate as required) and maintenance building.
- **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 provided example elevations. Details on each proposed building to be constructed have been provided with this application.

- As was a condition of Preliminary Development Plan approval, vinyl and aluminum lap 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. Staff has requested clarification on the type of beveled siding to be utilized. The applicant has confirmed that it will not be vinyl.
  - The applicant has submitted a photometric plan that meets the township's light spillage requirements. The applicant has also submitted fixture details for a dark sky compliant fixture (the full-cutoff version of the fixture proposed). Staff has requested additional details relative to on-building lighting. The applicant understands that on-building lighting must also be dark sky compliant and must be incorporated into the photometric plan.
  - Chimneys are proposed on the elevations facing Feedwire Road on buildings 1-5.
- **That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.**
- The applicant did complete a traffic impact study as part of the Preliminary Development Plan approval process. Two access points are proposed. A full access point is shown approximately 450' from the west property line, placing it approximately halfway between the intersections of Clyo Road and Little Sugarcreek Road, both of which are signalized. A right in right out access point is shown about 400' east of the main entrance. The plan submitted does show dedication of an additional 50 feet of right-of-way, the amount requested by the Greene County Engineer. The Greene County Engineer, based on the traffic study completed, will require turn lanes based on a minimum design speed of 45 mph. The final traffic impact study submitted calls for the following:
    - a. Intersection of Full Access (west) Drive and Feedwire Road:
      - i. **Control Type:**  
One-way stop control on the development drive
      - ii. **Lane Configurations:**  
Northbound approach: provide one exit lane (shared left/right turn lane)

Eastbound approach: add one dedicated right turn lane (50' storage + 50' taper, if speed limit reduced to 35 mph; 125' storage + 50' taper, if speed limit reduced to 45 mph)

Westbound approach: add one dedicated left turn lane (50' storage + 50' taper, if speed limit reduced to 35 mph; 125' storage + 50' taper, if speed limit reduced to 45 mph)

b. Intersection of Right-In/Right-Out (east) Drive and Feedwire Road:

i. **Control Type:**

One-way stop control on the development drive

ii. **Lane Configurations:**

Northbound approach: provide one dedicated right turn lane (prohibit left-turns)

Eastbound approach: no improvements required

Westbound approach: no improvements required (prohibit left turns)

c. The Greene County Engineer noted that while a signal may not be warranted at the west entrance (main) at this point in time based on the study, if one is required after opening due to accidents, the developer would be required to pay the full cost of the installation.

- As was agreed upon at the time of Preliminary Development Plan approval, the developer will be removing the existing 6' asphalt path in Sugar Ridge, Phase 1 and replacing it with a 10' wide asphalt path terminating at the eastern property line and where topography becomes severe adjacent to the Little Sugarcreek. This path will be constructed to township specifications.
  - a. If this condition is not met prior to occupancy of the first residential building, then a bond or letter of credit shall be provided to the Sugarcreek Township Board of Trustees to ensure its completion.
- As was agreed upon at the time of Preliminary Development Plan approval, the developer will also be providing an easement to the township to allow for the construction of a 10' bridge crossing adjacent to Feedwire Road to connect the 10' path to be constructed in the Waterford at Sugarcreek with the 10' path to be constructed in Sugar Ridge, Phase 1.

- a. This condition must be met prior to occupancy of the first building.
- **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 City of Bellbrook, the Greene Soil and Water Conservation District and the Sugarcreek Township Fire Department for review and comment.
  - The County Engineer has reviewed the plan and his comments have not changed since review at the Preliminary Development Plan stage. The Greene County Engineer will require turn lanes, as recommended in the traffic impact study, but built to a minimum a design speed of 45 mph. Additionally, while a signal may not be warranted at the west entrance (main) at this point in time based on the study, if one is required after opening due to accidents, the developer would be required to pay the full cost of the installation.
  - Sanitary Engineering has reviewed the plan and provided comments.
  - Bellbrook water will serve the proposed development. Plans have been provided to the City for review. Staff is recommending a condition of approval that final design be approved by the Bellbrook Water Department. During the Preliminary Development Plan review process, the City noted that they would require a loop back into the main water system as the site is currently at a dead end of their system. Per the City, that requirement stands.
  - Comments from the Greene Soil and Water Conservation District have been received. Staff is recommending a condition approval that final design be subject to approval by the Greene Soil and Water Conservation District.
  - The Sugarcreek Township Fire Department has reviewed the plan and provided comments. Staff is recommending a condition of approval that final design be subject to approval by the Sugarcreek Township Fire Department.

- **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.**
  - All open space will be owned by the developer and, as such, no covenants and restrictions have been provided. There is no homeowner's association or property owner's association as all open space will be privately held by Miller Valentine. The Final Development package submitted and approved will become part of the governing documents for the site. Any deviations from the approved plans will constitute a Zoning Violation and will be processed as such.
- **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 indicated that once construction begins, it will continue until completion with no anticipated interruption.

**Staff Comments:**

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

1. Final design of the right-of-way, entries within the development and any other engineering related items shall be subject to approval of the Greene County Engineer's Office.
2. Final design of the sanitary sewer system shall be subject to approval of the Greene County Department of Sanitary Engineering.
3. Final design of the water main system shall be subject to approval of the City of Bellbrook Water Department.
4. The development shall comply with the recommendations of the Greene Soil and Water Conservation District in regards to the National Pollutant Discharge Elimination Systems (NPDES) and Best Management Practices (BMPs).
5. Final design of all Fire Department related items shall be subject to approval of Sugar creek Township Fire Department.
6. The use of vinyl and aluminum lap siding shall be prohibited. Vinyl or aluminum may be used for fascia and soffits. Vinyl or aluminum for similar minor architectural or structural elements may be used if approved by the Zoning Compliance Officer.

7. A total of 462 trees shall be provided (the landscaping plan shall be modified to provide a total of 462 trees).
8. A bond or a letter of credit in favor of the township shall be provided to the Sugarcreek Township Board of Trustees for any incomplete open space improvements along Feedwire Road prior to occupancy of the first residential building.
9. A bond or letter of credit in favor of the township shall be provided to the Sugarcreek Township Board of Trustees for pedestrian paths and landscaping not in place on a building by building basis prior to occupancy of each building.
10. A bond or a letter of credit in favor of the township shall be provided to the Sugarcreek Township Board of Trustees prior to the construction of the private streets pursuant to Section 7.07 of the Sugarcreek Township Zoning Resolution.
11. The procedures outlined in Section 7.07 H. regarding certification of a licensed professional engineer with respect to construction of the private streets shall be followed.
12. The hiker biker trail adjacent to Feedwire Road shall be constructed to township specifications. If not constructed prior to occupancy of the first residential building, then a bond or letter of credit in favor of the township shall be provided to the Sugarcreek Township Board of Trustees to ensure completion.
13. The developer shall remove the existing 6' path located along Feedwire Road in Sugar Ridge, Phase 1 and replace it with a 10' wide asphalt path in place of the current 6' wide path) terminating at the eastern property line and where topography becomes severe adjacent to the Little Sugar Creek. The path shall be constructed to township specifications. If not constructed prior to occupancy of the first residential building, then a bond or letter of credit in favor of the township shall be provided to the Sugarcreek Township Board of Trustees to ensure completion.
14. The developer shall provide easements to the township covering all 10' hiker biker path to allow for public access, use and maintenance (including the Sugar Ridge, Phase 1 path) prior to occupancy of the first building. Details will be finalized with legal counsel.
15. The developer shall provide an easement to the township to allow for the construction of a 10' bridge crossing adjacent to Feedwire Road to connect to the two path sections prior to occupancy of the first building. Details will be finalized with legal counsel.
16. Consistency with the submitted building elevations shall be required.
17. Chimneys shall be constructed as identified on the chimney layout provided by the developer.
18. The developer shall work with the Fire Department on appropriate address identification for each building and each unit. Final determination on address identification shall be made by the Fire Department.

19. The compactor screen shall be full stone veneer to match the building elevations (gate only may incorporate the siding material utilized and shall not be white vinyl).
20. All lighting shall be dark sky compliant and shall be incorporated into the photometric plan submitted and subject to the township's light spillage requirements (Table 7-2).
21. All plantings shall meet ANSI A300 Part 6 and ANSI Z60.1.
22. If the monument sign is externally illuminated, then the fixture shall be shielded so as to direct light only onto the sign surface.

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Cara K. Tilford, AICP  
Director of Planning and Zoning