



**SUGARCREEK TOWNSHIP  
RESOLUTION NO. 2021.11.15.01**

IN RE: ZC Case 10-2021: requesting Final Development Plan Approval for the Magnolia Meadows subdivision

WHEREAS, Applicant, Phillip M. Herres, is requesting Final Development Plan Approval for the Magnolia Meadows subdivision;

WHEREAS, a Public Hearing was held by the Sugar Creek Township Zoning Commission on Tuesday, October 5, 2021, on the applicant's request;

WHEREAS, the subject development site contains 42.85 acres located at 4267 and 4271 Clio Road. The subject parcels can be further identified by parcel numbers L32000100020006700 and L32000100020000800 (part of) and are owned by Phillip M. Herres and Gigi Ellen Withrow, Trustees;

WHEREAS, after the hearing the Zoning Commission deliberated on the above application and passed a motion to recommend **approval** of the Final Development Plan as requested by the applicant 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 applicant shall meet all federal, state, and local requirements and comply with recommendations from the SWCD and GCEO with respect to the drainage plan developed based on the sensitive nature of the watershed.
4. Final design shall be subject to approval of Sugar Creek Township Fire Department.
5. The use of vinyl and/or aluminum siding shall be prohibited.
6. Sheds, privacy fences and above ground pools shall not be permitted to be constructed within the patio home section of the development. Privacy fences and above ground pools shall not be permitted to be constructed within the estate home section of the development.
7. Only 4' bronze aluminum fences will be permitted to be constructed development-wide.
8. The home sizes (1600 SF in the patio home section and 2,400 SF in the estate home section), as proposed by the applicant, shall be met.
9. The same elevation of the same home plan will not be permitted to be constructed side by side.
10. Lot 1 shall not be accessed from the entry road and lot 29 shall be accessed from the cul-de-sac or side street (not Magnolia Drive).
11. If street lights are proposed in any of the open space areas, details shall be submitted for review using the Minor Modification process. Dark sky compliant fixtures will be required.
12. No subdivision entry sign will be permitted, instead additional landscaping will be installed. A temporary marketing sign will be permitted during construction.
13. One street tree shall be planted in the front yard of each lot. It will be the responsibility of the builder show this required tree on each site plan submitted for approval for each individual lot and the builder will be responsible for planting it.

14. The builder shall be required to depict the trees within the no cut zone on each site plan submitted for approval for each individual lot. No trees identified on an individual site plan within this no cut zone shall be removed except if in the opinion of a professional arborist it is dead, damaged or diseased to the point that it will not likely survive more than two years or if it poses a substantial risk to persons or property. If a tree identified within the no cut zone is removed it must be replaced within six months after its removal with a tree of the same order (coniferous or deciduous), having a height of at least six feet and a diameter at four and one-half feet above the ground of at least two and one-half inches. Replacement shall be the responsibility of the individual lot owners.
15. Removal of trees within the no cut zone for the purposes of fence installation shall be determined on a case by case basis by the Zoning Compliance Officer and may be subject to replacement.
16. The landscaping plan shall be modified so that the arborvitaes between Oleander Drive and the adjacent developed residential in the City of Bellbrook be 6'-7' tall instead of the specified height of 5'-6' tall and to add smaller landscape plantings near the lone maple tree near the pond on the south side of Magnolia.
17. All trees depicted on the approved landscaping plan shall be required to be retained. If in the opinion of a professional arborist a tree is dead, damaged or diseased to the point it will not likely survive more than two years or it poses a substantial risk to persons or property, it may be removed but it must be replaced within six months after its removal with a tree of the same order (coniferous or deciduous), having a height of at least eight feet and a diameter at four and one-half feet above the ground of at least three inches. Replacement shall be the responsibility of the HOA.
18. A bond shall be provided to the Sugarcreek Township Board of Trustees for any incomplete open space improvement (landscaping, mounding, etc.) prior to the issuance of the third Zoning Certificate for construction within the development.
19. If any common fencing (fencing between the project boundary and the adjacent residential properties to the south) in the area of construction of Oleander Drive is damaged or required to be removed, replacement shall be required at the developer's cost.
20. The sidewalk along Magnolia Drive shall be undulating, as shown on the FDP (not the Landscaping Plan) and undulation shall extend back to the rear of the development.
21. The builder shall work with her attorney to evaluate ways to improve upon the submitted CCRs based on guidance received from the Zoning Commission (addressing holiday decorations, the number and length of board member terms and turnover, limiting the number of pets per residence, establishing no swimming or skating on ponds, requiring a rental term of a minimum of one year, and establishing standards for the storage of rvs and boats). Additionally, the CCRs shall be updated to state that the maintenance of hiker biker trail is the responsibility of the HOA.

WHEREAS, the Sugarcreek Township Board of Trustees held a Public Hearing on Monday, November 15<sup>th</sup>, 2021, and deliberated; and

NOW THEREFORE, BE IT RESOLVED, this Board of Trustees does hereby approve the Final Development Plan for Magnolia Meadows subdivision, subject to the conditions as recommended by the Zoning Commission.

*Carolyn L. Destefani*

Carolyn L. Destefani, Chairperson

*Fred Cramer*

Fred Cramer, Vice-Chairperson

*Nadine S. Daugherty*

Nadine S. Daugherty, Trustee

*Richard J. Demko*

Richard J. Demko, Fiscal Officer