



CITY COUNCIL
Regular Meeting – June 27, 2016 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

PROCLAMATIONS

- ◆ Park and Recreation Month

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. June 13, 2016 Regular Meeting

- VI. PUBLIC HEARING –PUD 15-3 SSP #2, Beavercreek Retail
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion

- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-09 Vacant Property Registration (Third Reading)
 - B. Ordinance 16-11 Charter Amendments (Third Reading)

- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING June 13, 2016 6:00 p.m.

PROCLAMATIONS

◆ Scleroderma Awareness Month, Kelley Hill

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Matt Funk, Code Enforcement Officer; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Litteral led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Upton MOVED to approve the agenda, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Jarvis MOVED to approve the minutes of the May 16, 2016 Work Session, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the May 23, 2016 Regular Meeting, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-09 Registration of Abandoned Foreclosures and Vacant Properties (Second Reading)

June 13, 2016

Clerk Lampton read an Ordinance adopting new Charter 98 "Registration of Abandoned Foreclosures and Vacant Properties" of the City of Beavercreek Code of Ordinances.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-11 Charter Amendments – Direct Election of Mayor (Second Reading)

Clerk Lampton read an Ordinance providing for the submission to the electorate amendments of the Charter of the City of Beavercreek, Ohio, and to place the same on the ballot at the general election, November 8, 2016.

Carol Graff, 1442 Devoe Drive, Beavercreek, Ohio

Ms. Graff explained that at one time Beavercreek did have an elected mayor. She said it was in 1979 and because they were a statutory village it was required to have certain elected offices. She said when the council was seated they had the opportunity to decide on a charter and adopt it in 1981. Ms. Graff had a copy of the original charter with her. She said during the charter commission discussions, it was discussed of having a president of council but decided against it because they do not have the same standing as mayors of other communities. She said they chose the name mayor to designate the stature of the position. She said it was also intended to be a member of council who presided at the meetings, perform weddings, and any other statutory things. She said it was never a strong mayor form of government. She said we have a city manager who is supposed to run our community and the mayor leads the meetings. She hoped they were not considering having a strong mayor form of government. She thought against the concept from the early years. She did not see any need to change the charter,

Phil Parker, 667 Brookmeade Court, Beavercreek, Ohio

Mr. Parker said he was not going to debate Ms. Graff's history of the charter. He wanted to talk about modern day Beavercreek going forward. He believes in a city manager form of government. He said this form of government was recommended by John H. Patterson, who founded the Dayton Area of Commerce in 1907. He said it is a good strong leading the staff and direction of policy set by council. He said we are in a position now where we are starting to review this whole concept of how to elect a mayor and how long that person might serve. He said in the best interest of Beavercreek it would be better to have a mayor that was elected by the citizens because they understand what the person's goals, guidelines and visions that person might have for the city. He

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said it is true they would sit on council and have one vote like any other council member but mayors have certain duties where they represent us as the chief elected official. He said when you turn over the mayor position so often it does not give the city the credibility and long term vision and continuity of leadership in that role. He hoped council would consider that this would be something they would change for the better and have an elected mayor for a four year term.

Jerry Petrak, 2038 Avon Drive, Beavercreek Ohio

Mr. Petrak said all the comments he has heard tonight, he has heard before. He said he did not care enough one way or the other regarding the direct election of mayor. He said people don't care how you are elected but the one thing they want to keep in place is the term limits. He thought it important to have them. He said the only drawback he saw to having a direct election of mayor is if you have a contested contest where two people are running, one of them is not going to make it. He said they would be sitting out and it probably would be some good talent that could be used on council. He said it was something to think about.

There being no more public input, the public hearing was closed.

Council Member Litteral thanked Council Member Upton for leading this. She thought it was a very important topic. She said they need the continuity and stature and the position itself turning over every two years does not give us the continuity.

Council Member Upton appreciated the comments and emails. He confirmed with Mr. McHugh there were no changes to the documents since the first reading. Mr. McHugh replied no. Council Member Upton read a letter received from State Representative Rick Perales and was submitted for the record. (Attached to back of minutes) Council Member Upton said we are not changing the term limits or the powers of the mayor.

This Ordinance will move automatically to the Third Reading.

LIQUOR PERMITS

WOB Dayton LLC (New)

Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D5J liquor permit for WOB Dayton LLC DBA World of Beer, 12 Greene Blvd., Beavercreek, Ohio 45440. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended this application request move forward with no comment.

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Council Member Litteral MOVED to accept without comment, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell said the improvements on Grange Hall Road north of Kemp Road should be completed by the end of the month. He said the project on Grange Hall Road at Shakertown Road intersection is underway. This project will not be completed until early October. He said Public Service is maximizing new capital equipment with a new more efficient caterpillar and new Ford 250 extended cabs which allow workers to travel together to sites using only one vehicle. He said the merger between Time Warner Cable and Charter Communications became effective May 18, 2016. He said changes are in the works but will continue current services for now.

MAYOR'S REPORT

Mayor Stone congratulated the Parks Department for a successful Memorial Day event along with the summer concert series. He said they crowned Miss Beavercreek and Miss Junior Beavercreek last weekend.

COUNCIL TIME

Council Member Upton gave his condolences to Flo Thompson who was a long time citizen and helped make Beavercreek what it is today.

Council Member Litteral reviewed the employee anniversaries. Congratulations to everyone.

Council Member Upton attended the Ace Mitchell All Star Challenge at BeaverVu Bowling. He expressed his condolences in the passing of Flo Thompson.

Council Member Wallace asked Chief Evers to comment on the increase of theft within the city. Chief Evers said warmer weather brings up the crime rate and theft is up and related to the heroin epidemic. He said people are stealing to feed their heroin addiction. He hoped the additional jail space at the county would be opened to allow those individuals get the necessary help through the system to address the addiction so they are not out stealing. He reminded everyone to secure your valuables. Lock your vehicles and do not leave items visible. Council Member Wallace commended the visuals in the Police Annual Report and like the new look. Chief Evers commended his staff for their work in making the report easier to read. Council Member Wallace said on June 15th Buffalo Wild Wings will donate 15% to the Dayton V.A. for veterans activities.

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Vice Mayor Vann said she liked the police report as well and happy to see many areas were down. She said the deadline to submit a 4th of July parade application was June 16 and to contact the Parks Department for more information. She said she was looking for nominations for the Walk of Fame.

Mayor Stone expressed his condolences to the family of Flo Thompson.

CITIZEN COMMENTS

Jerry Petrak, 2038 Avon Drive, Beaver creek, Ohio

Mr. Petrak said Flo Thompson had been a part of this community for a long time and has been an influence on a lot of things. He said she was instrumental on term limits and very anti-income tax, worked diligently on the council recall when they tried to recall five council members, worked diligently on the referendum for the mall and had input on the original charter. She never received any recognition but was a major influence on this city.

Nate Falu, 3534 Dayton-Xenia Rd, Beaver creek, Ohio

Mr. Falu asked if he could have a copy of the 2015 Annual Police report. He received a copy.

Citizen comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 6:55 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Council Member Wallace . Motion PASSED by a roll call vote of 7-0.

Council Member Litteral MOVED to adjourn executive session at 7:10 p.m., seconded by Council Member Whilding . Motion was PASSED by roll call vote of 7-0.

Council Member Whilding MOVED to reconvene the meeting, seconded by Council Member Litteral . Motion PASSED by majority voice vote.

ADJOURNMENT

Vice Mayor Vann MOVED to adjourn the meeting at 7:11p.m., seconded by Council Member Whilding. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin061316

Committees:

Ohio Aerospace and Aviation Technology-
Chair

Economic and Workforce Development-
Vice Chair
State Government

Armed Services, Veterans Affairs and
Public Safety- Vice Chair

Finance- Higher Education Subcommittee



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Boards & Commissions:

Ohio Third Frontier Commission,
Advisory Board

Ohio Commission on Hispanic/Latino
Affairs

State Representative Rick Perales
Ohio's 73rd House District: Western Portion of Greene County

June 12, 2016

Members of the Beavercreek City Council,

I'd like to express my support for Ordinance 16-11, Direct Election of Mayor. I believe this is extremely important legislation that will positively impact the community. First off, let me clarify that I fully understand that this ordinance only changes the manner in which the mayor is elected; the power and authority of the mayor remains the same. That said, I believe a directly elected mayor allows the residents to select the person they want to be the leader of their city. Additionally, approval of this ordinance will allow a person desiring to fulfill the extensive mayoral expectations and responsibilities to run for that position.

Speaking from my experience as a Mayor (2001-2002), gaining an additional two years, to serve a total four-year term (versus a two-year term today) would allow the Mayor to more thoroughly develop and foster relationships with neighboring communities, as well as Wright-Patterson Air Force Base. The additional time would also allow for the opportunity to marshal through and oversee specific regional strategies and projects to the benefit of Beavercreek. In my opinion, neither of these advantages are achievable with two year terms. As a matter of fact, I believe Beavercreek loses status and opportunities in the larger Miami Valley due to the fact that the region doesn't embrace the Mayor of our city because of the position's constant and frequent turnover.

I understand there are concerns regarding term limits, however I support the philosophy espoused within this ordinance to defer the term limit issue, and address only the issue of a separately elected mayor. I am grateful that you are taking this issue under consideration, especially so to Council Member Zach Upton for taking the lead. I encourage you to put this charter amendment forward, and allow the voters to determine how they select the Mayor of their city.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Perales".

Rick Perales
State Representative

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

MAC 6/23/16

Meeting Date: June 27, 2016	Reference Topic: PUD 15-3 SSP #2
Agenda Reference No.: VI. A-E	Beavercreek Retail Motion to Approve

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The applicant is requesting approval of a specific site plan to allow for the construction of a 7,440 square foot, multi-tenant retail building on 1.05 acres. The property is located on the south side of Dayton-Xenia Road, at the intersection of North Fairfield Road and Dayton-Xenia Road.

STAFF RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached motion. See staff report for further details.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table this action for further review.

June 27, 2016

MOTION TO APPROVE
BEAVERCREEK RETAIL SPECIFIC SITE PLAN
PUD 15-3, SSP #2

"I move, for the purpose of taking administrative action, approval of a Specific Site Plan for Beaver Creek Retail, PUD 15-3, SSP #2, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Specific Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting."

1. The approved site plan shall be the plans dated "Received May 25, 2016" except as modified herein.
2. The approved architectural elevations shall be the plans dated "Received May 26, 2016" except as modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
4. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building.
5. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
6. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.

8. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
9. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted.
10. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 20 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
11. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
12. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plan for recording.
13. Exterior construction hours for the site shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
16. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 6 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same material as used to construct the principal structure.
17. Wall signage shall comply with the Zoning Code for B-2 districts. The applicant shall be allowed to have two additional wall signs, one on each of the west and east elevations, the final location and size to be reviewed and approved by the Planning Department prior to the issuance of a sign permit.
18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on

the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.

19. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.

20. Delivery hours for the site shall be limited to 7 am to 7 pm Monday thru Saturday.

CITY OF BEAVERCREEK STAFF REPORT

June 23, 2016

PROJECT: Beavercreek Retail

CASE NO.: PUD 15-3 SSP#2

APPLICANT: Domenico Stolfo
3500 Pentagon Blvd.
Beavercreek, OH 45431

REQUEST

The applicant is requesting approval of a specific site plan to allow for the construction of a 7,440 square foot, multi-tenant retail building on 1.05 acres. The property is located on the south side of Dayton-Xenia Road, at the intersection of North Fairfield Road and Dayton-Xenia Road.

ANALYSIS

Existing Site Conditions

As of the beginning of May, this site is currently vacant. The former restaurant, two houses and outbuildings have all been removed, as has most of the former parking lots. The two access points onto Dayton-Xenia Road remain.



Surrounding Zoning and Uses

This property was rezoned from B2 and R-1A to C-PUD 15-3 in July of last year. The rezoning also created a 50-foot buffer area between this property and the residential property to the southwest of the PUD. All building/parking lot setbacks, as well as all buffer requirements have been met. General retail and restaurants are permitted uses within this

PUD.

The surrounding zoning and uses are as follows:

Direction	Surrounding Zoning	Surrounding Use
North	B2	Retail (CVS)
South	R-1A, PUD 88-3	Single Family Residential and multi-tenant retail
East	ROW, B2	North Fairfield Road, Former Friendly's Restaurant
West	B2	Multi-tenant professional offices

Building Design

The proposed plans call for a single story, 7,440 square foot building, comprised so several different materials, including brick, stone, cast stone and decorative metal panels. It is anticipated that this building be separated into four different leasable tenant spaces, each of which having distinct architectural characteristics. The easternmost tenant will constructed mainly from stone veneer

and have a cast stone base. There will also be a 464 square foot patio outside of the eastern most tenant, which will be accented by a wood pergola. The two center tenants is showed to be constructed of tan EIFS, with having a cast stone base, and black fabric awnings. The westernmost tenant will be constructed of mostly brick, but will have a



portion of its wall being constructed from a grey decorative metal panel. This tenant will also have an outdoor patio, 271 square feet, which will be covered by an aluminum canopy. The brick and cast stone base used on the front of the building will be wrapped around to the eastern, western and southern elevations.

A proposed dumpster pad is shown to the northeast of the building, however no further details regarding the dumpster were included in the packet. Staff has added a condition that the dumpster be enclosed by a structure, constructed of the same materials used to construct the principal structure.

The height of the building varies, the highest point being on the eastern end, as well as the metal panel of the western tenant, at 23.75 feet. The middle tenants, as well as the brick walls on the western, eastern and southern elevations will be approximately 18.5 feet tall.

Access and Transportation Improvements

The plans show two access points to the site, both of which are off the eastern end of the AAA Auto Service site that is current under construction. The AAA Auto service site has two ingress/egress points directly off of Dayton Xenia Road. The main entrance to the PUD will be along the western edge of the PUD and will be a full access point. The secondary access, which will be a right-in, right-out only access point, as required by the rezoning, will be toward the center of the PUD, just to the east of the proposed building.

There is shown two-way traffic flow around the north, and western portions of the building, and one-way traffic around the southern portion. A drive through, with bypass lane is shown along the eastern elevation of the building.

Utilities

Water and Sewer services are available to this site.

Stormwater Management

Since this site was recently a developed lot, and there will be an increase in the amount of impervious surface to the site, the applicant is required, by ordinance, to detain any additional stormwater runoff generated by the redevelopment of this site. The stormwater management/grading plan shows that the applicant is proposing to utilize a combined detention pond, or dry pond, in the southwest corner of the property, which is currently under construction by the developers of the AAA Auto Center building. Prior to the release of a zoning permit, the Engineering Department will review and approve the final stormwater management plans to ensure compliance with City regulations.

Parking

In the Zoning Code, the regulations state that general retail is have one off-street parking space for every 250 square feet of gross floor area, and restaurants have one parking space for every 100 feet of indoor floor area, one parking space for every 200 square feet of outdoor patio area, plus one for each employee on the largest shift.

Based on the proposed tenant demising plan, there will be approximately 2,594 square feet of general retail, 4,761 square feet of indoor restaurant area*, and 735 square feet of outdoor restaurant area. Based on these numbers, the regulations call for 51 off-street parking spaces, plus one for each employee on the largest shifts of the restaurants. Their plans show 48 parking spaces. However, given the fact that they have cross parking easements with AAA Auto

service for up to 14 spaces and that the typical busiest hours for the proposed uses vary, staff is satisfied there are enough parking spaces provided on this plan.

**parking for restaurants are in floor area (not gross floor area), which does not include areas such as bathrooms, storage rooms, hallways... etc. It has been the City's standard practice to take gross square footage and reduce it by 15% to establish floor area. In speaking with the applicant, they have stated that their building will be closer to 20%.*

Screening, Landscaping and Open Space

As seen on the preliminary landscape plan included in your packet, the applicant is proposing to utilize a good mixture of shade trees and decorative shrubs and grasses around the building and the perimeter of the property to help add to the aesthetics of the overall site. The minimum requirement for 25% open space or pervious surface has been exceeded within this PUD, as the overall PUD will have approximately 33% pervious surface. The proposed landscape plan, which is stamped "Received May 9, 2015", is based off an early version of the site plan. The updated site plan, for consideration in the packet, has a landscape island southeast of the proposed building, which will allow for additional shrubs, grasses and trees. Staff has added a condition that the final landscape plan, to be reviewed and approved by the Planning Department prior to the release of a permit, has landscaping in this area.

Lighting

The lighting and photometric plans included in your packet calls for 20-foot light poles with LED fixtures to be located near the intersection of North Fairfield and Dayton-Xenia Road, and accent lighting on the building. Staff will review the final photometric plan to ensure compliance with our minimum standards. The light fixtures used will be full cut-off light fixture which will direct light toward the parking lot, and not toward the sky, to reduce "light pollution".

Signage

An 8-foot tall, 32 square foot ground sign is proposed with this application. The sign, which will be constructed out of the same material used to construct the building (stone base and cedar pergola covering) is split into four panels, one for each of the tenant. While the exact location of the proposed ground sign has not been determined, it is anticipated that it will be located between the northing parking field and the right-of-way of Dayton-Xenia Road. Staff has added a condition that the final location of the ground sign will be reviewed and approved by the Planning Department prior to the release of a zoning permit of the sign, and that the final location be such that no line-of-sight hazard is created with the proposed sign. In order to bring the sign in line with the size of existing signs in the area, staff has added a condition in the proposed Motion that limits the height of the sign (the base and sign face, not including the pergola accent) to be a max of 6 feet in height, with a 32 square foot sign face.

The renderings included in your packet show proposed wall signs for each tenant. No

specific tenants have been identified with this project, so approving specific sign sizes at this is not practical. Staff has added a condition to the proposed Motion that limits the wall signage on the north elevation to what would be permitted in a straight B2 district (one square foot of sign area for each linear foot of tenant frontage), plus one additional wall sign on each the east and west elevations, to the same B2 size limitations. The final designs and locations to be approved by the Planning Department prior to the release of a zoning permit.

Construction Hours

Being in the vicinity of residential, staff has added a condition that outdoor construction shall be limited from Monday thru Saturday 7:00 AM to 7:00 PM. This won't preclude indoor work such as HVAC, electrical, plumbing...etc. from occurring outside of those parameters once they get the building under roof.

RECOMMENDATION

Based on this analysis, Planning Commission and Staff recommend approval of this request subject to the conditions outlined in the attached Motion.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
June 1, 2016

RE: PUD 15-3 SSP #2
Beavercreek Retail

WHEREAS, Domenico Stolfo, 3500 Pentagon Boulevard, Beavercreek Ohio 45431, agent for the property owner, has filed an application requesting approval of a Specific Site Plan for the construction of a 7,440 square foot retail building located on the southwest corner of the intersection of Dayton-Xenia Road and North Fairfield Road, further described as Book 5, Page 5, Parcel 89 on the tax maps of Greene County, Ohio; and

WHEREAS, public hearing was held on June 1, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Beavercreek Planning Commission finds that the facts submitted with this Specific Site Plan application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Specific Site Plan approval as per §158.066 of the Zoning Code; and

WHEREAS, the Beavercreek Planning Commission is taking administrative action in approving this Specific Site Plan.

NOW, THEREFORE BE IT RESOLVED,

SECTION I

The Beavercreek Planning Commission recommends to Beavercreek City Council approval of this Specific Site Plan for Beavercreek Retail, PUD 15-3, SSP #2 with the following conditions and requirements.

SECTION II

1. The approved site plan shall be the plans dated "Received May 25, 2016" except as modified herein.
2. The approved architectural elevations shall be the plans dated "Received May 26, 2016" except as modified herein.

3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
4. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building.
5. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally installed, within three months weather permitting.
6. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
8. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
9. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted.
10. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 20 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
11. Final topography and grading plans shall be submitted for review and

approval by the City Engineer prior to the issuance of a site-grading or zoning permit.

12. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plan for recording.
13. Exterior construction hours for the site shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
16. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 6 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same material as used to construct the principal structure.
17. Wall signage shall comply with the Zoning Code for B-2 districts. The applicant shall be allowed to have two additional wall signs, one on each of the west and east elevations, the final location and size to be reviewed and approved by the Planning Department prior to the issuance of a sign permit.
18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.
19. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
20. Delivery hours for the site shall be limited to 7 am to 7 pm Monday thru Saturday.

SECTION III

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED: June 1, 2016

VOTING FOR ADOPTION: Daniel Archibald
Charles Curran
Troy Erbes

VOTING AGAINST: None

ABSENT: Nicholas Loftis
Michael Self

Chairman

Attest:

PUD 15-3 SSP 2 Beaver Creek Retail Resolution

DAYTON XENIA RETAIL BUILDING

3301 DAYTON-XENIA ROAD
 LOCATED IN SECTION 32, TOWN 3, RANGE 7 M.R.
 CITY OF BEAVERCREEK
 GREENE COUNTY, OHIO
 MAY 2016

APPROVALS

CITY OF BEAVERCREEK _____ DATE _____

GREENE COUNTY SANITARY & WATER _____ DATE _____

GENERAL NOTES

- EXISTING UNDERGROUND UTILITIES AND SERVICES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS ACCORDING TO THE BEST INFORMATION AVAILABLE. THE LOCATIONS SHOWN ARE INTENDED ONLY AS A GUIDE AND CANNOT BE GUARANTEED ACCURATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR:
 - CONTRACTING THE INDIVIDUAL UTILITY OWNERS TEN (10) DAYS PRIOR TO CONSTRUCTION AND ADVISING THEM OF THE WORK TO TAKE PLACE.
 - SOLICITING THEIR AID IN LOCATING AND PROTECTING ANY UTILITY WHICH MAY INTERFERE WITH CONSTRUCTION.
 - EXCAVATING AND VERIFYING THE HORIZONTAL AND VERTICAL LOCATION OF EACH UTILITY.
 - ALL DAMAGE TO ANY EXISTING UTILITY.
 - CONTACTING THE FOLLOWING OWNERS OF UNDERGROUND UTILITIES 48 HOURS BEFORE DIGGING IS TO COMMENCE.
- | | | | |
|---|---|---|---|
| OHIO UTILITIES PROTECTION SERVICE
1-800-362-2764 | TELEPHONE SERVICE
3233 WOODMAN DRIVE
DAYTON, OH 45420
(937) 269-3699 | WATER AND SANITARY GREENE COUNTY SANITARY
667 DAYTON-XENIA ROAD
XENIA, OH 45305
(937) 562-7450 | GAS VECTREN
4285 N. JAMES H. MCCOY BLVD.
DAYTON, OH 45427
1-800-909-7688 |
|---|---|---|---|
- ALL ITEMS OF WORK CALLED FOR ON THE PLANS FOR WHICH NO SPECIFIC METHOD OF PAYMENT IS PROVIDED SHALL BE PERFORMED BY THE CONTRACTOR, AND THE COST OF SAME SHALL BE INCLUDED IN THE PRICE BID FOR RELATED ITEMS.
 - WHERE POTENTIAL GRADE CONFLICTS MIGHT OCCUR WITH EXISTING UTILITIES, THE CONTRACTOR SHALL UNCOVER SUCH UTILITIES SUFFICIENTLY IN ADVANCE OF CONSTRUCTION IN ORDER THAT EXACT ELEVATIONS MAY BE DETERMINED AND THE NECESSARY ADJUSTMENT MADE. COST OF THE ABOVE, IF ANY, WILL BE INCLUDED IN THE PRICE BID FOR THE PERTINENT ITEM.
 - ALL TRENCHES WITHIN ROAD RIGHT-OF-WAYS SHALL BE BACKFILLED ACCORDING TO THE GREENE COUNTY TRENCH RESTORATION SPECIFICATIONS.
 - ALL EXISTING SANITARY SEWER AND WATER LINE FACILITIES THAT ARE UTILIZED DURING CONSTRUCTION MUST BE REPAIRED AND BROUGHT TO FINAL GRADE.
 - DUE TO SOIL TYPES AND/OR SHALLOW BEDROCK, SEASONAL SEEPS MAY OCCUR, SUCH SEEPAGE SHALL BE IDENTIFIED DURING CONSTRUCTION AND PIPED INTO THE STORM SEWER SYSTEM.
 - ALL TRAFFIC CONTROL DEVICES SHALL BE FURNISHED, ERECTED, MAINTAINED AND REMOVED BY THE CONTRACTOR IN ACCORDANCE WITH THE "OHIO MANUAL OF TRAFFIC CONTROL DEVICES FOR CONSTRUCTION AND MAINTENANCE OPERATIONS", COPIES OF WHICH ARE AVAILABLE FROM THE OHIO DEPARTMENT OF TRANSPORTATION, BUREAU OF TRAFFIC, 25 S. FRONT STREET, COLUMBUS, OH 43215.
 - THE CONTRACTOR AND SUBCONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL FEDERAL, STATE AND LOCAL SAFETY REQUIREMENTS TOGETHER WITH EXERCISING PRECAUTIONS AT ALL TIMES FOR THE PROTECTION OF PERSONS INCLUDING EMPLOYEES AND PROPERTY. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND SUBCONTRACTOR TO INITIATE, MAINTAIN AND SUPERVISE ALL SAFETY REQUIREMENTS, PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. SAFETY REQUIREMENTS, OUTLINED IN THE STATE OF OHIO "CONSTRUCTION SAFETY CODE" FOR THIS TYPE OF WORK WILL BE ENFORCED AND THE CONTRACTOR SHALL COMPLY WITH THE PROVISIONS OF THE CODE ISSUED AS A GENERAL ORDER BY THE INDUSTRIAL COMMISSION OF OHIO.
 - EXISTING DRAIN TILE DAMAGED OR REMOVED AS A RESULT OF THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED OR CONNECTED TO THE STORM SEWER AS DIRECTED BY THE CITY OF BEAVERCREEK ENGINEER. NO PAYMENT WILL BE MADE FOR TILE REPLACEMENT.
 - PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL MEET WITH AND SUBMIT A CONSTRUCTION SCHEDULE TO THE GREENE COUNTY SANITARY ENGINEER, AND SECURE ALL NECESSARY LICENSES AND PERMITS. THE CONTRACTOR SHALL INFORM THE GREENE COUNTY SANITARY ENGINEER OF ANY AND ALL CHANGES IN HIS CONSTRUCTION SCHEDULE.
 - DURING CONSTRUCTION THE CONTRACTOR SHALL PROVIDE FOR ADEQUATE DRAINAGE AND PROPER SOIL EROSION CONTROL MEASURES FOR PROTECTION OF ALL ADJACENT ROADS AND LAND.
 - WHERE THE PLANS AND SPECIFICATIONS CALL FOR A SPECIFIC ITEM (SANITARY AND/OR WATER) OR AN "APPROVED EQUAL," ONLY THE GREENE COUNTY SANITARY ENGINEER SHALL MAKE THE DETERMINATION AS TO WHETHER AN ALTERNATE ITEM IS AN "APPROVED EQUAL."
 - THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ALL DAMAGE DONE TO ADJACENT PROPERTIES OR ANY PROPERTY AFFECTED BY THE CONSTRUCTION WORK. THE CONTRACTOR SHALL TAKE SPECIAL EFFORT TO PROTECT EXISTING TREES AND/OR SHRUBS.
 - NO CONSTRUCTION SHALL COMMENCE UNTIL GREENE COUNTY SANITARY ENGINEERING DEPARTMENT AND GREENE COUNTY ENGINEER PERMITS HAVE BEEN ISSUED.
 - NO ADDITIONS, DELETIONS OR REVISIONS TO THE SANITARY SEWER AND/OR WATER FACILITIES ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE GREENE COUNTY SANITARY DEPARTMENT.
 - NO DIMENSIONS SHALL BE SCALED, REFER UNCLEAR ITEMS TO THE ENGINEER FOR INTERPRETATION.
 - ALL STREET SURFACES, DRIVEWAYS, CULVERTS, ROADSIDE DRAINAGE DITCHES AND OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED IN ACCORDANCE WITH THE SPECIFICATIONS.
 - ANY WELL, SEPTIC SYSTEM, ETC., ENCOUNTERED ON THIS PROJECT SHALL BE ABANDONED IN ACCORDANCE WITH THE LATEST OSPA RULES AND REGULATIONS.
 - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULE, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, DOWN SPOUTS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
 - SITE CONTRACTOR SHALL INSTALL ALL UTILITIES TO WITHIN 5' OF THE BUILDING, LIGHT POLES OR SIGNS AND SHALL COORDINATE LOCATION AND DEPTH WITH BUILDING CONTRACTOR.
 - SITE CONTRACTOR SHALL PULL WIRE OUT TO THE SIGNS AND LIGHTS AND TERMINATE HIS WIRES ON A CIRCUIT IN THE ELECTRICAL PANEL. SITE CONTRACTOR IS RESPONSIBLE FOR CONNECTING ALL SIGNS AND TESTING.
 - SITE CONTRACTOR SHALL PUT IN ALL TRANSFORMER PADS.
 - ALL UTILITY SERVICE CONNECTIONS AND DOWNSPOUT CONNECTIONS FROM 5' OUTSIDE OF BUILDINGS TO BE MADE BY THE BUILDING CONTRACTOR.
 - RIGHTS-OF-WAY, IN ADDITION TO DIRECT REQUIREMENTS OF THE CONTRACT SPECIFICATIONS, THE CONTRACTOR SHALL OBSERVE AND CONFORM TO THE SPECIFIC REQUIREMENTS OF ALL RIGHTS-OF-WAY, INCLUDING BUT NOT LIMITED TO, EASEMENTS, COURT ENTRIES, RIGHT OF ENTRY, OR ACTION FILED IN COURT, IN ACCORDANCE WITH THE CODE OF THE APPLICABLE GOVERNING AGENCY. THE COST OF THE OPERATIONS NECESSARY TO FULFILL SUCH REQUIREMENTS SHALL BE INCLUDED IN THE PRICE BID FOR THE VARIOUS ITEMS OF THE CONTRACT.
 - NOTICE TO BIDDERS, PRIOR TO ANY SUBSURFACE INVESTIGATION OR ON-SITE EXAMINATION OF THE PROJECT, ALL BIDDERS SHALL OBTAIN APPROVAL FROM THE OWNER.
 - SLOPE SLOPES GREATER THAN 3:1 SHALL BE COVERED WITH EROSION CONTROL MAT. MAT SHALL BE CONTACT ARO-MAT OR APPROVED EQUAL. IF MAT IS NOT BIODEGRADABLE THE CONTRACTOR SHALL REMOVE IT PRIOR TO THE FIRST MOWING. SLOPES WITHIN THIS DEVELOPMENT SHALL NOT EXCEED A MAXIMUM OF 3:1.
 - ALL SIDEWALKS AND INTEGRAL CURBS AT SIDEWALKS ADJACENT TO THE BUILDINGS, LOADING DOCK SLAB, AND RETAINING WALLS ARE INCLUDED IN THE BUILDING PACKAGE. THE SITEWORK PACKAGE IS TO INCLUDE DOLLY PADS IF SHOWN ON PLANS, TRANSFORMER PADS, AND LIGHT POLE BASES.
 - PERMITS: THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITS, PERMIT FEES, LICENSES, AND LICENSE FEES.
 - TESTING: THE OWNER SHALL PAY FOR ALL SITE COMPACTON TESTING, BUT CONTRACTOR SHALL PAY FOR ALL RETESTING REQUIRED.
 - CONCRETE CURB: ALL CURB SHALL HAVE A MINIMUM OF 1/8 INCH CONSTRUCTION JOINTS CONSTRUCTED AT TEN FOOT INTERVALS. THE DEPTH OF THE JOINT SHALL AVERAGE TWO INCHES OR MORE. EXPANSION JOINT STRIPS THE DEPTH OF THE CURB SHALL BE USED AT THE BEGINNING AND END OF CURVES WHICH RADIUS IS LESS THAN 200 FEET AND WHENEVER IT BECOMES NECESSARY TO SUSPEND THE WORK FOR 30 MINUTES OR MORE.

GENERAL NOTES (CONT.)

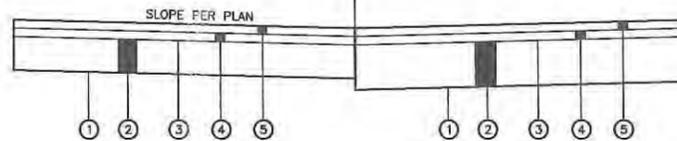
- ALL JOINTS BETWEEN ASPHALT PAVEMENT AND CONCRETE WALK, CONCRETE PAVEMENT, CONCRETE LIGHT POLES AND IN CONCRETE CATCH BASINS SHALL BE SEALED NEATLY WITH ASPHALTIC CEMENT.
- SITE CONTRACTOR SHALL INSTALL SPIDER DRAWS AT ALL CATCH BASINS.
- BUILDING PAD: UPON COMPLETING THE PAD FOR THE PROPOSED BUILDINGS THE CONTRACTOR SHALL SUBMIT VERIFICATION OF THE COMPACTION DENSITY OF THE CLUT/FILL. THE BUILDING PAD SHALL BE CONSTRUCTED 10 FEET BEYOND THE PROPOSED BUILDING WALLS. THE CONTRACTOR SHALL COORDINATE THE STAKING OF THE PROPOSED BUILDING CORNERS WITH THE OWNER'S SURVEYOR.
- ALL STORM PIPE SHALL BE ADS N-12 OR APPROVED EQUAL AND SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
- REFER TO ARCHITECTURAL BUILDING PLANS AND SPECIFICATIONS FOR EARTHWORK AND COMPACTION REQUIREMENTS FOR ALL SLABS AND BUILDING FOUNDATIONS.
- ALL ELEVATIONS IN PAVED AREAS ARE TOP OF FINISH PAVEMENT UNLESS OTHERWISE SHOWN.
- THE CONTRACTOR SHALL RECORD THE LOCATION OF ALL SANITARY AND WATER SERVICES INSTALLED. THIS RECORD SHALL BE KEPT ON A SET OF PLANS SUPPLIED TO HIM SPECIFICALLY FOR THIS PURPOSE. THESE PLANS SHALL BE RETURNED TO THE ENGINEER WHEN ALL SERVICES HAVE BEEN INSTALLED.
- ALL CATCH BASIN GRATES SHALL BE BIKE AND PEDESTRIAN SAFE.
- THE SITE CONTRACTOR SHALL COORDINATE WITH THE BUILDING CONTRACTOR IN ORDER TO PLACE THE EXCESS EXCAVATED MATERIAL FROM THE SLAB AND FOOTINGS EXCAVATION IN AN APPROPRIATE LOCATION.
- THE SITE CONTRACTOR SHALL COORDINATE WITH THE OWNER THE LOCATION AND QUANTITY OF TOPSOIL TO BE STOCKPILED.
- THE SITE CONTRACTOR SHALL PROVIDE DUST CONTROL MEASURES IN ACCORDANCE WITH ODOT SPECIFICATION 616.
- THE CONTRACTOR SHALL PROHIBIT THE TRACKING OF MUD OFF-SITE AND SHALL PROVIDE THE NECESSARY EQUIPMENT INCLUDING, BUT NOT LIMITED TO, WASH STATIONS AND GRAVEL CONSTRUCTION DRIVES. SHOULD MUD OR ANY OTHER MATERIAL BE TRACKED OFF-SITE THE CONTRACTOR SHALL CLEAN IT UP AT HIS COST.
- ALL STRIPING SHALL BE DONE IN ACCORDANCE WITH ODOT 640 AND PAINT SHALL CONFORM TO ODOT 642. ALL PARKING STRIPES SHALL BE WHITE IN COLOR.
- THE CONTRACTOR SHALL FIELD MARK AND PLUG THE END OF ALL UTILITY SERVICES, CONDUIT AND MAIN LINE STUBS IN SUCH A MANNER AS TO MAKE THESE LOCATIONS QUICKLY LOCATED.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE OWNER WITH A SET OF AS-BUILT DRAWINGS, PRIOR TO THE RELEASE OF THE RETAINER.
- ODOT SPECIFICATIONS, JAN.1991, ARE HEREBY MADE A PART OF THESE PLANS AND BID DOCUMENTS.
- CONTRACTOR SHALL SAVE SOME TREES AROUND BOUNDARY. THESE TREES TO BE COORDINATED WITH THE OWNER PRIOR TO START OF WORK. ALL OTHER TREES AND GROWTH TO BE REMOVED.
- IT SHALL BE THE SITE CONTRACTOR'S RESPONSIBILITY TO IMPORT OR REMOVE ANY EXCESS EARTH OR TOPSOIL WITH PAYMENT FOR THIS TO BE A PART OF CONTRACT.
- THE DETENTION POND SHALL BE SODDED AT TIME OF COMPLETION.
- ANY PORTION OF THE SITE DISTURBED BY GRADING AND NOT FURTHER INCLUDED IN THE FIRST PHASE OF CONSTRUCTION SHALL BE PLANTED WITH APPROPRIATE GROUND COVERING AND PROPERLY MAINTAINED.
- EXTERIOR CONSTRUCTION ACTIVITY SHALL BE RESTRICTED TO THE HOURS OF 7:00 A.M. TO 7:00 P.M. MONDAY THRU FRIDAY, SATURDAY HOURS SHALL BE 8:00 AM TO 5:00 P.M.
- THE DETENTION POND BASIN SHALL BE INSTALLED AS PART OF THE FIRST ELEMENT OF SITE GRADING.
- THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES AND SHALL BE CONSIDERED AN INTEGRAL PART OF THESE CONSTRUCTION PLANS.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ASSURE STABILIZATION OF ALL TRENCHES DURING ROAD CONSTRUCTION.



INDEX

- COVER SHEET
- EXISTING TOPOGRAPHY PLAN
- SITE/UTILITY PLAN
- GRADING/EROSION CONTROL PLAN
- DETAIL SHEET-1
- DETAIL SHEET-2

STANDARD DUTY PAVEMENT ← → HEAVY DUTY PAVEMENT



- | | |
|---|---|
| ① ITEM 203 - SUBGRADE COMPACTION | ① ITEM 203 - SUBGRADE COMPACTION |
| ② ITEM 304 - GRANULAR BASE ~ 8" COURSE | ② ITEM 304 - GRANULAR BASE ~ 10" COURSE |
| ③ ITEM 408 - PRIME COAT MC-30 OR RT-2 @ 0.5 GAL/SY TO BE APPLIED IMMEDIATELY AFTER ITEM 304 | ③ ITEM 408 - PRIME COAT MC-30 OR RT-2 @ 0.5 GAL/SY TO BE APPLIED IMMEDIATELY AFTER ITEM 304 |
| ④ ITEM 403 - ASPHALTIC CONCRETE ~ 2" COURSE | ④ ITEM 403 - ASPHALTIC CONCRETE ~ 2" COURSE |
| ⑤ ITEM 404 - ASPHALTIC CONCRETE ~ 1" COURSE | ⑤ ITEM 404 - ASPHALTIC CONCRETE ~ 2" COURSE |

PAVEMENT SECTION (INTERIOR SITE PAVING)

(THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES.)

NO.	DATE	DESCRIPTION	BY

2 WORKING DAYS
 BEFORE YOU DIG
 CALL TOLL FREE 800-362-2764
 SOIL UTILITIES PROTECTION SERVICE



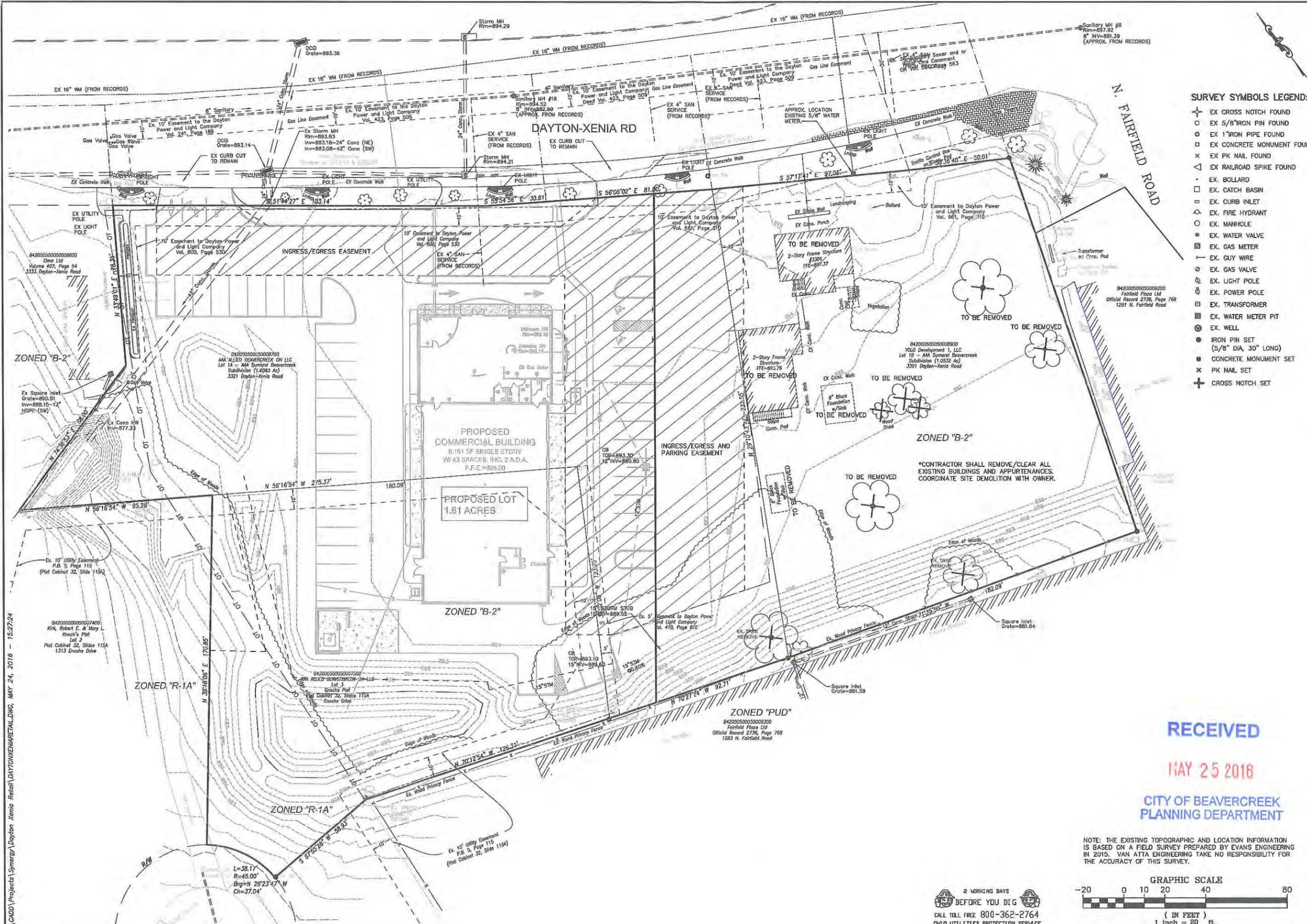
JEFFREY A. VAN ATTA _____ DATE _____
 OHIO PROFESSIONAL ENGINEER #53389
 OHIO PROFESSIONAL SURVEYOR #9354

PREPARED BY:

 VANATTA ENGINEERING INC.
 570 Congress Park Dr • Dayton, OH 45459
 Phone: 937.438.5520
 Fax: 937.438.5645
 DEVELOPER/OWNER:

 SYNERGY
 BUILDING SYSTEMS
 3500 PENTAGON BLVD.
 SUITE 500
 BEAVERCREEK, OHIO 45431
 (937) 429-3143

RECEIVED
 MAY 25 2016
 CITY OF BEAVERCREEK
 PLANNING DEPARTMENT



- SURVEY SYMBOLS LEGEND:**
- ✦ EX CROSS NOTCH FOUND
 - EX 5/8" IRON PIN FOUND
 - EX 1" IRON PIPE FOUND
 - EX CONCRETE MONUMENT FOUND
 - ✖ EX PK NAIL FOUND
 - △ EX RAILROAD SPIKE FOUND
 - EX BOLLARD
 - EX CATCH BASIN
 - EX CURB INLET
 - EX FIRE HYDRANT
 - EX MANHOLE
 - ⊗ EX WATER VALVE
 - ⊗ EX GAS METER
 - EX GUY WIRE
 - ⊗ EX GAS VALVE
 - ⊗ EX LIGHT POLE
 - ⊗ EX POWER POLE
 - ⊗ EX TRANSFORMER
 - ⊗ EX WATER METER PIT
 - ⊗ EX WELL
 - IRON PIN SET (5/8" DIA, 30" LONG)
 - CONCRETE MONUMENT SET
 - ✖ PK NAIL SET
 - ✦ CROSS NOTCH SET

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SYNERGY
ENGINEERING
BUILDING SYSTEMS
3500 PENTACON BLVD.
SUITE 500
BEAVERCREEK, OHIO 45414
(937) 429-3143

VAE
VANATTA ENGINEERING INC.
Fairfield Plaza Ltd
Official Record 2736, Page 768
1281 N. Fairfield Road
Beavercreek, OH 45414
Phone: 937-438-5550
Fax: 937-438-5545



**EXISTING TOPOGRAPHY/DEMO PLAN
DAYTON XENIA RETAIL BUILDING**

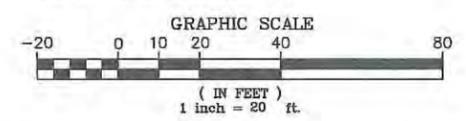
LOCATED IN
3301 DAYTON-XENIA ROAD
LOCATED IN SECTION 32, TOWN 3, RANGE 7 N.R.s.
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

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MAY 25 2016

**CITY OF BEAVERCREEK
PLANNING DEPARTMENT**

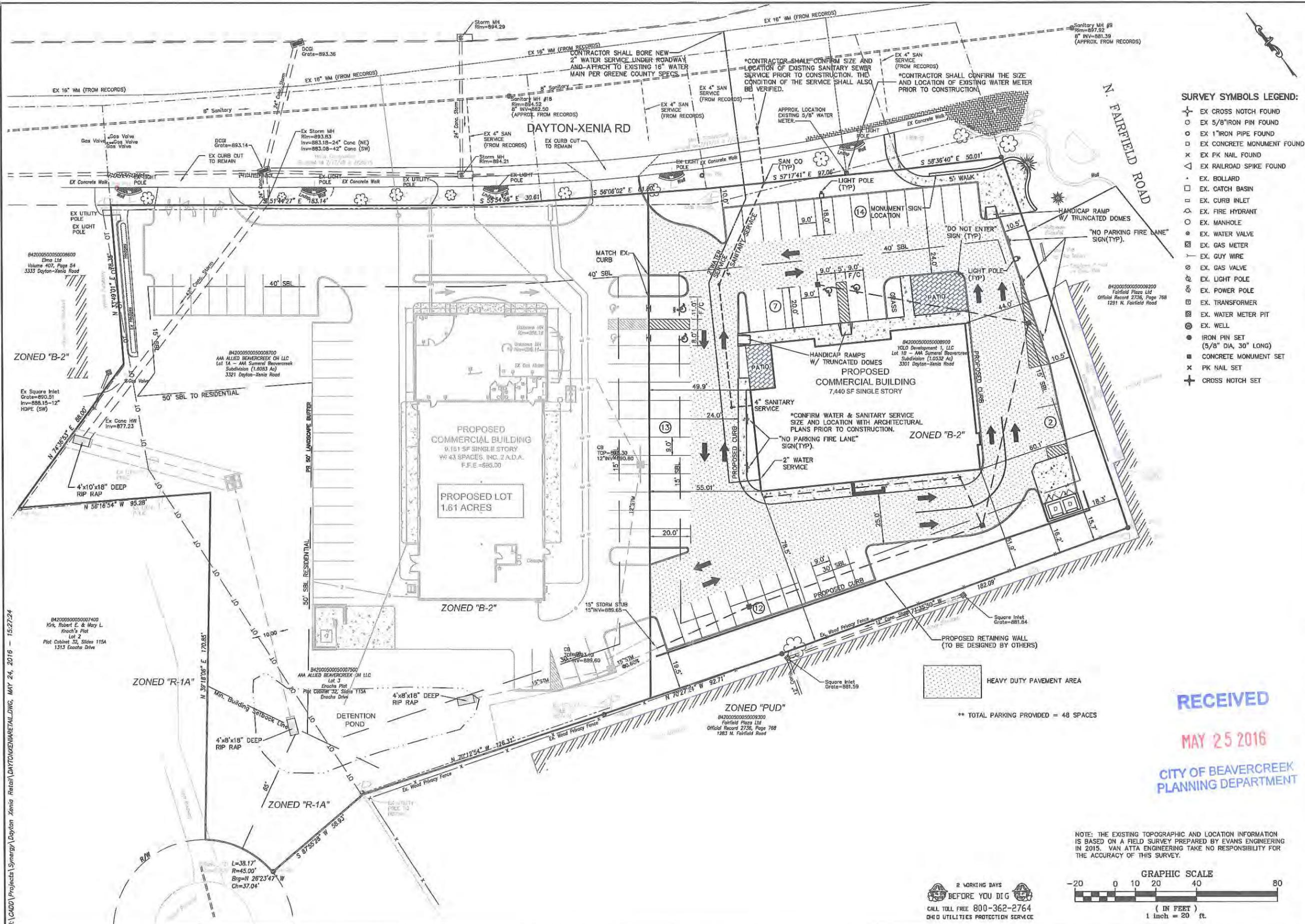
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FILE No.
SHEET No.
2 of 6

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- SURVEY SYMBOLS LEGEND:**
- ✦ EX CROSS NOTCH FOUND
 - EX 5/8" IRON PIN FOUND
 - EX 1" IRON PIPE FOUND
 - EX CONCRETE MONUMENT FOUND
 - ✕ EX PK NAIL FOUND
 - △ EX RAILROAD SPIKE FOUND
 - EX BOLLARD
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 - ✦ CROSS NOTCH SET

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SYNERGY
BUILDING SYSTEMS
1500 PONTIAC BLVD.
SUITE 500
BEAVERCREEK, OHIO 45431
(937) 699-3143

EVANS
VAN ATTA ENGINEERING INC.
Fairfield Plaza Ltd
Official Record 2736, Page 768
1281 N. Fairfield Road
Beavercreek, OH 45404
Phone: 937-438-5559
Fax: 937-438-5545



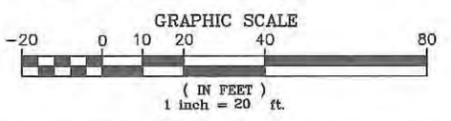
SITE/UTILITY PLAN
DAYTON XENIA RETAIL BUILDING
LOCATED IN DAYTON-XENIA ROAD
LOCATED IN SECTION 32, TOWN 3, RANGE 7 M.R.
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

RECEIVED

MAY 25 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

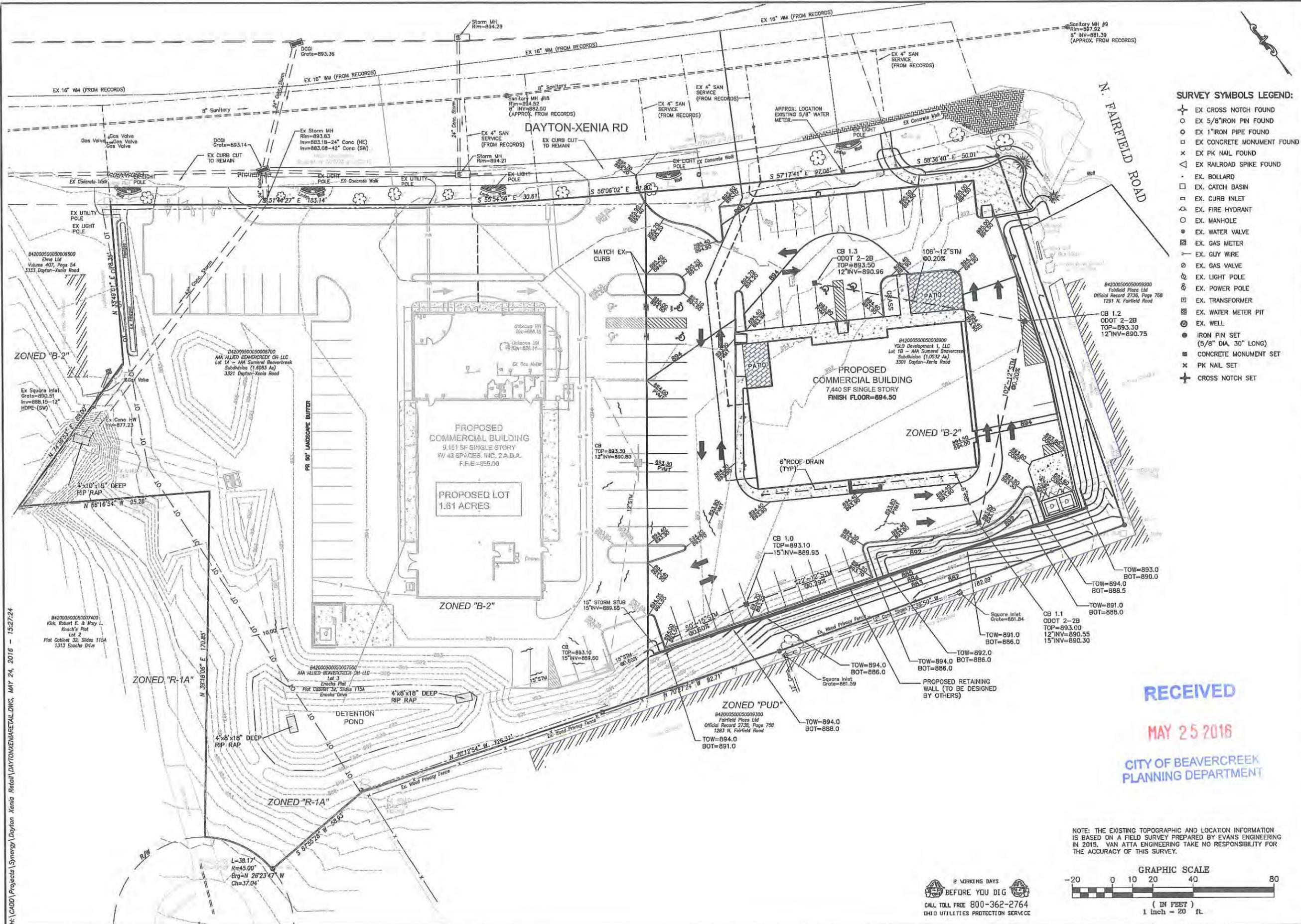
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SHEET NO.
3 of 8

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SURVEY SYMBOLS LEGEND:

- ⊕ EX CROSS NOTCH FOUND
- EX 5/8" IRON PIN FOUND
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- ⊕ CROSS NOTCH SET

NO.	DATE	REVISION

SYNERGY
BUILDING SYSTEMS
3500 PENACON BLDG.
SUITE 300
BEAVERCREEK, OHIO 45431
(937) 629-3143

VAN ATTA ENGINEERING INC.
570 Congress Park Dr., Dayton, OH 45426
Official Record 2736, Page 788
1283 N. Fairfield Road
Phone: 937.438.5550
Fax: 937.438.5545



**GRADING/EROSION CONTROL PLAN
DAYTON XENIA RETAIL BUILDING**

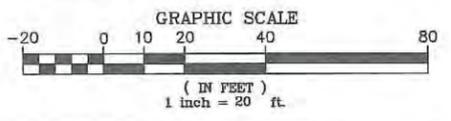
LOCATED IN SECTION 32, TOWN 3, RANGE 7 M.Ra.
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

RECEIVED

MAY 25 2016

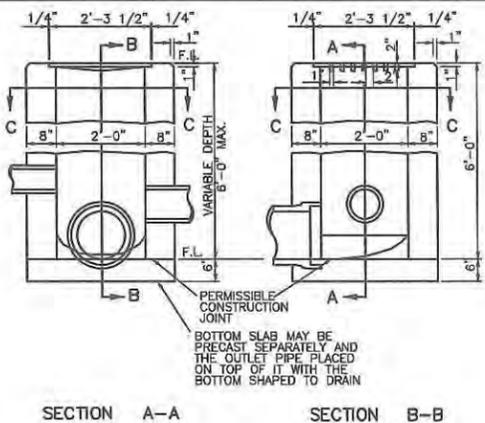
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

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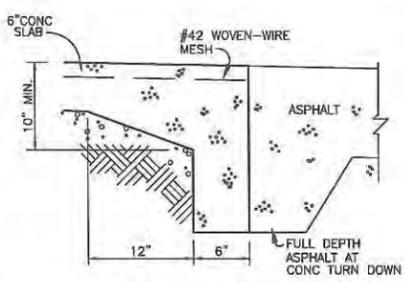
LOCATION AND ELEVATION WHEN GIVEN ON THE PLANS IS TOP CENTER OF THE GRATE WHEN SIDE OPENINGS ARE PROVIDED. ELEVATION SHALL BE THE FLOW LINE OF THE SIDE INLET.

GRATING AND FRAME ~ THE DESIGN SHALL BE ESSENTIALLY THE SAME AND EQUALLY AS STRONG AS THE ONE SHOWN HEREON. WEIGHT OF GRATE, MINIMUM, 120 lbs. WEIGHT OF FRAME, MINIMUM, 40 lbs.

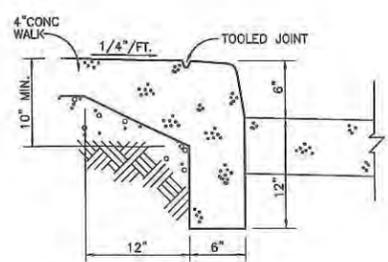
BRICK, CONCRETE BLOCK OR CAST-IN-PLACE WALLS HAVE A NOMINAL THICKNESS OF 8 INCHES. PRECAST WALLS SHALL HAVE A MINIMUM THICKNESS OF 6 INCHES AND BE REINFORCED SUFFICIENTLY TO PERMIT SHIPPING AND HANDLING WITHOUT DAMAGE.

CONCRETE, CAST-IN-PLACE TO BE CLASS C ALL PRECAST CONCRETE SHALL MEET THE REQUIREMENTS OF 706.13 WITH 6 +/- 2% AIR VOID CONTENT IN THE HARDENED CONCRETE AND BE MARKED WITH CATCH BASIN NUMBER.

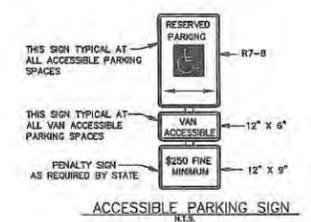
OPENINGS FOR PIPES SHALL BE O.D. +2\"/>



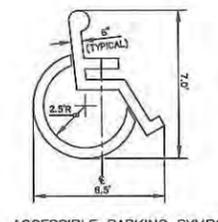
CONCRETE TURN DOWN AT DUMPSTER PAD NTS



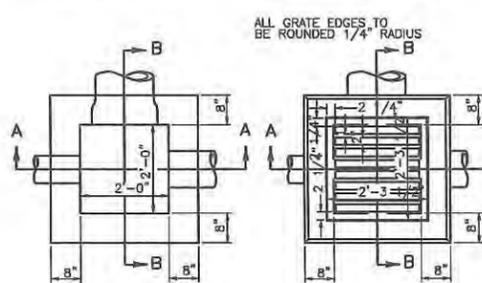
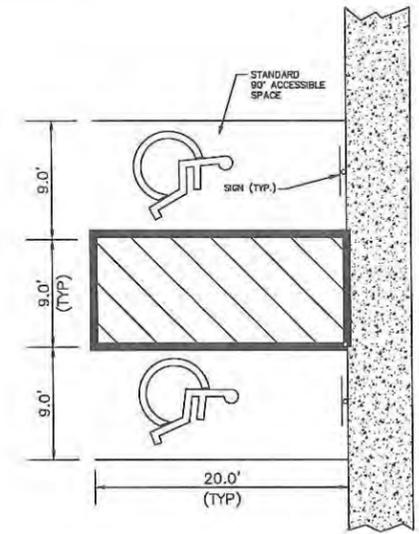
CURB CONSTRUCTION ALONG WALK NTS



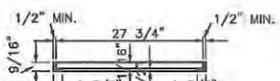
ACCESSIBLE PARKING SIGN NTS



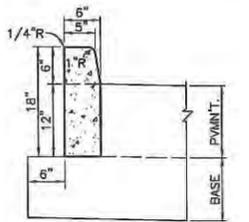
ACCESSIBLE PARKING SYMBOL LOCATE AT EDGE OF PARKING SPACE



ALL GRATE EDGES TO BE ROUNDED 1/4\"/>

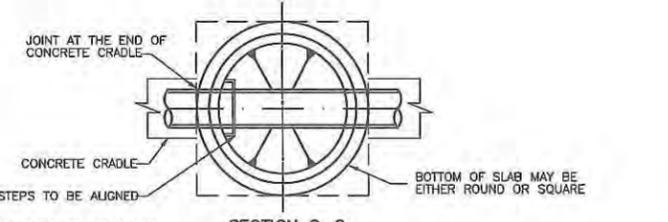


SECTION THROUGH ANGLE FRAME

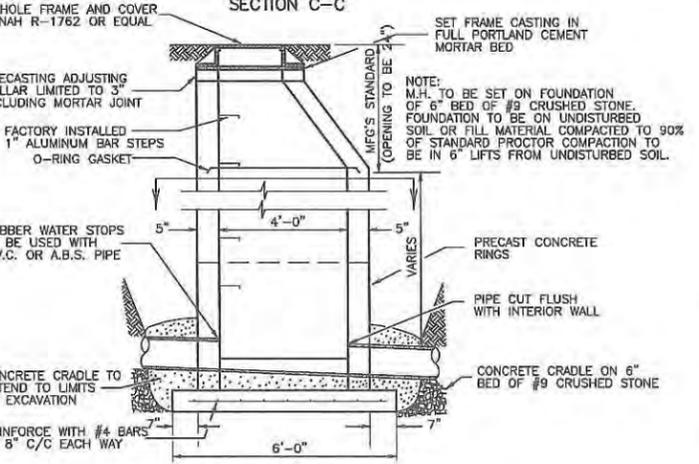


BARRIER CURB NTS

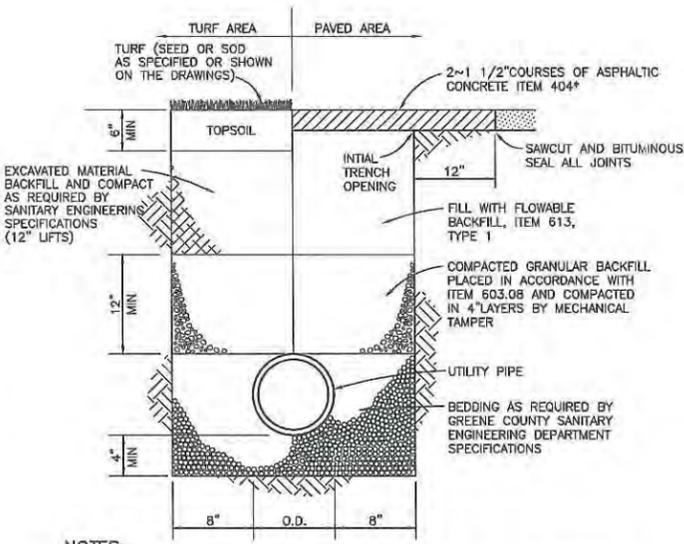
STANDARD No. 2-2-B CATCH BASIN NTS



SECTION C-C

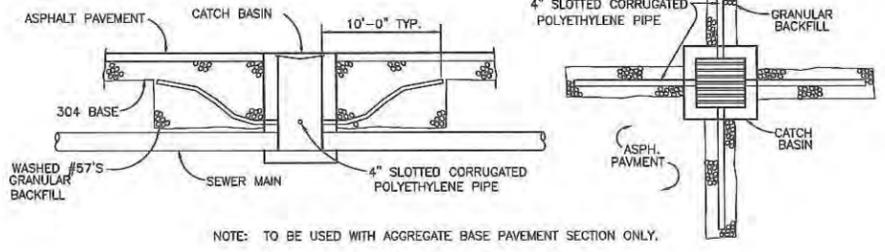


STANDARD MANHOLE DETAIL NTS

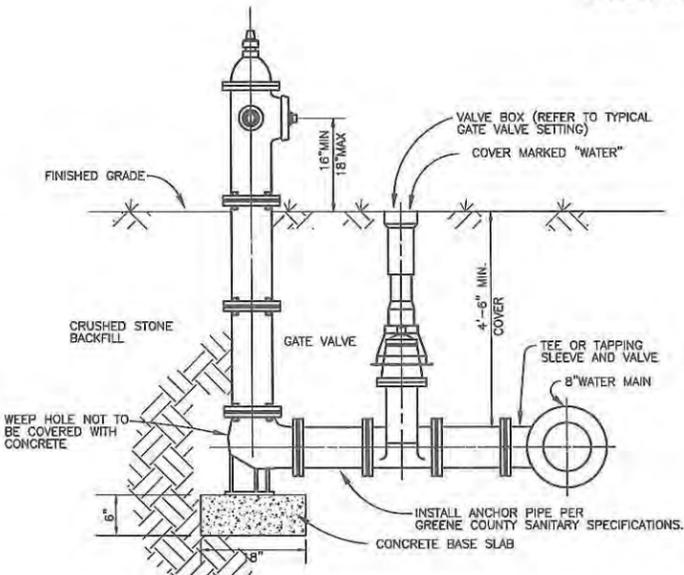


UTILITY TRENCH (STORM, SANITARY, WATER) NTS

- NOTES:
- *THESE ARE MINIMUM THICKNESSES, ACTUAL THICKNESS SHALL MATCH EXISTING PAVEMENT
 - ITEM NUMBERS REFER TO THE CURRENT EDITION OF THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION "CONSTRUCTION AND MATERIAL SPECIFICATIONS", AND THIS CONSTRUCTION SHALL CONFORM TO THESE SPECIFICATIONS
 - THE CONTRACTOR SHALL REPLACE AND/OR RESTORE, IN KIND, ALL DRAINAGE STRUCTURES, CULVERTS AND APPURTENANCES IN ALL AREAS DISTURBED BY THE CONTRACTOR.
 - TRENCH SHALL BE COVERED WITH TEMPORARY PLATES WHILE LOW DENSITY BACKFILL SETS UP



SUBGRADE DRAINAGE AROUND CATCH BASINS (TYPICAL) NTS



FIRE HYDRANT SETTING DETAIL NTS

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MAY 25 2016
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

NO.	DATE	REVISION



SYNERGY ENGINEERING
VANATTAS ENGINEERING
770 Congress Park Dr • Dayton, OH 45459
Phone: 937.432.5500
Fax: 937.432.5505

SYNERGY ENGINEERING
BUILDING & CIVIL ENGINEERS
SUITE 500
BEAVERCREEK, OHIO 45424
(937) 428-3143

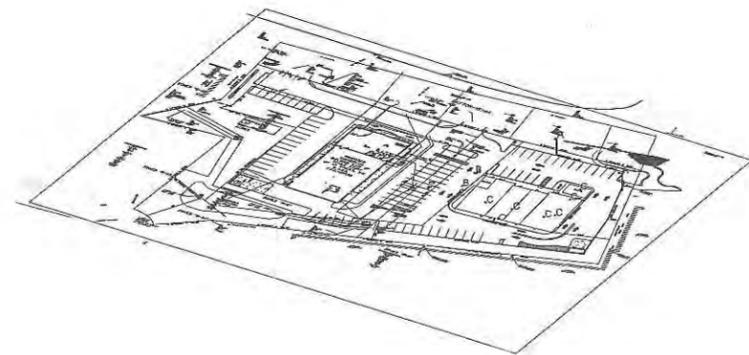
DETAIL SHEET - 1
DAYTON XENIA RETAIL BUILDING

LOCATED IN
3301 DAYTON-XENIA ROAD
LOCATED IN SECTION 32, TOWN 3, RANGE 7 M.Re.
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

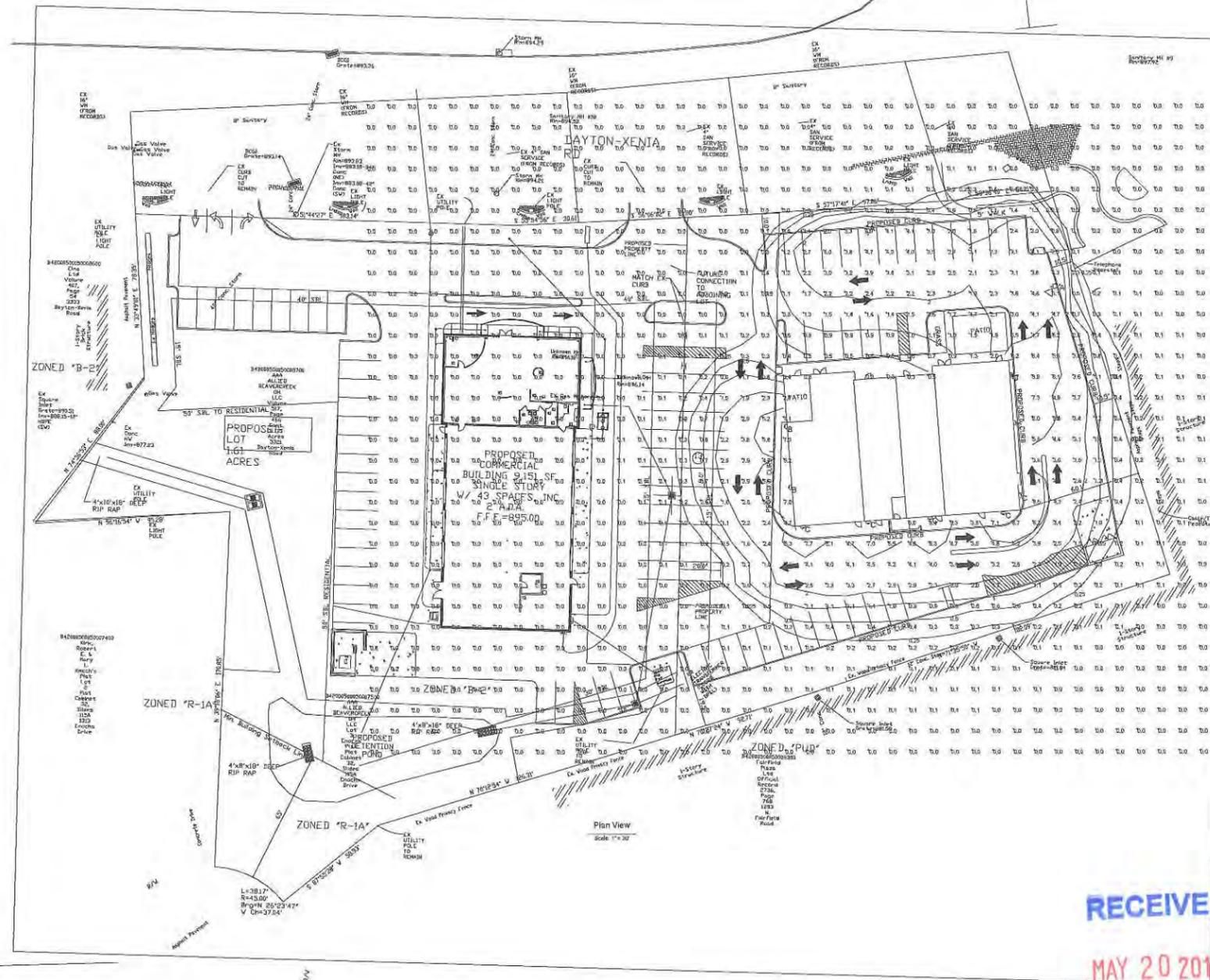
DATE: MAY 2016
SCALE: NTS
PROJECT No. 5599
FILE No.
SHEET NO.

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	2	GLEDN-AE-03-LED-E1-SL4-HSS	GALLEON LED AREA AND ROADWAY LUMINAIRE (3) 79 CRI, 4000K, 1A LIGHTS SQUARES WITH 16 LEDS EACH AND TYPE IV SPILL LIGHT ELIMINATOR OPTICS WITH HOUSE SIDE SHIELD ABSOLUTE PHOTOMETRY IS BASED ON CALIBRATION FACTORS CREATED USING LAB LUMEN STANDARDS IN CONIOPHOTOMETER WITH TEST DISTANCE OF 28.15 FEET		GLEDN-AE-03-LED-E1-SL4-HSS.fcs	Absolute 1,100	1.00	197
	B	2	XTOR9ARL	LUMARK CROSSTOUR MAXX LED 85W - 5000K, REFRACTIVE LENS		XTOR9ARL.fcs	Absolute 1,000	1.00	84.0
	C	7	XTOR9ARL	LUMARK CROSSTOUR MAXX LED 85W - 5000K, REFRACTIVE LENS		XTOR9ARL.fcs	Absolute 1,000	1.00	84.0

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	UG	CV	Avg/Max
FRONT DRIVE AREA	+	2.5 fc	3.1 fc	2.0 fc	1.6:1	1.3:1	1.5	0.2	0.8:1
OVER ALL PARKING LOT	+	0.8 fc	0.7 fc	0.0 fc	N/A	N/A	-1.0	2.4	0.1:1
REAR DRIVE AREA	+	4.3 fc	5.4 fc	3.3 fc	1.6:1	1.3:1	1.6	0.1	0.8:1



Southeast View
Not to Scale



Plan View
Scale 1"=30'

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MAY 20 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



DAYTON XENIA RETAIL
PHOTO METRICS

Designer
Geoff Fisher

Date
Apr 27 2016

Scale
1"=30'-0"

Drawing No.
042

RECEIVED

MAY 09 2016

CITY OF BEAVERCREEK
PLANNING DEPARTMENT







RECEIVED
MAY 09 2016
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

ORDINANCE NO. 16-09

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 23RD DAY OF MAY, 2016.

AN ORDINANCE ADOPTING NEW CHAPTER 98 “REGISTRATION OF ABANDONED FORECLOSURES AND VACANT PROPERTIES” OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.

WHEREAS, the City Council has determined that it would be in the best interest of the City to add a new Chapter to Title IX “General Regulations” to require the registration of abandoned foreclosures and vacant properties.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, HEREBY ORDAINS:

SECTION I.

Chapter 98 entitled “Registration of Abandoned Foreclosures & Vacant Properties” is hereby enacted as shown in the document attached to this Ordinance as Exhibit “A”.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION III.

This Ordinance shall take effect at the earliest date allowed by law.

PASSED this 27th day of June, 2016.

Bob Stone, Mayor

ATTEST:

CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE ADOPTS NEW CHAPTER 98 "REGISTRATION OF ABANDONED FORECLOSURES & VACANT PROPERTIES" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

CHAPTER 98: REGISTRATION OF ABANDONED FORECLOSURES & VACANT PROPERTIES

98.01 PURPOSE.

The purpose of this chapter is to establish a registration program as a means to identify and regulate abandoned foreclosures and vacant properties within the City of Beavercreek. Furthermore, the intent of the registration program is to provide a mechanism to protect and preserve neighborhoods within the City from becoming unsightly and blighted due to the lack of adequate maintenance of abandoned foreclosures and vacant properties.

98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

ABANDONED FORECLOSURE[S]. Any property that is vacant and meets one or more of the following criteria:

1. is under a current notice of default with any foreclosing entity and/or notice of trustee's sale;
2. is subject to a current foreclosure action;
3. a finding of foreclosure has been issued relative to the property;
4. has been the subject of a foreclosure where the title was retained by the beneficiary of a deed of trust involved in the foreclosure;
5. is owned by a foreclosing entity; or
6. has been transferred via a deed in lieu of foreclosure

FORECLOSING ENTITY. An entity holding a note secured by a mortgage, an entity holding a lien recorded with Greene County Recorder's Office, a non-government entity that holds an interest in delinquent property taxes, an entity that takes property via a deed in lieu of foreclosure, an entity that has purchased a property from a sheriff's sale, a government entity that accepts property as a result of a government insured mortgage or loan.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property, or recorded in the official records of the state, county or municipality as holding title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PROPERTY[IES]. Any unimproved or improved real property or portion thereof, situated in the City including any house, building or other structure that may be located on the property regardless of condition.

VACANT. Any property, building or structure, or any part thereof, where no person actually and lawfully resides or where no business is being lawfully operated.

98.03 APPLICABILITY.

The requirements and penalties in this chapter are in addition to, and shall not be considered in conflict with any and all other requirements of the City of Beavercreek Codified Ordinances. Nothing within this chapter shall be construed to limit the foreclosing entity or the owner of vacant property to comply with and adhere to any and all building, housing, health, and zoning ordinances or any other local, state and federal laws.

98.04 REGISTRATION REQUIREMENTS.

(A) Abandoned Foreclosure. Any foreclosing entity that files a foreclosure action, accepts a deed in lieu of foreclosure, buys real property at a Sheriff Sale, or accepts property as a result of a government insured mortgage or loan shall, within ten (10) days after property becoming vacant, register the abandoned foreclosure with the City of Beavercreek Planning and Zoning Department.

(B) Vacant Property. Any owner of vacant property determined to be out of compliance with the City of Beavercreek Codified Ordinances and involved in an enforcement action by the City shall, within ten (10) days of the notice or order, register the vacant property with the City of Beavercreek Planning and Zoning Department. Registration shall not apply to abandoned foreclosure properties, except as required in part (A).

(C) Each property having a separate Parcel Identification Number, as designated in the official records of the Greene County Auditor, shall be registered separately on forms provided by the City of Beavercreek.

(D) It is the responsibility of the foreclosing entity or the owner of vacant property making the initial application for registration, and any subsequent applications for registration, to provide the following required information:

- (1) The direct name, mailing address, and telephone number of the foreclosing entity or owner of vacant property;
- (2) The name, address, telephone number and email address of an authorized agent for the foreclosing entity or owner of vacant property to receive notices of code violations, to receive process in any court and to receive notice of enforcement proceedings in connection with the enforcement of this chapter;
- (3) The name, address, email address and a twenty-four (24) hour contact telephone number of the local property maintenance company responsible for the security and maintenance of the property.

(E) The registration of the property shall remain valid for twelve (12) months. Upon the expiration of the registration period, the foreclosing entity or the owner of vacant property shall complete another application to renew the registration of the property and pay an additional registration fee. The property registration requirement shall remain until the property is legally occupied; the foreclosure action has been dismissed; the property is purchased and the deed transferred into the new owner's name; or, except for an abandoned foreclosure, the property has been maintained in compliance for two consecutive years.

(F) Any person, firm, partnership, co-partnership, association, fiduciary, beneficiary, lender, corporation or any legal entity that has registered a property under this chapter must report any change in registration information required by this chapter, within ten (10) days of the change.

(G) If an abandoned foreclosure or vacant property is identified and found not to be registered with the City as required by this chapter, orders will be issued requiring the property be registered.

98.05 FEES.

(A) All registration fees shall be paid as specified in the Planning and Zoning Department Fee Schedule for each property subject to the provisions of this chapter. Fees are non-refundable and shall not be prorated.

(B) All delinquent fees shall be paid by the foreclosing entity or owner of vacant property prior to any transfer of an ownership interest in the property.

98.06 EVIDENCE OF VACANCY.

A structure or property will be presumed vacant when any condition that, on its own or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnection of utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items; statements based on observations by neighbors, passersby, delivery agents or government employees that the property is vacant.

98.07 INSPECTION REQUIREMENTS.

Upon registration, an exterior property maintenance inspection shall be scheduled with the Code Enforcement Officer. A notice of violation or orders to correct may be issued for any violations of the City of Beavercreek Codified Ordinances identified during an inspection. Additionally, express authorization shall be provided for City employees, and contractors designated by the City, to enter upon the property for the purpose of ensuring compliance with this chapter. Regular inspections of the property must be performed by the foreclosing entity or owner of vacant property, or designated agent, to ensure compliance with this chapter and other applicable laws.

98.08 MAINTENANCE REQUIREMENTS.

Properties subject to this chapter shall be maintained in a safe and sanitary manner, in accordance with the City of Beavercreek Codified Ordinances including, but not limited to:

- (a) Being kept free of overgrown vegetation, including grass and weeds exceeding ten inches in height;
- (b) Being kept free of any accumulation of newspapers, circulars, flyers, trash, junk, debris, building materials, discarded personal items, furniture, appliances or any other issue that gives the appearance of vacancy;
- (c) Being kept free of graffiti, tagging or similar markings; and
- (d) Swimming pools, spas and ponds maintained in a sanitary condition and in compliance with the City's barrier requirements.

98.09 SECURITY REQUIREMENTS.

Properties subject to this chapter shall be maintained in a secure manner, as required in the City of Beavercreek Property Maintenance Code, so as not to be accessible to any unauthorized persons. Secure manner includes, but not limited to;

- (a) Closure and locking of windows, doors, gates and any other opening that may allow unauthorized access to the interior of structure(s) and/or areas containing swimming pools; and
- (b) In the case of damaged or broken fences, gates, windows, doors and other openings, the unsecured opening must be repaired or properly boarded.

98.10 ABATEMENT AND DEMOLITION

Whenever a property is deemed abandoned or vacant pursuant to the terms of this chapter and is not maintained pursuant to the terms of this chapter and the City of Beavercreek Codified Ordinances, the Code Enforcement Officer may order the abatement of the violation or any other action that may be required including, but not limited to, demolition. Any abatement action shall be conducted in accordance with the

City of Beavercreek Codified Ordinances. The cost of any action taken by the City shall be charged against the real estate upon which the structure or violation is located and shall be a lien upon such real estate.

98.11 APPEALS.

Any person directly affected by a decision, notice or order issued under this chapter shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal and fee is submitted within fifteen (15) days from the date of the notice or order. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the City.

98.12 JOINT AND SEVERAL LIABILITY.

Any owner, person in control, foreclosing entity, or subsequent owner of property for which a notice of violation is issued to correct violations shall be jointly and severally liable for the costs incurred by the city for the abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward.

98.13 SEVERABILITY.

If a section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

98.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor and the violation shall be deemed a strict liability offense. Each day that a violation continues shall constitute a separate offense.

ORDINANCE NO. 16-11

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 23RD DAY OF MAY, 2016.

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE AMENDMENTS OF THE CHARTER OF THE CITY OF BEAVERCREEK, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 2016.

WHEREAS, Council having determined that certain Charter amendments should be submitted to the electors of the City; and

WHEREAS, Article XVIII, Section 9 of the Ohio Constitution and Section 13.08 of the Beavercreek Charter provide that amendments to the Charter may be submitted to the electors of the municipality by two-thirds (2/3) vote of the members of Council.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, TWO THIRDS OF ALL MEMBERS OF COUNCIL CONCURRING, HEREBY ORDAINS:

SECTION I.

The question of the amendments of the Charter of the City shall be submitted to a vote of the electors of the municipality at the general election to be held on Tuesday, the 8th day of November, 2016, at the regular places of voting in the City between the hours of 6:30 a.m. and 7:30 p.m. to determine whether the Charter shall be amended with the additions and deletions from the Charter as indicated in the draft Charter revisions document attached to this Ordinance as Exhibit "A".

SECTION II.

The ballot language shall read as follows:

“Shall the Charter of the Municipality of Beavercreek, Ohio be amended by:

1. revising Sections 4.01 to provide that six (6) members of Council shall be elected as Council members at large with the Mayor being separately nominated and elected;
2. revising Section 4.02 to provide for three (3) members of Council being elected in one election and three (3) members being elected in the next;

3. revising Section 4.03 to provide that the Mayor and Council members shall begin their term on the first day of January following their election;
4. revising Section 4.04 to provide that the City Council candidate receiving the highest number of votes at the most recent November general election in an off numbered year shall serve as Vice Mayor for a two (2) year term and further providing that any tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council;
5. revising Section 4.05 to provide that the Mayor, in addition to the Council members, cannot hold other City offices, dictate the appointment or removal of City officers or employees, or interfere with administration;
6. revising Section 4.06 to provide that the Council is the judge of the existence of the grounds of forfeiture of office for the Mayor and Council members; and
7. revising Section 4.07 to include the Mayor in the vacancy and forfeiture of office procedures provided in that Section.

SECTION III.

A majority vote shall be necessary for adoption of this question. If adopted, this amendment will be effective on certification of the election results.

SECTION IV.

Notice of the time and place of holding such election shall be given as required by law. The full text of the proposed amendment shall be published one (1) time per week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Beavercreek, with the first publication being not less than fifteen (15) days prior to the election at which the amendment is to be submitted to the electors.

SECTION V.

The Clerk of Council shall certify this Ordinance to the Greene County Board of Elections by 4:00 p.m. on August 10, 2016.

SECTION VI.

Passage of this Ordinance shall require the affirmative vote of five (5) members of this Council as required by Article XVIII, Section 9 of the Ohio Constitution and Section 13.08 of the Charter.

SECTION VII.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

ADOPTED by the Council of the City of Beavercreek, Ohio this 27th day of June, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE PROVIDES FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS OF THE CHARTER OF THE CITY OF BEAVERCREEK, OHIO, AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 2016.

SECTION 4.01. POWERS; NUMBER.

Except as provided in this Charter with regard to initiative and referendum, all legislative powers of the City of Beavercreek shall be vested in a Council consisting of seven (7) members, **including the Mayor**. ~~Six (6)~~ **All** members shall be nominated and elected at large by the qualified electors of the City **and the Mayor shall be separately nominated and elected**.

SECTION 4.02. SELECTION; TERM.

~~All~~ **Six (6)** Council members shall be elected **as Council members at large** to four (4) year terms on a rotation of ~~four (4)~~ **three (3)** members selected in one election and three (3) members selected in the next. This rotation will begin with ~~four (4)~~ **three (3)** persons being selected ~~in~~ **at** the ~~1991~~ **2019** November general election and three (3) selected ~~in~~ **at** the ~~1993~~ **2021** November general election and will continue at the November general election ~~in~~ subsequent off numbered years. **The Mayor shall be selected by separate ballot to a four (4) year term beginning at the 2019 November general election and each four (4) years thereafter.**

(A) Term Limitation

- (1) In no case shall any person be elected to either the office of ~~C~~eouncil member, ~~M~~mayor, or a combination of the two offices, for more than two (2) consecutive terms of four (4) years each; provided that the term served in filling a vacancy or unexpired term shall not be considered as part of the two (2) consecutive terms of four (4) years each.
- (2) Following the election to two (2) consecutive terms as either ~~C~~eouncil member, ~~M~~mayor, or a combination of the two offices, no person shall immediately thereafter be eligible for election to either office, or a combination thereof, until a period of one (1) term consisting of four (4) years has elapsed.
- (3) No person who has been elected to two (2) consecutive terms as Council member, Mayor, or a combination of the two offices, shall be appointed to fill a vacancy or unexpired term until a period of one (1) term consisting of four (4) years has elapsed since that same person last held office as either Council member or Mayor.
- (4) Present members already elected to more than two (2) consecutive terms as either ~~C~~eouncil member, ~~M~~mayor, or a combination of the two offices, shall finish the present term to which they were elected.

This proposed Charter amendment shall become effective from the time of its approval by the electors and shall apply to all present ~~C~~eouncil members and **the M**mayor.

SECTION 4.03. QUALIFICATIONS.

The Mayor and eEach Council member shall be at the time of election or appointment, and shall remain throughout the term of office, a qualified elector of the City.

The Mayor and each Council member shall begin their term of office on the first day of January following their election. The Mayor and each Council member shall take the oath of office on or before the first day of January.

SECTION 4.04. OFFICERS OF THE COUNCIL.

~~The City Council candidate receiving the highest number of votes from City electors at the most recent November general election in an odd numbered year will be the Mayor and will serve as such for the first two (2) years of his or her term. The candidate receiving the second highest number of votes at that election will be the Vice Mayor and will serve for the same two (2) years in that capacity. Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.~~ **The officers of the Council shall be the Mayor and Vice Mayor.**

- (A) Mayor. The Mayor shall have the right to vote on all issues before the Council but shall have no power of veto. In addition to the powers, right and duties as a Council member, the Mayor shall preside at meetings of the Council, shall be recognized as head of the city government for all ceremonial purposes, by the Governor for purposes of military law, and by the courts for civil process involving the City. The Mayor is recognized as the Chief Executive Officer [Executive Officer] as required by the Ohio Revised Code for purposes of declaring an emergency, but not for any action other than as required by declared emergencies. The Mayor may by ordinance have judicial powers and shall perform all other duties prescribed by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.
- (B) Vice Mayor. The Vice Mayor shall exercise all the power and perform all the duties of the Mayor in case of temporary absence or disability. ~~Should the office of Mayor become vacant, the Vice Mayor shall succeed to that office.~~ **The City Council Candidate receiving the highest number of votes from City electors at the most recent November general election in an off numbered year will be the Vice Mayor and will serve as such for the first two (2) years of his or her term.** If the office of Vice Mayor becomes vacant, the successor Vice Mayor shall be the member who received the next higher number of votes at the most recent rotation election of Council members. If it is not possible to identify a successor in that manner, the Council shall choose a new Vice Mayor at its next regular meeting. **In the event of a vacancy in the office of Mayor, the Vice Mayor will serve as Mayor until such time as the vacancy is filled in accordance with Section 4.07 of this Charter.**
- (C) Tie Votes. Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.

SECTION 4.05. PROHIBITIONS.

- (A) *Holding Other Offices.* Except where authorized by this Charter, **neither the Mayor or any** Council members shall neither hold any other Ceity office except as a representative of the City as

authorized by the Council nor hold any employment by the City government during the term for which said **Mayor or** Council members ~~was~~ were elected or appointed.

- (B) *Appointment and Removals.* Neither the **Mayor or any** Council ~~nor any of its~~ members shall in any manner dictate the appointment of any Ceity officers or employees, except by approving or disapproving appointment of department directors under this Charter, nor dictate the removal of any Ceity officers or employees; but the Council, as a body meeting with the Manager, may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- (C) *Interference with Administration.* Except for the purpose of inquiries and investigations permitted under this Charter, the **Mayor and** Council members shall deal with the Ceity officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the **Mayor or** Council ~~nor its~~ members shall give any orders to any such officer or employee, either publicly or privately.

SECTION 4.06. JUDGE OF QUALIFICATIONS.

The Council shall be the judge of the election and qualifications of its members and the existence of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths, and require the production of evidence. A **Mayor or Council** member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published one time in one or more newspapers or public media forum or other printed publication regularly distributed of general circulation in the City at least seven (7) days in advance of the hearing. If the Council determines that grounds for forfeiture of office exist, the position shall be declared vacant by an affirmative vote of the majority of the remaining members of the Council.

SECTION 4.07. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES

- (A) *Vacancies.* The office of a **Mayor**, Council member or Council member-elect shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by this Charter.
- (B) *Forfeiture of Office.* A **The Mayor or** Council member shall forfeit office if he/she: (1) lacks at any time during the term of office any qualifications for the office prescribed by this Charter; (2) violates any express prohibition of this Charter to such an extent as to warrant forfeiture of office; (3) is convicted of a felony; (4) fails to attend three (3) consecutive regular meetings of the Council without being excused by the Council.
- (C) *Filling of Vacancies.* Vacancies in the office of a **Mayor or** Council member shall be filled within sixty (60) days following the occurrence of the vacancy by a vote of the majority of the remaining members of the Council. If the Council fails to fill any vacancy within sixty (60) days following the occurrence of the vacancy, the power of the Council to fill the vacancy shall lapse; and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold an election to fill the vacancy. Such election shall be held at the next general election or special election already scheduled, and such general or special election shall occur at

least ninety (90) days after the date of the request to the Greene County Board of Elections by the Clerk of Council. The individual elected in such election shall take office immediately following election certification by the Board of Elections and shall serve for the balance of the unexpired term.

Any appointee under this section shall qualify under the provisions of this Charter, and shall serve until a successor for the term is certified at the next November general election whether in an odd or even year, which occurs at least one hundred (100) days after his or her appointment (so as to allow nominating petitions to be filed by the ninety (90) day deadline before such an election). That election shall be held to determine what person is elected to serve for the balance of the unexpired term.

In the event of a vacancy occurring between the time of election of a **the Mayor or** Council member-elect in a November general election and the time of taking office for **the Mayor or** that Council member-elect, the vacancy shall be filled in the manner provided for in this Ceharter by the newly elected Council and at or following the first meeting of Council on or subsequent to the first day of January after such November general election.



CITY COUNCIL
Regular Meeting – July 11, 2016 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Wallace
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING –PUD 98-9 MOD 5/16, The Lux at Beavercreek
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VII. PUBLIC HEARING 2017 Tax Budget
 - A. Staff Presentation
 - B. Public Input
 - C. Council Input
 - D. Resolution 16-14
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-12 BAN for Not To Exceed \$1.5 million for Lofino Renovation (First Reading)
 - B. Ordinance 16-14 BAN for Not To Exceed \$200,000 for Acquisition and Demolition of Property (First Reading)
 - C. Ordinance 16-15 Re-issue of \$325,000 for Traditions of Beavercreek Assessment Project (First Reading)
 - D. Ordinance 16-16 Consolidation of Projects into one BAN (First Reading)
 - E. Ordinance 16-17 Additional Appropriations (Single Reading)
 - F. Resolution 16-___ OPWC Funds Grant Application
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT



CITY COUNCIL
Regular Meeting – July 25, 2016 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Whilding
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. DECISION ITEMS
 - A. Acceptance of 2nd Quarter 2016 Financial Summary
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT
June 23, 2016

CITY COUNCIL

June 27, 2016

- PUD 15-3, SSP #2, Beaver Creek Retail, public hearing
- PC 16-2, Vacant Property Registration, third reading
-

July 11, 2016

- PUD 98-9, MOD 5/16, The Lux at Beaver Creek, public hearing
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

July 6, 2016

- PUD 16-2, Creekstone, public hearing
- PC 16-3 Good News Baptist Church Conditional Use, public hearing
- S-16-5, Ashland Hills, Section 5
- PUD 16-1, The Cottages of Beavercreek (tabled 5/4/16, 6/1/16)
- PC 16-1, Zoning Code Updates (tabled 5/4/16, 6/1/16)
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Currently Tabled / Delayed

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Commercial Permits Submitted and Under Review

- BSM Development
- Flying Ace/Starbucks

BOARD OF ZONING APPEALS

July 13, 2016

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Currently Tabled or Delayed

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