

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, November 2, 2016, 7:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. October 5, 2016
- V. PUBLIC HEARINGS
 - A. PUD 06-3 AMENDMENT 9/16, First & Main Beaver creek (Continued at the October 5th meeting.)
- VI. ADJOURNMENT

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, October 5, 2016

PRESENT: Mr. Archibald, Mr. Curran, Mr. Loftis, Mr. Self

ABSENT: Mr. Erbes

Chairman Self called the meeting to order followed by roll call.

Mr. Archibald MOVED to excuse Mr. Erbes from the meeting. Motion was seconded by Mr. Loftis and PASSED by majority voice vote.

Mr. Curran MOVED approval of the agenda. Motion was seconded by Mr. Loftis and PASSED by majority voice vote.

Mr. Archibald MOVED approval of the September 7, 2016 minutes. Motion was seconded by Mr. Curran and PASSED by majority voice vote.

PUBLIC HEARINGS

PUD 06-3 AMENDMENT 9/16, First & Main Beavercreek

Clerk Gillaugh read the notice of public hearing on an application filed by Granger Group, 2221 Health Drive SW, Suite 2200, Wyoming, OH 49519. The applicant requests approval of an amendment to PUD 06-3 to allow the construction of an assisted living facility on 12.27 acres. The property is located on the southeast corner of Park Overlook Drive and Grange Hall Road. The property is further described as Book 1, Page 11, Parcel 67 on the Greene County Property Tax Atlas.

Greg Markvluer, First and Main, stated they develop senior living communities specifically assisted living. He said they are not a nursing home or a skilled nursing facility, and the State governs the guidelines for what types of individuals they can accept. Mr. Markvluer explained they have two facilities under development currently in Ohio, and said they are proposing 80 units in Beavercreek. He stated they have studied the market, and they believe there is a great opportunity here. Mr. Markvluer said their facility is to provide a lifestyle for residents that allow them to age in place. He explained it has been a product that is widely accepted, and they look forward to working with Pristine next door as they do with many skilled nursing communities. Mr. Markvluer stated as the residents need more assistance then they could potentially go next door. He looked forward to serving the residents of Beavercreek, and thought it was a great opportunity to work hand in hand with the community.

Mr. Burkett summarized the staff report dated September 29, 2016, which stated the applicant is requesting approval to amend the current allowed uses for the construction of an assisted living facility on the southern portion of the PUD. He discussed the location of the property, the zoning districts and the surrounding properties' zoning districts, the existing site conditions, the access to the site, the proposed change to the list of permitted uses, and the buffer along the western and southern property lines. Staff recommended approval of the case with six conditions.

In public input, two members donated their three minutes to Dave Reed with Taft Stettinius & Hollister. He explained he was representing Pristine Senior Management to speak in opposition to the application for the use change. Mr. Reed stated last year Pristine (CTR) purchased the property immediately north of the subject property. He explained Pristine has invested significant time and resources trying to make its sizeable investment a success, and their goal is to provide first-class, affordable care. Mr. Reed stated there are real ongoing occupancy rate challenges, and resolving this is critical to their ability to serve the residents. He said the Commission does not need to approve this change, and they have considerable discretion to turn down a use change if they do not believe it is in the best interest of the community. He asked that the Commission consider the impact on them, the employees, and the community. Mr. Reed said they have made an investment in Beavercreek, and feel they will be harmed by this use change. He explained the applicant has not made such an investment yet and could go to another location, where it would be an allowed use.

Mr. Reed explained they are in opposition of the change because it deviates from the Land Use Plan, there is incompatibility of the proposed new uses/existing uses, lack of clarity of uses, and it is not in the best interest of the community. He discussed these matters in detail. Mr. Reed recognized the easy choice was to allow the PUD change, but it is not always the right choice. He stated they do not believe it is good for Beavercreek and not good land planning to allow the proposed uses, and trusted that the Commission would make the right decision.

Christopher Cook, CEO of Pristine Senior Management, stated Pristine has 17 locations throughout Ohio and they acquired the Beavercreek facility a little over a year ago. He explained he has been in senior housing/skilled nursing/retirement living for 28 years and they have observed what has been successful and unsuccessful in other markets. Mr. Cook said this experience has allowed them to develop practices that make their locations successful for the residents, the employees and the community. He felt like they had the knowledge, experience, and the staff to serve the City, and to benefit the citizens of the community.

Mr. Cook explained when Pristine entered into the Beavercreek market they did so with the expectation it would take time, money and other resources to better develop and improve the nursing home. He said part of Pristine's desire to enter the Beavercreek market was the existing and future developments surrounding the nursing home. Mr. Cook stated their investment into this nursing home are beginning to pay dividends, but allowing a similar use across the street will likely hinder their growth. He presumed the argument would be that they are proposing an assisted living and they are a skilled nursing facility. He said in many cases those lines are blurred in terms of the type of resident that they care for, which is very similar and in some cases exactly the same residents that they are caring for. Mr. Cook stated based on the experience in the industry they don't believe that operating a similar facility across the street is going to benefit Pristine, neighboring properties, or the City. He explained it has been their

observation that nursing homes best serve communities when they are dispersed. Mr. Cook said as a property owner they are concerned about the impact on property values, and thought they would be improved with a balance of the land use instead of a concentration of a single use. He expressed how much of a challenge it has been for them to hire staff, and to have a like facility just hampers them that much more and risks their ability to provide quality care for their residents.

Mike Thompson, Administrator at Pristine Senior Living in Beavercreek, stated he had 13 years experience in long term care. He explained in that time frame, he worked in a community that had three skilled nursing facilities, and during that time the community had one assisted living community, however, a second assisted living facility was built across the street from the facility he worked. Mr. Thompson said before the facility was constructed they had 101 beds and their occupancy was high, but over the next five years after the structure was built across the street their census dipped down to the high 30s low 40s. He explained that was the kind of impact it had on them, and thought that was a major factor with the decline. Mr. Thompson explained they rely heavily on occupancy rates to provide quality care and services to the residents living within their facility. He believed the proposed building could be put in a better location, and hated to think of their residents suffering over time with occupancy going down which would decrease the amenities that the residents receive.

Casie Goldberg, employee of Pristine and resident of Beavercreek, thought it would be beneficial if the proposed building was built in a better location. She said from what she has seen overall morale is up amongst the residents and staff, and they have more residents in the facility so they are able to provide a lot more care and amenities. Ms. Goldberg said it would be a shame if the proposed development would be built across the street and those would decline.

Ashlie Blair, Admission Director with Pristine and resident of Beavercreek, did not feel it would be beneficial to have an assisted living facility built near their facility. She said being the admission director keeping their occupancy at a high rate is more beneficial to their facility because they strive to provide a high level of care to the residents. Ms. Blair feared that if census did go down their level of care and amenities would suffer and believed it would be a hindrance to their community.

In written input, a brief in opposition was submitted by Taft Stettinius & Hollister LLP, as counsel for Pristine Senior Management, LLC.

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

Mr. Loftis referenced the original ordinance, and questioned why the buffer is being changed from the original 60-foot approved buffer to the proposed 50-foot buffer. Mr. Burkett stated that was brought down to what the current standard is, and said the new ordinance will overwrite the original. Mr. Loftis questioned if Park Overlook Drive was going to be extended. Mr. Burkett explained they have finished it. Mr. Loftis asked if

there was only going to be one access or if there was going to be an emergency access. Mr. Burkett said this is an amendment, but at this time there is no intent for an emergency access. Mr. Loftis referenced 158.064 (D)(1)(a) and said it discusses a two-stage review process, and questioned the process. Mr. Burkett discussed the process, and explained they are currently amending the first stage that happened in 2006. Mr. Loftis understood they were talking “dwelling” versus “units”, but said they are now above what is considered medium density for the PUD. Mr. Burkett stated they don’t look at the number of units in a nursing facility as the same as a single-family dwelling unit.

Mr. Loftis asked what Pristine’s occupancy rate was. Mr. Cook said it is a little over 80%. Mr. Loftis questioned if they have done any models or projected out where they would see their occupancy if the facility would open. Mr. Cook stated he did not have any models, but based on his past experience and seeing those types of similar developments as it relates to similar uses and competition they have seen deteriorating occupancy rates as a result.

Mr. Archibald and Mr. Burkett discussed the Land Use Plan designation for the property when it was rezoned in 2006, the permitted uses for that PUD, and what the amendment entailed for the northern parcel of the PUD. Mr. Archibald thought they should have had two separate PUDs. Mr. Burkett said it could have been two separate PUDs, but staff just amended the existing PUD. Mr. Archibald asked if the proposed amendment would make them the same on the north and south parcel. Mr. Burkett stated the parcel on the south will still be allowed duplexes, and will allow the nursing homes, assisted living facilities, adult day care and/or retirement communities on the north or south.

Mr. Archibald wanted to confirm that type of use is consistent with the Land Use Plan designation for the property. Mr. Burkett stated in his opinion and analysis when he reviewed the Land Use Plan, he looked at the allowed uses in the different districts, it was listed as a conditional use. He explained it requires a conditional use approval, but it is listed as an allowed use within the PUD. Mr. Archibald asked if there was a conflict with the use designation on the southwestern corner. Mr. Burkett said no because it is also allowed in a commercial district as well. He stated with his assessment there is no conflict with the Land Use Plan.

Mr. Archibald questioned why they were taking single family homes out of the PUD and all the accessory structures since it could apply to the duplexes. Mr. Burkett stated the applicant expressed interest in the future to do independent living, and said it was taken out to lessen the chance for it to go as a separate entity all together and not associated with the assisted living facility. Mr. Archibald understood taking out the single family homes, but thought the accessory structures and pools was too much. Mr. Burkett stated he could put those back in if that was the desire of Planning Commission and City Council.

Mr. Archibald agreed typically they don't put two of the same facilities on opposite corners. He said the government makes it very clear there is a difference between the different types of facilities, and asked how much of an overlap there would be of the uses. Mr. Markvluer stated they opened a 102 unit assisted living and memory care facility a year ago, and now today a couple 100 yards away there is a different operator that is now deciding to build a skilled nursing community. Mr. Markvluer said he does not see that as a threat when they decided to build their product because they look at it as a totally different customer that they are serving. He stated he has been to a lot of rezoning meetings like this before, and typically the opposition that he would face is someone saying they don't think it is an appropriate use for the property, but has never been to a meeting like this where anti-competition was the rationale to be used. Mr. Markvluer explained the state guidelines regulate the type of patients or residents a person can take in, and if they are not allowed to be taken in they are referred to a skilled nursing community. Mr. Archibald and Mr. Markvluer discussed what type of clients they would accept, and what the memory care unit will do. Mr. Archibald asked if the applicant would have any concern with removing the nursing home part from the list of permitted uses. Mr. Markvluer explained that was not his request, and saw it as a totally different product.

Mr. Archibald asked Mr. Cook to explain why he felt the proposed business is a threat to his cliental. Mr. Cook stated the lines are blurred and explained assisted living facilities provide supportive care, assist with medications, assist with treatments and those types of care and service. Mr. Archibald questioned if there was a different certification process to become a skilled nursing facility. Mr. Cook said yes. Mr. Archibald thought as the patient ages then they would go into a skilled nursing facility. Mr. Cook stated that was a possibility, and felt that it goes beyond just the resident's population, the staffing requirements, and needs of their facility. He said there is an additional 80 beds proposed to be placed right across the street from a facility that they see the same type of staff and nurses and aids so that is problematic.

Mr. Curran said his observation on this is generally in the State of Ohio there is pressure on any nursing facilities simply because of more home based services. He asked what their percentage of Medicaid was. Mr. Thompson stated approximately 55% to 60%. Mr. Curran questioned what it would be with the proposed application. Mr. Markvluer said they are a private pay community, and they do not except Medicaid. Mr. Curran believed this is an economic issue. Mr. Thompson stated they have approximately 15% to 20% of private pay currently.

Mr. Self questioned if the state licensing for an assisted living facility versus memory care is different. Mr. Markvluer explained the biggest difference is it restricts the type of care that they are able to provide in the communities. Mr. Self asked if there was a difference between building a facility for assisted living versus skilled nursing. Mr. Markvluer stated in a skilled nursing facility typically there would be rehabilitation type rooms, which they do not have, but they have a fitness center. Mr. Self questioned if some of their rooms are like hospital rooms. Mr. Markvluer stated they only have

assisted living, and in skilled nursing they are typically providing beds and those types of things and in an assisted living facility it is like an apartment where they bring their own furniture. Mr. Self asked the applicant to characterize the difference between memory care and skilled nursing. Mr. Markvluwer said in memory care staff members normally try to come around them and provide those activities and companionship. Mr. Self asked if they are typically in good shape. Mr. Markvluwer said yes, they are typically not there for physical issues it is other issues. Mr. Self asked if the doors are kept locked. Mr. Markvluwer stated it is a controlled unit.

Mr. Self asked if they could limit what the uses are for the PUD. Mr. Burkett stated that was the intent of a PUD to add or eliminate uses. Mr. Self asked is this application was for the whole parcel south of Park Overlook Drive. Mr. Burkett explained it is for the parcel south of Park Overlook Drive, and they will be buying the entire parcel. Mr. Self was pleased that Park Overlook Drive was completed. Mr. Self asked the representative from Pristine if they offer assisted living or if it is strictly skilled nursing. Mr. Thompson said at this location it is strictly skilled nursing. Mr. Self questioned if they have memory care. Mr. Thompson stated they do not have a separate unit for memory care, however they do attend to patients that have dementia/Alzheimer's disease. Mr. Cook stated in the skilled nursing facility setting, it is not unusual for there to be secured units so even though they don't have a secured unit today that doesn't mean they would not entertain it at some point.

Mr. Archibald asked for those people requiring memory care attention will they also need skilled nursing care. Mr. Cook said yes there are instances where both are needed.

Mr. Loftis asked who owns the parcel to the northeast. Mr. Burkett believed it was all one parcel owned by Pristine.

Mr. Archibald understood Pristine concerns, and it seemed to him that they have the opportunity for complimentary businesses to co-exist and hoped that they could make it work and hopefully they aren't making the wrong choice and it be a detriment to their business.

Mr. Self asked if they are planning on doing the assisted living facility first. Mr. Markvluwer said assisted living and memory care will be first. Mr. Self asked if they are interested in doing independent living. Mr. Markvluwer said yes, and the reason they didn't show the independent living is because the market studies they have completed show there is more demand than the 80 units of assisted living they are proposing. He said looking at the demographic trends they know the demand is only going to increase, so they are leaving it flexible for the possibility of an addition for assisted living.

Mr. Curran stated in observation at the end of this, Pristine is somewhat at an economically disadvantage. He said when he asked the question about Medicaid, he wondered when do you go over the top. He said when Pristine said they are 60%

Medicaid funded, that is the issue, and their ability to pay wages and keep people is much more difficult as the proportion of Medicaid increases. Mr. Markvluer said it could be, but he could not speak to their industry because he is not in their industry. Mr. Curran believed that is where the challenge lies.

Mr. Archibald asked if they were to make changes to the resolution if they needed to vote on those first before they vote on the resolution. Mr. McHugh stated that is correct, but thought in light of the brief of opposition that was filed he believed there is a little more deliberation on it with respect to this and what was brought up. He expressed some of his concerns, and believed it needed to be looked into further so he suggested tabling the case. Mr. Self said procedurally the public hearing has been closed, so he questioned if there was a substantial change if the public hearing would be able to be re-opened and then the case would be advertised. Mr. McHugh thought the Commission could consider reopening it, and could make that determination at that point. Mr. McHugh suggested continuing the case until the meeting in November.

Steve Lisle, Reinke Group, explained what use they requested on the application, and they did not ask for skilled nursing care. Mr. McHugh said the concern he had, which was raised by the opposing party that the public notice was for the construction of an assisted living facility. He stated he wasn't going to state if he thought it was a fundamental defect, but believed that was something that needed to be reviewed and that was his advice to the Commission.

Mr. Markvluer asked if they could approve the assisted living facility as it was advertised with the ability for them to come back later and clarify the real application was not noticed up properly and the real application was for assisted living, memory care, and independent living. Mr. McHugh recommended the case be continued to the next meeting.

Mr. Archibald MOVED to continue PUD 06-3 Amendment 9/16 to the November 2, 2016 meeting. Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 4-0. (Erbes absent)

PUD 91-2 MOD 9/16, Major, BSM Development

Clerk Gillaugh read the notice of public hearing on an application filed by BSM Development, LLC, 3100 Armory Drive, Suite 120, Nashville, TN 37204. The applicant requests a major modification for 0.526 acres of land to allow for the construction of a 4,800 square foot retail building located on the southeast corner of intersection of North Fairfield Road and Commons Boulevard. The property is further described as Book 4, Page 6, Parcel 113 on the Greene County Property Tax Atlas.

Nathan Harrington, CESO, stated they are requesting approved to build a retail commercial development.

Ms. Pereira summarized the staff report dated September 28, 2016 and stated, if this application is approved, it would allow for the construction of a 4,800 square foot building that would house a Sleep Outfitters mattress store. She discussed what the original PUD approved, and the reason why this case required a major modification approval. Ms. Pereira reviewed the elevations and materials of the building, access and transportation improvements to the site, the parking requirements, the proposed signage, and the landscaping. Staff recommended approval of the case with 15 conditions.

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

Mr. Archibald stated he had no objections on bringing this retail building to the lot, but when it was subdivided from IHOP they expressed concerns with the lot being very small and that it was going to require a unique business opportunity to take advantage of that lot without asking them to bend over backwards as far as zoning. He asked if the PUD had established setbacks for each lot. Ms. Pereira said it does not have any setbacks, so what they are doing today is modifying the PUD to allow for different setbacks. Mr. Archibald asked if there were setbacks between the lots. Ms. Pereira stated no, and explained that is generally the case in PUDs. Mr. Archibald questioned if there was a setback off North Fairfield Road. Ms. Pereira said sometimes there may be a setback off North Fairfield Road, but in this case there is not. Mr. Archibald was concerned with the close proximity to the IHOP parking lot, and asked if the building could be moved to the north a little bit. Ms. Pereira said they would want to maintain the 25-foot drive aisle. Mr. Archibald said the building could be made smaller. Ms. Pereira agreed, but stated 4,800 square feet is small. Mr. Archibald stated this was a concern of theirs when the lot was split. Ms. Pereira thought their concern was more about parking, and she thought a mattress store was probably the best thing that could go into a site like this because of the number of customers they have a day and felt they do not need the amount of parking spaces required.

Mr. Self asked if a cross assess easement is in place. Ms. Pereira said they did cross assess and cross parking for the whole entire PUD. Mr. Self questioned if the cut off on the corner was for the development sign. Ms. Pereira stated it is where the existing pylon sign is located and is owned by someone else. Mr. Self asked where their ground sign is going to be located. Ms. Pereira showed the location using the site plan. Mr. Self wanted to make sure the sign is not going to be a line-of-sight issue. Ms. Pereira explained they discussed that in the meeting with the applicant, and they will make sure it is set back far enough before the permit is released. Mr. Self asked what the square was on the site plan in the northwest corner. Ms. Pereira said that was the dumpster enclosure. Ms. Pereira said that is below grade. Mr. Self asked if they are meeting the percentage of pervious surface. Ms. Pereira said yes, and believed they are doing better than what was originally approved with the PUD. Mr. Self questioned if it was not looking at just the one outlot then. Ms. Pereira stated no, it was the whole PUD.

Mr. Archibald noticed at IHOP they have signage that says additional parking and points to the east. Ms. Pereira said she spoke to the applicant about it, and she explained the vast majority of customers at IHOP for breakfast will be when the mattress store isn't open. Mr. Archibald was more inclined to give up parking in this lot with the understanding that people can park across the street in the other lot since they aren't going to need it in order to increase the setback. Ms. Pereira said they would have to get rid of at least eight parking spaces, but she didn't see a problem with the setback. Mr. Self stated the setback is typically in a string of outlots. Mr. Archibald did not feel three feet was typical in Beavercreek.

Mr. Curran MOVED to approve PUD 91-2 MOD 9/16 with 15 conditions:

1. All conditions contained within PUD 91-2, SSP #1 and all subsequent modifications to PUD 91-2 are incorporated herein by reference to the extent they are not specifically amended or altered by any plans and conditions with this Major Modification.
2. The approved site plan, architectural elevations and landscape plan shall be those plans dated "Received September 28, 2016" except as modified herein.
3. All roof top units are to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
4. A PUD Agreement must be signed by the owner/occupant and a bond or letter of credit for the required 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.
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 planted, within three months, weather permitting.
6. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with the same materials used to construct the building. The dumpster enclosure's gate shall be constructed of a vinyl or composite material, or other material, to be approved by the Planning Department.
7. Temporary signs shall not be permitted within this development with the exception

of a construction sign that will be allowed during construction of the project.

8. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
9. The façade shall not be painted or altered without the express permission of the Planning Department and/or the Planning Commission.
10. A final landscape plan and final photometric plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit for the building.
11. The proposed light fixtures must match, in height and design, those of the IHOP development. No light poles may be located outside of any landscape area.
12. This outlot shall be allowed one ground sign that can be up to 4 feet tall with 32 square feet per sign face. The design of the ground sign shall include a masonry base and sides that shall be constructed of similar material to those on the proposed building.
13. This outlot shall be allowed two square feet of wall signage for each linear foot of building frontage not to exceed 250 square feet with a maximum letter height of 48". Wall signs shall only be permitted on the north, west, and east elevations.
14. The westernmost parking space shall be removed and replaced with a landscape island containing additional landscaping consistent with the rest of the development.
15. A replat of Lot 9A of the Shoppes at Fairfield Commons shall be recorded with all water and sewer easements accepted by the County prior to the issuance of a zoning permit.

Motion was seconded by Mr. Loftis. Motion PASSED by a roll call vote of 3-1. (Archibald opposed, Erbes absent)

ADJOURNMENT

Mr. Loftis MOVED adjournment at 8:45 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

**CITY OF BEAVERCREEK
PLANNING COMMISSION
AGENDA ITEM REPORT**

Meeting Date: November 2, 2016	Reference Topic PUD 06-3 Amend. 9/16
Agenda Reference No.	First & Main Beavercreek

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

UPDATE

As Planning Commission may recall, this project was tabled at last month's meeting, to give time for The City Attorney to review a letter received by the Legal Counsel of the neighboring property. The City Attorney has reviewed that letter, and has prepared a written response, which is attached to this Agenda Item. The City Attorney has suggested that the proposed use of Nursing Home in the attached Resolution be removed. Staff sees no problem with this, and recommends that Planning Commission remove that proposed use.

STAFF RECOMMENDATION:

Staff is recommending approval of this request as outlined in the attached resolution.

PROCEDURAL OPTIONS FOLLOWING ACTION:

The Planning Commission may choose to approve, modify, disapprove, or table this resolution.

Burkett

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
November 2, 2016

RE: PUD 06-3 Amendment 9/16
First & Main Beaver creek

WHEREAS, the Granger Group, 2221 Health Drive SW, Suite 2200, Wyoming, Ohio 49519, agent for the property owner, has filed an application requesting approval of an amendment to Ordinance 06-25 to construct an assisted living facility on 12.27 acres. This property is further described as Book 1, Page 11, Parcels 67 on the property tax maps of Greene County, Ohio; and

WHEREAS, public hearing was held on October 5, 2016 and November 2, 2016 by the Beaver creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Planning Commission finds that the facts submitted with this application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.068 of the Zoning Code.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to the Beaver creek City Council:

SECTION I

1. All conditions of R-PUD 06-3 and Ordinance 06-25 and Ordinance 10-16 shall remain in full force and effect except where modified herein.
2. The plan stamped "Received September 12, 2016" highlights the area subject to this zoning amendment and shall be incorporated as part of this zoning amendment approval, except as further modified by the following conditions.
3. The principal and accessory uses permitted in this residential Planned Unit Development shall be amended as follows:
 - A. For the portion of the PUD, south of Park Overlook Dr., the following uses shall be permitted.
 - i. Nursing homes, assisted living facilities, adult day care and/or retirement communities.

- ii. Two-Family Dwelling (no more than 2 units per building), so long as density within the area associated with Two-Family Dwellings does not exceed density permitted in original Ordinance (2.47 du/ac).
4. There shall be a 50-foot buffer from the southern property line of the PUD and a 50-foot buffer along Grange Hall Road.
 5. Building plans, designs, and elevations for a nursing home, assisted living facility, adult day care and/or retirement community, south of Park Overlook Dr. shall be subject to review and approval by the Planning Commission and City Council at the specific site plan stage. The majority of the exterior construction materials must consist of wood, stone, hardy plank and/or brick or other material acceptable to the Planning Commission and City Council at specific site plan stage.
 6. The applicant shall be required to pay all applicable park fees and impact fees as determined by the City Engineer, City Manager, Planning Department, Parks Department, and/or City Attorney prior to releasing the record plan for recording.

SECTION II

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:

VOTING FOR ADOPTION:

VOTING AGAINST:

ABSENT:

Chairman

Attest:

PUD 06-3 Amendment 9-16 First & Main Resolution