

**STAFF REPORT**

**CASE:** ZC05-2016

**APPLICANT:** Inverness Group, Inc.

**LOCATION:** 3820 Upper Bellbrook Road

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

**REQUEST:** Final Development Plan Approval

**DATE:** August 2, 2016

**DESCRIPTION OF REQUEST**

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

**Applicant Proposal:** The applicant is requesting Final Development Plan Approval for Section 4 of the Landings of Sugarcreek subdivision. 22 lots are proposed in Section 4. Total acreage for Section 4 is 14.68 acres. Open space in Section 4 is 6.69 acres.

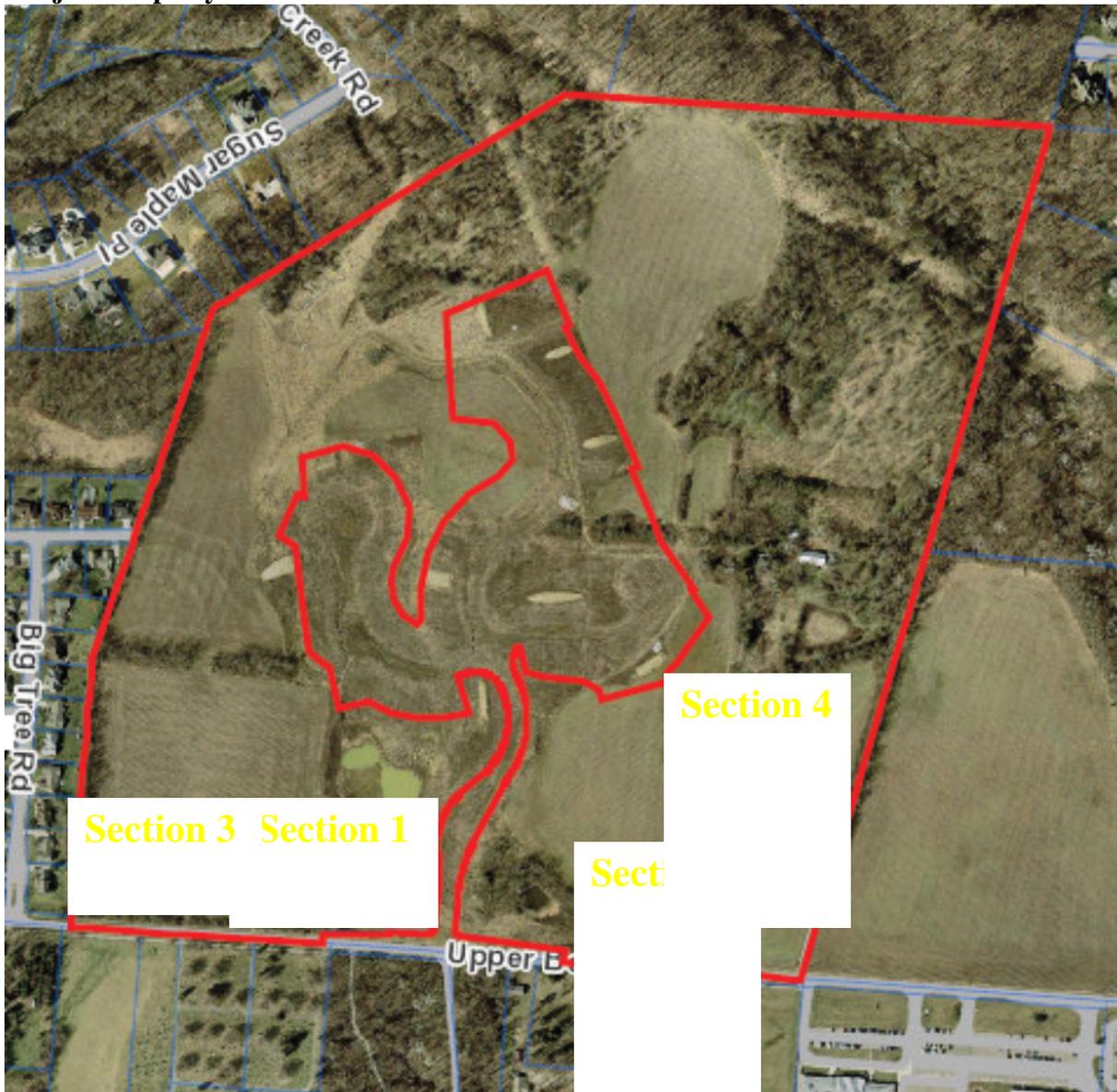
**Property Location:** The property is located on the west side of Upper Bellbrook Road, approximately 180 feet north of Big Tree Road. Phase 4 is off of the northern entry point into the subdivision and extends to the northern property line (with the exception of a small section of land proposed to be included in a future section).

**Zoning of Adjacent Parcels:** The parcels to the north (two lots in the East of Eden subdivision and two large acreage tracts, one undeveloped and one containing an agricultural use and a single-family dwelling) are zoned R-PUCD (Residential Planned Unit Conservation Development) District and R-1A (Single Family Residential) District. The parcels to the south are located in the City of Bellbrook (single family residential uses in the Highview Terrace and Ridgewood subdivisions and undeveloped land owned by the developer of the Highview Terrace subdivision). The parcels to the east (Believers Assembly, single family residential uses, and the Bellbrook Cemetery) are located in the City of Bellbrook. The parcels to the west include single family residential uses in Sugarcreek Township zoned A-1 (Agricultural District) and single family residential uses in the Highview Terrace subdivision in the City of Bellbrook.

**Existing Conditions:**

Sections 1 and 2 of the Landings of Sugarcreek were approved in 2015 and construction within this section is underway. Section 3 (a continuation of Section 1) was approved earlier this year. Section 4 is a continuation of Section 2.

**Subject Property:**



**History of Previous Actions:**

At the September 2, 2014 Trustee Meeting the Trustees approved a map amendment from A-1 to PUD-R for the subject property. The Trustees approved the Preliminary Development Plan for the subject property at the September 15, 2014 Trustee Meeting 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 and aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice.
6. Final Development Plan approval shall include a condition of approval adopting the design standards as specified in the HOA documents (to be provided at the time of Final Development Plan submission).

Final Development Plan approval was granted by the Sugarcreek Township Board of Trustees for Sections 1 and 2 on April 6, 2015 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 aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice.
7. A bond shall be provided to the Sugarcreek Township Board of Trustees to ensure completion of the open space and landscaping improvements (trails, fencing, landscaping, etc.) prior to the recording of each subdivision section.
8. For each individual building lot there shall be a minimum of two deciduous trees with a minimum caliper of 1.5 inches (measured six inches above ground level) planted in the front yard (not in a landscaping area directly adjacent to the house). The required trees shall be the responsibility of the builder to install and shall be depicted on site plans for individual building lots submitted for approval.
9. Changes to Section 6.2.1 or Section 6.2.2 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for The Landings at Sugarcreek Owners' Association provided to staff on 3/9/2015 and attached as Exhibit "A" shall be subject to approval by the Sugarcreek Township Zoning Commission.
10. The retention ponds shall be required to have a water feature.

11. Subdivision signs shall be setback a minimum of 10' from the public right-of-way.
12. A break between lot 16 and the EDCI property line shall be provided to allow access to the adjacent open space area either as an easement or fee simple.
13. The trail along the frontage of Upper Bellbrook Road shall be 10' in width. This trail shall be constructed to township specifications.
14. For lot 33 the lot line of greatest dimension will be the rear lot line and the rear yard setback will be applied; the lot line of least dimension opposite the road right-of way will be the side lot line and the side yard setback will be applied.
15. The applicant will be limited to building on 50% of the lots before open space amenities are installed on (this will be handled on a phase by phase basis).
16. Two models will be permitted to be constructed on the acreage tract prior to the platting of the subdivision.
17. The frontage of the development not included in this phase shall be finished with the development of the next phase.
18. For common areas, plantings shall meet ANSI A300 Part 6 and ANSI Z60.1.

A major modification to the Preliminary Development Plan was approved on November 16, 2015 by the Sugarcreek Township Board adding the 24.499 acres owned by EDCI II (with associated layout adjustments) to the Landings of Sugarcreek project 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 and aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice.
6. Final Development Plan approval shall include a condition of approval adopting the design standards as specified in the HOA documents (to be provided at the time of Final Development Plan submission).
7. The developer shall research dark sky compliant light fixtures, with lighting to be addressed again at the Final Development Plan stage.
8. The HOA documents shall be updated prior to the Final Development Plan stage to address the concern about the timeframe permitted for RV parking.

Final Development Plan approval was granted by the Sugarcreek Township Board of Trustees for Section 3 on June 20, 2016 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 aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice.
7. A bond shall be provided to the Sugarcreek Township Board of Trustees to ensure completion of the open space and landscaping improvements within Section 3 (trails, landscaping, etc.) prior to the recording of Section 3.
8. Two deciduous trees with a minimum caliper of 1.5 inches (measured six inches above ground level) shall be planted in the front yard (not in a landscaping area directly adjacent to the house) and shall be the responsibility of the builder to install and shall be depicted on site plans for individual building lots submitted for approval.
9. Changes to Section 6.2.1 or Section 6.2.2 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for The Landings at Sugarcreek Owners' Association provided to staff on 5/31/2016 and attached as Exhibit "A" shall be subject to approval by the Sugarcreek Township Zoning Commission.
10. The applicant will be limited to building on 50% of the lots in Section 3 before open space amenities are installed within Section 3.

**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 proposed within Section 4 (landscaping, hiker biker trail, 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 substantially consistent with the approved Preliminary Development Plan. A few minor changes to lot sizes were noted by staff, which is to be expected going from the Preliminary Development Plan stage to the Final Plan Development Plan stage (lots 91 and 110 are slightly smaller, while lot 90 is slightly smaller than depicted on the approved Preliminary Plan). Lot 105 was shown as being 13,551 SF on the approved preliminary development plan; it is shown at 11,804 on the plan submitted for approval (staff notes that on the preliminary plan the lot encompassed a bit of gas line easement; there is no gas line easement on the lot as proposed). Lot layout and the number of lots are all consistent with the approved Preliminary 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 intends a development period to span 7 to 10 years for the entire development; construction of homes within Section 4 should be completed within two years.
- **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.**
  - Staff has requested a landscaping plan.
- **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 details for eight home plans to be constructed in the Landings of Sugarcreek subdivision. The ranch plans provided ranged from 1954+ SF to 2160+ SF. The two-story plans provided ranged from 2403+ SF to 3035+ SF.
    - As was a condition of Preliminary Development Plan approval, vinyl and aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice. Covenants, Conditions, Restrictions and Reservation of Easements for the subdivision have been provided. Section 6 includes Covenants and Restrictions; Rules and Regulations. Section 6.2.2 provides for the requisite prohibition on vinyl and aluminum siding and Section 6.2.1 sets 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.
    - Staff notes that no lighting is being proposed by the developer in Section 4.
  - **That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.**
    - The Greene County Engineer has been provided a copy of the Final Development Plan submitted. Left turn lanes were required on Upper Bellbrook Road as part of the approval of Sections 1 and 2. The County Engineer also required 40' of dedicated right-of-way on Upper Bellbrook Road as part of the approval of Sections 1 and 2. Staff is recommending a condition of approval that final design be approved by the Engineer's Office.
    - Staff notes that the applicant has held two lots, a small amount open space and the stub to the parcel to the north to be included in a future section. Staff recommends that the Zoning Commission discuss the impact of this hold back should development on the adjacent property to the north be proposed.
  - **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.**

- Plans were 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.
  - Sanitary Engineering review comments forthcoming. Staff is recommending a condition of approval that final design be approved by Sanitary Engineering.
  - Staff is recommending a condition of approval that final design be approved the Bellbrook Water Department.
  - The Greene Soil and Water Conservation District's comments are forthcoming. Staff is recommending a condition of approval that final design be approved by Sanitary Engineering.
  - The Sugarcreek Township Fire Department has reviewed the plan and noted no issues.
- **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.**

The recorded Covenants, Conditions, Restrictions and Reservation of Easements for the subdivision have been provided. Section 6 includes Covenants and Restrictions; Rules and Regulations. Section 6.2.2 provides for the requisite prohibition on vinyl and aluminum siding and Section 6.2.1 sets 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. Other rules include a prohibition on sheds and above ground pools and restrictions on the location and types of fencing permitted. An amendment will be filed to make Section 4 subject to the recorded Covenants, Conditions, Restrictions and Reservation of Easements for the Landings at Sugarcreek.

- **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.**
- Staff recommends that the applicant be limited to building on 50% of the lots until the open space amenities are installed, as is consistent with the Final Development Plan approval for Sections 1-3.

**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. 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 aluminum lap siding shall be prohibited. Vinyl and aluminum is acceptable for use in trim, soffits, fascia, gutter board, vents, shutters, windows, doors, shakes, scales and architectural accents such as cornice.
7. A bond shall be provided to the Sugarcreek Township Board of Trustees to ensure completion of the open space and landscaping improvements within Section 4 (trails, landscaping, etc.) prior to the recording of Section 4.
8. Two deciduous trees with a minimum caliper of 1.5 inches (measured six inches above ground level) shall be planted in the front yard (not in a landscaping area directly adjacent to the house) and shall be the responsibility of the builder to install and shall be depicted on site plans for individual building lots submitted for approval.
9. Changes to Section 6.2.1 or Section 6.2.2 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for The Landings at Sugarcreek Owners' Association attached as Exhibit "A" shall be subject to approval by the Sugarcreek Township Zoning Commission.
10. The applicant will be limited to building on 50% of the lots in Section 4 before open space amenities are installed within Section 4.

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Cara K. Tilford, AICP  
Director of Planning and Zoning