

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, May 4, 2016

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

ABSENT: None

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

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

Mr. Archibald MOVED approval of the March 2, 2016 minutes. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

Mr. Self recused himself from Case PUD 16-1 because he is involved in an adjacent property.

PUBLIC HEARINGS

PUD 16-1, The Cottages of Beavercreek Rezoning

Clerk Gillaugh read the notice of public hearing on an application filed by Charles Simms Development, 2785 Orchard Run Road, Dayton, Ohio 45449. The applicant requests rezoning and concept plan approval of 20.03 acres from A-1 Agricultural District to R-PUD 16-1 Residential Planned Unit Development for 94 multi-family residential units to be known as The Cottages of Beavercreek. The property is located on the east side of County Line Road approximately 700 feet south of the intersection of County Line Road and Weber Drive. The property is further described as Book 3, Page 3, Parcel 72 on the Greene County Property Tax Atlas.

Charles Simms explained he has been working with staff for a year or two on this site. Mr. Simms said it was just the rezoning stage tonight, but they are planning on building 94 empty nester type homes. He stated the estimated price is going to be around \$200,000 and have two-car garages. Mr. Simms believed the development would fit in nice with the neighborhood. He explained he had worked with staff regarding the buffer areas and height of the buildings. Mr. Simms was available for questions, and appreciated the opportunity.

Mr. Burkett summarized the staff report dated April 27, 2016, which stated the applicant is requesting to rezone 20 acres from A-1 to R-PUD to allow for the construction of 94 units of medium density residential. He discussed the location of the property, the Land Use Plan designation for the property under discussion and the surrounding properties' designations, the proposed uses, the proposed concept, the three access points, the proposed park land, and several conditions listed in the resolution. Staff recommended approval of the case with 12 conditions.

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In written input, a letter was submitted from Daniel Fitzgerald, 4310 Straight Arrow Road; Julie Han, 4328 Straight Arrow Road; Denise Worst, 4322 Weber Drive; Anneris and Benjamin Navia, owners of two Cinnamon Ridge condos all in opposition.

There were 15 additional letters opposing the project that were submitted at the meeting. All letters are attached to the minutes.

Kevin Washington, 4412 Weber Drive, stated he is opposing the development. He said they are talking about accessing Quill Drive north and that would increase the traffic into the subdivision. Mr. Washington explained in the last two years they have had 64 units added to their subdivision and he built his house six years ago because of the seclusion. He said the seclusion has been eroded and the value of the house is being threatened.

Ileana Marin, 4298 Straight Arrow Road, stated she strongly opposed the rezoning because it will contribute to the further decrease of their property values, the attractiveness of their community will be highly impacted for future owners and renters, and this development is in conflict with the attractiveness of the overall rural community that they are all a part of. Ms. Marin believed Beaver Creek already has a large amount of land assigned for condominiums, and stated it will increase the traffic problem in the area. She also thought the level of crime would be increased, and the development will heavily impact the level of pollution for at least two years. Ms. Marin said their safety, health, overall well-being, and financial outlook are going to be impacted by such a project. She stated Charles Simms development has already demonstrated in past instances that they are not about trying to contribute to the creation of local, stable, healthy communities even if they say that in very nice slogans that she has seen, read and bought into. Ms. Marin believed they are about taking advantages of loopholes in the system, lawyering up whenever necessary while making a profit no matter how detrimental that might be for everyone else in the community that are going to be impacted. She stated they should not be allowed to do more damage or at least not in their area.

James Snead, 4236 Straight Arrow Road, questioned if the developer or the City had any provisions that would enable the police or fire departments to have access to the additional park land. He said the park land will be behind houses and will not have any way for the police to patrol it.

Julie Han, 4328 Straight Arrow Road, stated she is opposed to this development. Ms. Han discussed the access points, and was concerned with the location of the emergency access because if there was any type of obstruction to the east of the Quill Road intersection there is no access for Phase II of The Cottages plan. She said she has dogs, and one of the reasons she choose to live here is because of all the open space. Ms. Han stated her development has a very nice walking path, and she could attest that a lot of people from the surrounding neighborhood use the walking path. She was concerned that there would be a lot of excess traffic on the walking path since the

path is adjacent to the proposed development. She has found that people who don't live in the neighborhood are the most likely culprits for littering, leaving dog waste, etc. Ms. Han explained the plan that is being proposed does not have a physical barrier, and they have proposed no grading or landscaping on the south side of the property.

Julie Danna, 4340 Straight Arrow Road and Cheryl Hall, 4380 Straight Arrow Road donated their time to Julie Han.

Ms. Han explained on the north side they are proposing a 50-foot buffer with additional mounding, berms, and evergreen trees and they have nothing proposed on the south side. She believed the residents of the new development would come onto their walking path. She would like to see additional physical changes on the border between The Cottages and Cinnamon Ridge so that it will create a physical barrier so it does not become easy for them to walk over to their path. Ms. Han said from what she could tell the Cottages has no sidewalks planned so she isn't sure where these people are going to walk, and she thought they should be required to put in a walking path.

Ms. Han discussed the rush hour traffic on County Line Road, and understood a traffic study has not been done. Ms. Han said a traffic count was submitted from Charles Simms, but thought something of this size warrants Beaver Creek putting the resources into actually doing a traffic study and not just a traffic count. She said she wasn't talking about how many cars are in the area at a certain time, but instead during rush hour how long does it take to get from her community to I-675.

Ms. Han said that County Line Road is a jurisdiction of Kettering and it is her understanding that the property line is on the sidewalk on the east side of County Line Road. She stated whenever there is a car accident, Kettering police are the ones that have to respond to it. Ms. Han believed if they are going to put 200 more drivers there, then the City should be working with Kettering to make sure they are going to have additional police and fire coverage to handle all of the accidents as a result of adding all the traffic. She explained one of her neighbors got hit in the intersection of County Line and Straight Arrow Roads, and thought the reason she got hit is because it is not a safe intersection. Ms. Han discussed how drivers leave the Reynolds and Reynolds site, and thought with the additional traffic potentially added to the area it was only going to cause more accidents. She would like to see a comprehensive traffic study done in this area.

Ms. Han explained her condo is on the eastern part of her complex, so she has to drive through the vast majority of the complex to get in and out. She thought it made sense to have a primary access point on County Line Road, and a secondary access point on the north side of Quill Road so that way it is centrally located.

Carlo Spagnola, 4348 Straight Arrow Road and Tracy Schurr, 4282 Straight Arrow Road donated their time to Marsha Rouse.

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Marsha Rouse, 4336 Straight Arrow Road, stated she is the person who was in the accident. She said she objects to this proposal for a lot of quality of life reasons, but her primary concern is with safety based on her understanding of the proposed traffic plan. Ms. Rouse explained the development would funnel approximately 150 to 200 cars through an already congested area and an already hazardous intersection of Straight Arrow Road and County Line Road. She said the intersection of County Line Road and Indian Ripple Road is a major choke point, and explained at times there is quite a backup sometimes all the way to Shakertown Road. Ms. Rouse explained the traffic problems and accidents are the responsibility of Kettering so Beaver Creek would not have knowledge of it. She believed this project would increase the potential for accidents, and she discussed how people exit Reynolds and Reynolds and the danger they create. Ms. Rouse stated that intersection is not designed for people to turn right and merge with traffic unlike the intersection of Weber Drive.

Ms. Rouse understood a traffic count has been submitted, but thought a proper traffic impact study should be done especially looking at the incidents of accidents already and forecasting a change in increased traffic through the light. Ms. Rouse felt that Weber Drive is the best primary point for ingress/egress on to County Line Road because it is safer unless changes and improvements were made to the intersection of Straight Arrow Road and County Line Road. She stated since that is in Kettering's jurisdiction it seemed to be a cross jurisdictional issue, but clearly the impacts of this development go beyond Beaver Creek. Ms. Rouse thought there are shared areas of responsibility, but there should be some coordination and communication with Kettering in the best interest for Beaver Creek residents and other local travelers.

Debra James, 4244 Straight Arrow Road donated her time to Chris Zeller.

Christopher Zeller, 4336 Straight Arrow Road, stated he has owned his property for about nine years now and the reason he bought the property was the view of the proposed development land. He explained parking has always been an issue at Cinnamon Ridge because the garages are small and the parking spots in the development are few and far between. Mr. Zeller said he was unsure if there are parking spots proposed outside of the garages for this development, and if not that is something that needs to be addressed because he could see their parking spots being taken with the ease of access. He stated the traffic going into the garages that face their units would shine their headlights into his back bedroom. Mr. Zeller requested a physical barrier, such as a berm or trees be installed between the two properties.

Crystal Lamarca, 4291 Straight Arrow Road, stated she is opposed to the application. She explained the proximity of the proposed development is way too close to their development and the south side is approximately 20 feet apart where it is about 50 feet on the north side. Ms. Lamarca was concerned about the increased traffic around the area. She said there is a bus stop at Quill Road and Straight Arrow Road and increasing the traffic would put their children at a greater risk. She expressed concern about the increase traffic noise and headlights and the proposed access points. Ms. Lamarca

stated the plan appears to have no visitor parking, and questioned where the visitors or additional household members would park and feared they would use their visitor parking areas and roads. She said her last concern was that their property values will suffer as a result of this proposed development.

David Asadorian, 4281 Maple Hill Terrace, referred to the condition regarding the buffer, and requested the no cut zone be extended to 40 or 50 feet instead of 25 feet. He stated there are walking paths in the woods behind his house and quite often he sees people walking. Mr. Asadorian believed that was part of the quality of life, and he thought it was neat to see people walking.

Daniel Fitzgerald, 4310 Straight Arrow Road, stated he bought in the area because the woods backs up to him and the privacy it provides. He said by Charles Simms building in this area that will take the privacy away from his home.

Donald Neuss, 4372 Straight Arrow Road, questioned what kind of a population density study has been done to see if it is a good population density for the area. He said the builder mentioned this was going to be empty nesters, but there is no guarantee they will be, so he wanted to know if the school systems can handle more children. Mr. Neuss explained last time there was a school levy they shut down bussing to that side of the road, and if the parents weren't able to drive hem, the kids had to walk across I-675 and there is not even a sidewalk on Shakertown Road. He referred to the bus stop at Quill Road and Straight Arrow Road and was concerned with the additional traffic at the bus stop. Mr. Neuss stated the traffic in the area is a major issue, and said that bringing traffic out onto County Line Road from the development would be insane. He said having someone come from a stop sign and turn left is not a smart idea.

Adam Bailey, 4398 Straight Arrow Road, stated he is a new member of Beavercreek. He explained no one wants construction going on in their backyards, and he understood the concern about safety and traffic. Mr. Bailey questioned what would happen if no one would live in the proposed condos, and what the plan would be if that happened. He said if no one would buy the units, he wondered if the City would tell the developer to take them down or they would just sit there and decrease in value. Mr. Bailey felt it does not always work out for the best, and hoped someone had thought about the prospect of failure. He questioned if it was necessary to take up every last square inch of Beavercreek when it is not proven to be necessary.

David France, 4232 Weber Drive, was concerned about safety especially on Quill Road. He said they have a lot of people who speed on Quill Road, and there are children in the area. Mr. France stated Lot 20 next to him is where the children play. He was concerned about the property values decreasing, and opposed this development.

Paul Berry, 682 Quill Road, stated with the apartments that have gone in across the street they have already seen the property values go down. He explained his friends down the street had to sell their property for about \$30,000 less, and said the people

that viewed the home were concerned about buying the home because of the apartments. Mr. Berry said they have had a massive increase of people from the apartment buildings walking their dogs and desecrating on their lot. He explained his three children play in the detention lot, and believed there would be a large amount of children coming into the area if the apartments are built. Mr. Berry was concerned about the cars speeding and more children being added to the area. He thought speed bumps or something to slow people down should be installed, and a physical barrier between the housing development and their area would be great. Mr. Berry said overall he is opposed to this project.

Paula Osburn, 4368 Straight Arrow Road, stated she likes to go home and relax in the evenings outside on the patio. She believed the proposed condos are going to be butted up right next to her patio, and the last thing she wants to do is look at more condos instead of the beautiful trees. Ms. Osburn said she opposed this development.

Cara Spagnola, 4348 Straight Arrow Road, said that her condo would but up against the new development and she did not feel that they would be able to be outside with all the construction and new neighbors. She stated they are going to want to spend the least amount of time outside and that is horrible that they will be in that position. Ms. Spagnola explained her husband works 1.2 miles away on Research Boulevard, and it takes him 10 minutes to get to work and 15 minutes to get home. She said she has to turn left onto County Line Road from Straight Arrow Road, and sometimes she has to wait for three minutes for the light to trigger. Ms. Spagnola thought if they added additional traffic it would make the commute unbearable.

Barry Washinsky, 4384 Straight Arrow Road thought a lot of the points are valid and thanked his community for coming out and speaking. He said if this land has to be used, he questioned why it could not be used as a wildlife park or something similar. Mr. Washinsky stated several years ago Beaver Creek Parks Department wanted to do it but could not afford it, and right now on the land there are buildings suitable that they could have indoor classes. He believed that would fit everyone's agenda here and what they are looking for is beauty and nature.

Lvonne Stapp, 4424 Straight Arrow Road, stated she is new to the community as of last summer and moved here because of the lovely view that they have. She said it was the horse field, and people were maintaining it and the horses would be out grazing. Ms. Stapp agreed with the wildlife refuge type facility with animals as opposed to condos. She explained with housing it will increase the traffic significantly very close to them because they are in the last condo before Quill Road. Ms. Stapp was concerned with the safety of the children in the community, and didn't think they need a lot of traffic cutting through to the other neighborhood. She appreciated the paths through the woods, and thought it would be a real shame to cut down the big tall trees to put another development in there. Ms. Stapp said her view out her back door and bedroom window would be buildings with people's windows right in line with their windows so

there would be no privacy. She stated she really didn't like that idea, and she opposed the proposal.

Matt Williams, 692 Quill Road, explained the apartments to the west of them were just completed and that was two years of dust and mud. He said the construction traffic was devastating. He stated the area is so saturated and County Line Road/Weber Drive/Straight Arrow Road was never designed for this massive amount of volume. Mr. Williams agreed Reynolds and Reynolds is an issue for maybe 20 minutes at a time, but 99% of the business is out at 5 p.m. He said he was ok with that, but he was concerned with the privacy and the rapid influx of pedestrian traffic through the neighborhood. Mr. Williams stated the people already in the area have no place to walk their dog(s) except for their neighborhood, so he thought if they could keep it more of a nature type area and keep the traffic from Quill Road that would be great.

Kendra Malcolm, 4270 Straight Arrow Road donated her time to Brian Daniel.

Brian Daniel, 4358 Straight Arrow Road, president of the Cinnamon Ridge Condo Association, stated he was representing all of the people who were present that hadn't spoken. He explained they were concerned there is no visitor parking proposed, and explained they have their own problems with visitor parking. Mr. Daniel said they are very concerned about the border between the two properties, and explained it is difficult enough to manage an association and will be very difficult to address problems with another association. He stated they are worried about the use of their walking path and parking spaces, and said he did not see a plan for a pool in that complex. Mr. Daniel thought they would most likely walk through the grass and try to use the pool at their complex. He explained that is not a resource they will pay for and it will become a burden and a financial problem for them to pay for as an association.

Mr. Daniel stated he is opposed to this project, but if it has to happen he wanted to make sure there would be a very good separation between the two complexes. He said Cinnamon Ridge was built between 2006 and 2008 and right at the end of it was when the real estate market crashed. Mr. Daniel explained many of the units sold between \$140,000 and \$180,000 and since 2008 there is not a single property in Cinnamon Ridge that has retained its value. He explained in 2009 most of the units plummeted to half the value, and many of them still stand at 70% of the original value that was paid to the developer after he built the complex. Mr. Daniel said now their area is going to be saturated with another 94 units, and their property values are not going to go up. He explained many of them are stuck and can't sell their units without taking a huge financial loss.

Mr. Daniel stated the association was turned over to the owners in 2009 and since that time they have had numerous problems that were left to them by the developer. He said they included legal problems, the legal documents not being properly filed with the County, and the association fees not being set up correctly. Mr. Daniel was concerned that another development was going to be created, and the association was going to be

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left on not a road to success. He was not opposed to having condos, but believed it should be built to be successful which was not with Cinnamon Ridge, and feared the same thing will be done with the proposed development. Mr. Daniel said he choose to purchase a condo on the north side because there was a field and a wooded lot, and there was a rural feel to it. He stated he spoke on behalf of a 128 units at Cinnamon Ridge.

Debbie Munt, 4306 Straight Arrow Road, stated the traffic is bad all the year around but during the holidays it is awful. She explained it is double the commute coming home, and said no one has said anything will be done to County Line Road. Ms. Munt stated Indian Ripple Road is just as bad when a person takes I-675. She said something needed to be done if the City was going to allow this project. Ms. Munt stated they are allowing a 50-foot buffer zone on one side and a 25-foot on the other, and requested they are fair to everyone and give everyone a 50-foot buffer.

Andrea Stan, 4294 Straight Arrow Road, stated her property abuts the woods and it was a selling point to the property. She agreed with everything the residents have said tonight about traffic and safety, and she opposed the application.

Mae Giehl, 4456 Straight Arrow Road, said there are approximately 180 homes on Straight Arrow, and the idea of the traffic coming out on Willow Run Drive never panned out. She explained the neighborhood is full of children, and was concerned about people not stopping at Quill Road and people speeding from Quill Road to the traffic light. Ms. Giehl questioned why they have to have high density, and they had high density with the first project Charles Simms did. Mr. Archibald explained it is in line with the Land Use Plan and is a medium density. Ms. Giehl asked where else in Beavercreek was there two high density compounds like what is being proposed.

Srinivas Erragolla, 4252 Weber Drive, stated he was concerned with the increased traffic on Quill Road. He was worried about not having enough room for the children to safely play. Mr. Erragolla believed the value of his home would decrease significantly, and stated he completely opposed this proposal.

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

Mr. Curran said he would like staff and the developer to take a look at some of the suggestions that have been offered by the citizens and see if there is any medium ground that can be met. He stated a person who owns private property has a right to sell it, but at the same time there are the neighbor's concerns. He explained he would like to see the suggestions taken into consideration and a middle ground be found.

Mr. Erbes stated the zoning and the density does meet the requirements. He explained he was concerned with the EMS access, and said especially Phase 2 with the way it is currently laid out. Mr. Erbes stated they were just looking at the rezoning plan, but he did not like that double frontage lots were going to be created at the north end. He

understood that the property to the south met the density requirements, but felt like they were stacking developments here. Mr. Erbes felt that some more consideration needed to be done before moving forward.

Mr. Loftis was concerned about the two park areas being abutted together, and questioned where the parking was going to be and how it would be accessed. He agreed with the comment about the 50-foot buffer, and believed the buffer should be equal on the north and south side of the property.

Mr. Archibald asked if there were any requirements on adding a berm in a buffer area or if they could make the whole 50-foot buffer zone woods. Mr. Burkett explained there are guidelines in the Zoning Code about screening different types of uses. He stated this is a two-step process, and this is just the conceptual and rezoning stage. He said once they get to the specific site plan then the landscaping, the parking requirements, the mounding, and the amenities will all be addressed.

Mr. Archibald asked about access to the park areas. Mr. Burkett explained they have envisioned it to be more of a passive park area and not a destination park. Mr. Archibald questioned if a traffic study had been provided. Mr. Burkett stated they provided an estimated traffic count based on projected units, but no specific traffic study was done. Mr. Archibald explained what he heard tonight was people's opposition of the concept of the plan being presented, and the concept is part of the resolution so he asked if it could be disconnected from it so they could just approve the rezoning. Mr. Burkett said the Commission could make changes to the resolution, and normally the concept plans are like bubbles with access points. He stated it was up to the Commission if they wanted to make changes to the resolution. Mr. McHugh explained the Commission could also table the matter, and thought if significant changes are made it could create the opportunity for mistakes.

Mr. Archibald asked the City Engineer if he could address the traffic issues in the area and if there was anything that could be done to make it better. Mr. Moorman explained the City of Kettering received grant money to do some improvements along County Line Road, and discussed the changes that will be made. He stated it is a very busy road and will make things better, but will not solve all the issues. Mr. Moorman said the eastern portion of County Line Road is Greene County in the City of Beavercreek and the western portion is Montgomery County in the City of Kettering, so they co-manage any improvements.

Mr. Moorman explained for a major development, like a large commercial site by the Mall at Fairfield Commons or The Greene, they have a very large impact on traffic so the City will require the developer to do a detailed study to identify what public improvements they have to make to mitigate the increased traffic that is caused by their development. In his opinion this is a different case where you cannot blame one residential development for all the traffic issues that exist on County Line Road. Mr. Moorman said if a detailed traffic study was done, he did not feel this one development

would require adding another lane on County Line Road or other public improvements would need to be mitigated. He stated as long as they have an idea of what the increase of traffic volume will be, which the City already has, he did not foresee a need for a detailed traffic study.

Mr. Archibald asked if the applicant was planning on having additional parking outside of the garage area. Mr. Simms said there would be a two-car garage, two parking spaces in the driveway and they will meet the parking requirements. Mr. Simms welcomed a meeting with the citizens to sit down and work out the issues so a nice development could be built. He said this will be a private development and they will not be allowed to use the pool at Cinnamon Ridge. Mr. Simms explained this is the concept plan, and they showed a lot of detail. He stated they are going to have sidewalks, a ton of open spaces, and a dog park. Mr. Simms thought there was a lot of good that could come out of this, and said property values do go up and down. He explained he has built over 200,000 homes and has not sold one development yet because of failure. Mr. Simms discussed the density, and said the 4.9 units per acre is not even the maximum that is allowed. He said Beaver Creek wants the variety, and they are here to help compliment the City. Mr. Simms stated they are here to work with the City and the community in whatever way they can.

Mr. Loftis asked what the average square footage was per unit. Mr. Simms said approximately 1,500. Mr. Loftis said that is approximately 1.33 a square foot, and questioned if that is what he thought they were going to go for right now. Mr. Simms stated he wasn't sure right now, and explained it was whatever made sense in the marketplace. Mr. Loftis questioned what the approximate sizes of the garages were going to be. Mr. Simms explained most two-car garages are 20 feet by 20 feet.

Mr. Curran questioned if the applicant was firm on 94 units or if there was any negotiations. Mr. Simms said they may be able to drop one or two units, but they aren't even at the density limit. He explained the surrounding properties density, and said 4.7 units per acre is not high density. Mr. Simms said something will be built on this property, and stated they have always done what the City wants and what makes sense for them.

Mr. Curran MOVED to table PUD 16-1. Motion was seconded by Mr. Erbes. Motion PASSED by a roll call vote of 4-0. (Self recused)

PUD 93-4 SSP #6, Ashton Brooke Phase Five

Clerk Gillaugh read the notice of public hearing on an application filed by Randall Woodings, 400 South Fifth Street, Suite 400, Columbus, OH 43215. The applicant requests approval of an amendment to MX-PUD 93-4 to allow for two 2-story apartment buildings totaling 32 units to be constructed on 3.332 acres. The property is located on the northwest corner of Ashton Brook Drive and Lillian Lane further described as Book 4, Page 2, Parcel 24 on the Greene County Property Tax Atlas.

Randall Woodings, Kontogiannis and Associates, stated in the late 1990's they started the construction of Ashton Brooke and explained several years ago they rezoned this piece of property to hospitality and in the past several months they rezoned it to build apartments. He said they will be constructing two buildings with 16 units in each, and it will become Ashton Brooke Phase Five. Mr. Woodings said the architecture will match the existing architecture.

Mr. Burkett summarized the staff report, which stated the applicant is requesting the construction of 32 additional multi-family residential apartment units on 3.33 acres of vacant land. He discussed the location of the property, the proposed site plan, the access points, the parking space requirements, the landscaping plan, the proposed lighting plan, and the architectural elevations. Staff recommended approval of the case with 18 conditions.

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

Mr. Archibald stated all the handicap spaces seemed to be oriented towards the western building, and requested that a couple handicap spaces be moved to the northeastern spots located on the other side so they would be more accessible to the other building also. Mr. Woodings said they could be moved.

Mr. Self referred to the screening along Lillian Lane, and was concerned about the headlight spillover as cars are coming around Lillian Lane. Mr. Woodings said the grade goes down lower and there is no berm there. He explained they will have the street trees there, and some evergreen trees proposed. Mr. Woodings stated they will increase the pine trees around the curve.

Mr. Archibald MOVED to approve PUD 93-4 SSP #6 with 18 conditions, seconded by Mr. Curran.

Mr. Erbes asked if a condition needed to be added regarding the pine trees being added along Lillian Lane and the relocation of the handicap spots. Mr. McGrath stated those could be implemented before the case goes to City Council unless the Commission felt more comfortable adding a condition. No additional conditions were added.

1. The approved site plan, architectural elevations and landscape plan shall be those plans dated "Received April 27, 2016" except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for 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.
3. A detailed landscape plan shall be reviewed and approved by the Planning

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Department prior to the execution of the required PUD Agreement and release of any zoning permits for Ashton Brooke Phase 5.

4. 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.
5. 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.
6. Prior to the issuance of any zoning permits, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department.
7. The building exterior of any of the structures shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
8. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
9. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance of any zoning permits.
10. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits.
11. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and met prior to the release of any zoning permits.
12. The construction hours shall be limited to 7:00 am to 7:00 pm, Monday thru Saturday.
13. Stop bars and/or stop signs shall be installed and maintained, by the property owner, throughout the parking lot in locations to be approved by the Planning and Engineering Departments.
14. Any portion of the site disturbed by grading 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.
15. Pad mounted mechanical and HVAC equipment must be screened with landscaping

and/or masonry walls and shall not be visible to the public.

16. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent gated dumpster enclosure. Any dumpster enclosure shall be constructed with brick to match the building.
17. Prior to the release of any zoning permits, park fees shall be paid in-lieu of dedication of parkland.
18. There shall be a sidewalk connection between the sidewalk northeast of Building 2A and the sidewalk along Ashton Brooke Drive.

Motion PASSED by a roll call vote of 5-0.

PC 16-1, Zoning Code Updates

Clerk Gillaugh read the notice of public hearing for the purpose of reviewing an update to the Zoning Code.

Mr. McGrath reviewed the memo dated April 29, 2016, and stated several years ago there was a discussion about Beekeeping and Keeping Chickens on Residential Properties. He explained there was a draft legislation that was submitted to Planning Commission and City Council for their consideration. Planning Commission recommended the Zoning Code changes move forward without the permission of chickens being stored on residential properties and City Council concurred and left that out of the legislation. He explained staff talked to Council at a work session about revisiting it and bringing it forward for consideration.

Mr. McGrath stated a lot of the proposed sign code changes are based on Supreme Court decisions and research done by staff. He said the Code has to remain content neutral, and discussed what the repercussion could be if it is not. Mr. McGrath discussed the proposed change regarding the maximum square footages in the RP-1 and ORP-1, and the proposed Chapter 158.126, "The Keeping of Chickens in Residential Districts".

In public input, Jim Reisen, 826 Vernis Drive, stated he has submitted information before supporting keeping chickens in the back yard. He submitted additional information to the Commission, and said chickens are great pets because they are very sociable and are pets with benefits.

Pam Reisen, 826 Vernis Drive, expressed that chickens are pets too and not just farm animals. She explained this is a good way to get high quality eggs and well-kept animals. Ms. Reisen stated they are pets with benefits because of the eggs.

Bill Goessl, affiliate with Rent the Chicken, explained their service allows people to have chickens in their back yards. He stated a person can have up to four chickens with a

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chicken tractor, which is a portable unit. He said when people raise the chickens, it teaches the kids and the parents how to take care of them and see if they want to invest their money into really buying chickens. Mr. Goessl stated chickens have a great benefit, the fresh eggs and they eat a lot of bugs. He said they are not smelly and they are not noisy.

In written input, a letter was submitted by John and Susan Sullivan, 816 Vernis Drive, opposing the Zoning Code revision regarding chickens.

Jim and Pam Reisen submitted a letter in support of the Zoning Code change regarding chickens.

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

Mr. Erbes did not see the proposed chicken regulations as a big positive for the City.

Mr. Curran referred to the language regarding chickens, and asked if the structure could be a wire or solid structure. Mr. McGrath read the proposed language, and said yes it could be either. Mr. Curran thought there should be some uniformity to the coop. Mr. McGrath thought that could be put in the Code if that is what the Commission would prefer. Mr. Curran preferred a solid structure.

Mr. Archibald asked for more detail regarding the tractor coop. Mr. Goessl said it is designed for up to four chickens, they have a solid place for their nesting and roosting, and netting around the rest so they can eat the grass. He explained everyday it is moved around on the grass so the grass won't be killed and so it will not create an odor. Mr. Archibald referred to Chapter 158.126 (A)(3)(d), and asked if the manure stayed on the ground when the coop is moved. He said where they nest and roost will need to be cleaned out every few days. Mr. Archibald asked if eggs can be laid without roosters. Mr. Goessl said yes, they are just not fertile.

Mr. Archibald referred to Chapter 158.126 (A)(1)(c) and asked about R-PUDs. Mr. McGrath explained there is underlying permitted uses listed in PUDs, and stated a lot will be dictated by the lot size of 15,000 square feet. Mr. Archibald referenced Chapter 158.126 (3)(a), and asked how it is possible to prevent rodents because there are mice. Mr. McGrath said that language pertains more to a predator. Mr. McHugh thought it meant that they aren't going to keep them out of it completely, but it is meant that they aren't allowed to be living in it. Mr. Archibald said in the same paragraph it says the pen must be covered, and asked if that was really necessary. Ms. Reisen said they have a fenced back yard, and from the street a person is not able to see into their yard. She stated they also have a coop and a fenced in area for them when they don't want to let them out in the yard. Mr. Archibald said with the proposed Code that would not be allowed. Mr. McGrath stated no. Mr. Archibald had some issues with the pen having to be covered. Mr. McGrath stated if they have an issue with it then the requirement will need to be changed.

Mr. Archibald referred to Chapter 158.126 (A)(5), and asked if the animal control officer needed to be changed to the Greene County Animal Control Officer. Mr. McGrath said that could be changed. Mr. Archibald reference Chapter 158.126 (C), and said since this is a Sunset Provision, if it is decided to remove this section after a year, if the people that applied for permits would be refunded. Mr. McGrath explained a fee has not be established yet, and thought maybe for the first year there would not be a fee for the permit or have something that is refundable.

Mr. Loftis asked if they felt it was necessary to have a no resale policy. Mr. McGrath said that has been discussed, but the City doesn't have the man power to enforce something like that if it is in the Code. Mr. Loftis questioned if chicks have been taken into consideration. Mr. McGrath said it would be six total, and the reason it is six is because that is the minimum amount that stores in the area sell. Mr. Loftis referred to Chapter 158.126 (A)(1)(a), and asked if the language "per auditor records" should be added. Mr. McGrath said a permit would be required, and staff would check it at that time. Mr. Loftis reference Chapter 158.126 (B)(1), and questioned if there should be a height restriction. Mr. McGrath thought that was a good idea and the restriction could be 10 feet tall. Mr. Loftis thought somewhere in the Code it should state pens should not be visible from the front yard or street if possible. Mr. McGrath felt the words "if possible" is a little too interpretive, and would have the same stipulations as a shed.

Mr. Loftis referenced Chapter 158.126 (3)(c), and thought that 20 feet from a property line seemed really close. Mr. McGrath stated that is twice the amount that a shed has to be from a property line, and said that if they have to start moving them to the center of the yard it starts to become more of a nuisance. Mr. Loftis referred to Chapter 158.126 (A)(4), and recommended that no butchering be permitted at all on site. Mr. McGrath explained it is a cultural standpoint, and it is up to Planning Commission and City Council to prohibit it. Mr. Loftis proposed that it would be completely taken out. Mr. Loftis asked who would be in charge of the permitting process. Mr. McGrath said it would be the Planning and Zoning Department.

Mr. Self felt they had to be logical with where the coops would be permitted on lots. He referenced Chapter 158.126 (A)(3)(a) and said the requirement that the coops be buried into the ground would preclude the mobile coops. Mr. Self explained from the research he has done mobile coops seem to be popular, and by moving them around it fertilizes the lawn and makes the lawn look better because there is no dead spot(s). He thought the buried requirement probably stemmed from predators not being able to burrow under. Mr. McGrath said that part could be removed. Mr. Self said he didn't see anything in the proposed language regarding a maximum size for the coop and how the coop is constructed. He stated normally there is a wire run and an enclosed portion, and the way he read it was a person could have one or the other but not both. Mr. Self thought the requirements should have a maximum size, maximum height, the run has to be covered, and it has to present a neat appearance. He believed it should allow the owner the opportunity to have a movable or a fixed coop. Mr. Self referenced Chapter

158.126 (B)(1) and said it does not state what the maximum size is for a coop. Mr. McGrath explained after the 100 square feet it would be considered an accessory structure and would be governed those requirements.

Mr. Curran asked if the City had models of coops to show what could be approved. Mr. McGrath said they do not, but it could be looked up. He stated they want the coop to look attractive, and said that provisions could be added that would allow wire on the pen area and make the coop solid.

Mr. Erbes thought with all the suggested changes it may be best to table the case and allow staff to revise and update the language. Mr. McHugh suggested tabling the whole update, but all the comments needed to be made to do that.

Mr. Erbes referred to Chapter 158.149 (B)(3), and asked why the square footage is being increased. Mr. McGrath explained that was done so churches that are a conditional use in an agricultural district can have more flexibility with their sign. Mr. Erbes said there are several electronic message signs going up in the community, and asked for an explanation for the restrictions along the highways and the proposed changes being made. Mr. McGrath explained it was pretty location specific, and it was too specific so it was changed to highway right-of-way. He stated all the other requirements still exist, and after the section of the Code was established staff found out that I-675 was not eligible for the electronic copy signs. He explained the City was incorporated in 1980 and under the Federal Highway Beautification Act anyone who incorporated after 1955 cannot put any off-premise advertising signs along interstates.

Mr. Archibald believed the definitions needed to be kept because it is not regulations. He thought staff did a good job at removing specific types of signs, but he hated for the City to lose the definitions. Mr. McGrath gave an example of a directional sign and said it will not be able to be called a directional sign, so then there is a definition but it cannot be called that type of sign. Mr. Archibald thought some content that staff is proposing to remove may be too much. He believed content related to safety, health and welfare is absolutely allowed to be in there and should remain.

Mr. Archibald referred to Chapter 158.146 (A)(15), and thought it should remain. Mr. McGrath explained that is very specifically content related and it cannot be regulated. Mr. Archibald thought it could be regulated for public safety. Mr. McHugh said it puts the City on a collision course because they are going to have to judge if the content is misleading, and what the courts said cannot be done. Mr. Archibald thought it was overthought, and in the scheme of public safety the City should be able to regulate content. He said they cannot advise someone on how to be safe and stated it is not legal.

He said in Chapter 158.147, the old four needed to be struck. Mr. Archibald referenced Chapter 158.148 (M)(2), and suggested it read "Temporary signs installed prior to an election and/or referendum..." Mr. McGrath said that could be changed.

Mr. Self referred to the definitions “Sign, Digital Display” and “Sign, Electronic Variable Message Sign or Digital Billboard” and asked if they described the same thing. Mr. McGrath explained essentially they are the same thing now, but they were not before the proposed strikeouts. Mr. Self suggested consolidating those, and Mr. McGrath agreed.

Mr. Loftis thought the variable message boards signs were the shutter style signs as opposed to a digital board. Mr. McGrath explained it was intended for the highway signs, but now they are essentially the same thing. He said if that is how Mr. Loftis interpreted it, staff will have to take a look at the language because those are not allowed.

Mr. Self referred to Chapter 158.146 (B)(2), and asked if it was referring to two-sided signs or one-sided signs. Mr. McGrath said it could be two-sided, and there can be two separate signs. He referenced Chapter 158.146 (C)(3), and suggested adding LED to the language. Mr. McGrath said they would add LED. Mr. Self referred to Chapter 158.147 (A)(9), and said newspaper vending machine typically have advertisements or at least an advertisement of what paper is being purchased. He said trash receptacles also have a sign stating to dispose of trash in the container. Mr. McGrath stated he would rather keep it in there, and said they don't need people advertising stuff on dumpsters. Mr. Self thought it was prohibiting someone from advertising on a side of a trash can. Mr. McGrath said yes, or someone who has a visible dumpster. He suggested expanding that to read “trash receptacle and/or enclosure.

Mr. Self said that the Commission could vote on the chickens portion and on the signs portion. Mr. McGrath thought it would be best to table it all because then it is only one ordinance.

Mr. Curran MOVED to table PC 16-1, seconded by Mr. Loftis. Motion PASSED by a roll call vote of 5-0.

SUBDIVISIONS

S-16-4, Flying Ace Car Wash

Mr. McGrath summarized the staff report dated April 18, 2016 on a request by Flying Ace Express Car Wash LLC, 7175 Far Hills Avenue, Dayton, OH 45459. The applicant is requesting approval of a final subdivision for 1.321 acres located at the northeast corner of Indian Ripple Road and County Line Road.

Mr. Self asked if this was part of the original PUD for the whole Kmart development, and why a business can be constructed on such a small lot. Mr. McGrath said yes, and it is part of the overall PUD.

Mr. Curran MOVED to approve S-16-4 with three conditions:

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1. The approved record plan shall be the plan stamped "April 11, 2016", except as modified below.
2. All concerns and comments of the Planning and Zoning Department, City Engineer, Greene County Sanitary Engineering Department, Greene County Auditor, public utility providers, and the Beaver Creek Township Fire Department shall be addressed and satisfied prior to release of the record plan for recording.
3. Prior to release of the record plan for recording, the applicant shall provide a digital format file of the subdivision in Autocad or .dxf format.

Motion was seconded by Mr. Loftis. Motion PASSED by a roll call vote of 5-0.

ADJOURNMENT

Mr. Erbes MOVED adjournment at 9:51 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

Beavercreek - Land Usage

SIGN, BULLETIN BOARD. Any sign located on the property of a public, institutional, religious or charitable organization which is used to announce its activities.

SIGN, BUSINESS. Any sign which directs attention to a business, profession, commodity or entertainment conducted, sold or offered upon the same lot.

SIGN, CANOPY. Any permanent sign attached to or constructed in or on a canopy.

SIGN, CHANGEABLE COPY. Sign on which copy is changed manually or electronically in the field such as reader boards with changeable letters or changeable pictorial panels.

SIGN, COMMEMORATIVE. A sign ~~which identifies~~ located on a site of memorable public interest or historical significance.

~~**SIGN, CONSTRUCTION.** A freestanding, temporary ground-mounted sign installed on the site of a commercial or residential development which is currently under construction.~~

SIGN, DIGITAL DISPLAY. Signs which utilize monitors, such as LCD television screens or Plasma televisions screens as a means to display advertising messages.

~~**SIGN, DIRECTIONAL.** Any sign which serves solely to designate the location or direction of any place or area.~~

SIGN, ELECTRICAL. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

SIGN, EXEMPT. A sign exempted from normal permit requirements.

SIGN, FLASHING. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

SIGN, GOVERNMENTAL. A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation for the purpose of informing or guiding the public.

SIGN, GROUND. A sign which is supported by one or more upright poles or braces in or upon the ground, which are not part of the building, and which does not exceed eight feet in height, also known as a monument sign.

~~**SIGN, IDENTIFICATION.** A sign bearing only the building name or addresses of occupants of the premises and bearing no commercial message other than that of the use identified.~~

SIGN, ILLEGAL. Any sign which is contrary to the requirements of this code and does not satisfy the nonconforming specifications stated in this code.

SIGN, MARQUEE. Any permanent sign attached to or constructed in or on a marquee.

~~**SIGN, MENU BOARD.** A ground or wall mounted sign, located adjacent to a restaurant's drive thru lane or pick-up window, displaying text and/or graphics not intended to be legible from a public right-of-way.~~

SIGN MESSAGE. The wording, copy, logo, or similar identifying form on a sign.

SIGN, NEON OR NEON-TYPE. Any arrangement of exposed and visible illuminated neon or neon tubes, fiber optics, light emitting diodes, or similar technology, excluding banding around any part of the perimeter of the building.

SIGN, NONCONFORMING. Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all standards and regulations of the current chapter. See also **NONCONFORMING USE**.

~~**SIGN, OFF-PREMISE.** A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.~~

~~**SIGN, OFF-PREMISE-ELECTRONIC VARIABLE MESSAGE SIGN** or **DIGITAL BILLBOARD.** A sign that directs attention to a business, commodity, services, or entertainment conducted, sold or offered at a location other than the premises on which the sign resides, and, other than the supporting structure, is constructed so that the entire face of the sign is an electronic screen, display or device that changes the message or copy of the sign electronically.~~

~~**SIGN, ON-PREMISE.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.~~

SIGN, PERMANENT. A sign permitted by this code intended to be located on the premises for an unlimited period of time.

~~**SIGN, POLITICAL.** Any sign identifying and urging voter support for or against a particular election issue, political party or candidate for public office.~~

~~**SIGN, PUBLIC SERVICE INFORMATION.** Any sign intended primarily to promote items of general interest to the community.~~

SIGN, PYLON. A permanent sign that is mounted on a free-standing pole or other support, and exceeds eight feet in height.

SIGN, RACEWAY. Any sign which contains individual letters that are mounted on a common aluminum channel box, known as a raceway or ballast box. The lettering typically contains all electrical components including wiring and transformers needed for the operation of the sign. The raceway itself is attached to the wall, rather than the individual letters.

~~*SIGN, REAL ESTATE.* A temporary sign pertaining only to the sale, rent or lease of the property on which it is located.~~

SIGN, ROOF. Any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building.

SIGN, ROTATING. Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

SIGN, SCROLLING ELECTRONIC. A sign such as an electronically controlled public service time, temperature and date sign, message center or reader board where different copy changes are shown on the same lamp bank. See also *SIGN, CHANGEABLE COPY*.

SIGN STRUCTURE. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

SIGN, TEMPORARY. A sign which is not permanently affixed. All devices such as banners, pennants, flags, (not intended to include a flag of any nation) searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.

SIGN, TEMPORARY GROUND. A sign that is not permanently affixed to a stand or the ground (e.g. A-Frame or portable sign).

SIGN, TEMPORARY WINDOW. A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window for a sale of merchandise or a change in the status of the business.

SIGN, UNDER CANOPY. A sign suspended below the ceiling or roof of a canopy or marquee.

SIGN, WALL. Sign attached to a wall of a building, with the face horizontally or vertically parallel to the building wall.

SIGN, WINDOW. Signs affixed to the glass on the inside of a window, or erected within three feet of a window on the inside of a building, so as to be seen from the outside of a building.

SLOPE. The relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope may be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage, or shown as a ratio.

SOLAR ENERGY. Radiant energy (direct, diffused, and reflected) received from the sun.

SPECIFIC SITE PLAN. A detailed development plan for a part of, or all of, a planned unit development indicating the specific proposed locations of structures, signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details.

(Q) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.
(Ord. 09-21, passed 7-27-09)

• **158.041 ORP-1 OFFICE RESEARCH PARK DISTRICT.**

(A) *Intent.* To provide an area where certain office and professional uses can coexist with research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facilities, and the like, arranged in a campus or park-type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A minimal amount of related prototype development and related accessory manufacturing is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 35% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses customarily incidental to the principal uses permitted in this district.

(D) *Conditional uses.* See Appendix B for allowed uses, provided conditional use approval is granted by the Planning Commission as provided in • 158.171(C) of this chapter.

(E) *Lot size and width.* The minimum lot size shall be 43,000 square feet. The minimum lot width for this district shall be 125 feet.

(F) *Land Use Intensity.* The maximum land use intensity shall be as follows:

<i>Maximum Coverage by All Buildings</i>	<i>Maximum Coverage by all Buildings and Impervious Surfaces</i>
35%	75%

(3) All exterior sides of the enclosure, except the gate, shall be landscaped pursuant to • 158.135, Landscaping, Screening and Buffering.

(4) Trash receptacle enclosures shall not be located any closer to the road than the front of the principal structure.

(5) All trash receptacle enclosures shall be a minimum of six feet high, and large enough to enclose all trash receptacles used by the principal use of the property. At the option of the property owner, the overall square footage of the trash receptacle enclosure may be increased an additional 80 square feet to allow for outdoor storage of property.

(Q) *Accessory structures.* See •158.104, Accessory Buildings, Structures, Appurtenances and Carports within Residential and Commercial Districts.

(R) *Mechanical equipment.*

(1) All mechanical equipment, such as HVAC systems and the like, shall be screened from public view, from public streets, public rights-of-way, and from abutting or adjacent properties.

(2) Screening on three sides of the mechanical equipment shall consist of a solid, opaque enclosure constructed of brick, concrete, concrete block, vinyl, PVC, or other decorative masonry, and shall be consistent with the architectural character of the development or principal building or structure. Landscaping material, such as shrubs or evergreen trees can be used in lieu of, or in combination with, the aforementioned materials, provided the design results in the required opaque enclosure.
(Ord. 09-21, passed 7-27-09)

• 158.042 RP-1 RESEARCH PARK DISTRICT.

(A) *Intent.* The purpose of this district is to provide an area dedicated to research and development type facilities. This includes offices and professional services that generally do not generate a large number of walk-in customers, and laboratories, engineering offices, prototype fabrication capabilities, test facility, and the like, arranged in a campus or park type setting with large open spaces to provide an environment for scientific and engineering personnel working on technical projects. A small amount of related production is permitted.

(B) *Permitted principal uses.* See Appendix B. ~~A maximum of 60% of the gross floor area of the principal building on a lot may be used for prototype development facilities and related accessory manufacturing.~~

(C) *Accessory uses.* Those uses and structures customarily incidental to the principal uses permitted in this district.

(G) *Uses under conditional use provision not nonconforming uses.* Any use which is permitted as a conditional use in a district under the terms of this chapter shall not be deemed a nonconforming use in such a district, but shall without further action be considered a conforming use.

(H) *Restoring buildings.* When a building or structure the use of which does not conform to the provisions of this section has been damaged by explosion, fire or act of God, to the extent of 60% or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way used except in conformity with the district regulations of the district in which the building is situated. The Board of Zoning Appeals may grant an exception under the provisions of • 158.172(H)(4).

(I) *Violations not rendered nonconforming.* A use, structure or lot in violation of the provisions of this Zoning Code subsequently amended shall not become nonconforming upon the adoption of an amendment, but shall continue as violations.
(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§ 158.126 KEEPING OF CHICKENS IN A RESIDENTIAL DISTRICT.

The keeping of chickens (*Gallus gallus domesticus*) is prohibited in the City of Beavercreek, except where an **AGRICULTURAL ACTIVITY** is permitted, or on properties used for one-family residential purposes under the following conditions:

(A) General Regulation.

(1) Maximum number of chickens. The maximum number of chickens shall be based on the following lot sizes:

(a) Lots less than 15,000 square feet shall not be permitted to keep or house chickens.

(b) Lots that are 15,000 square feet or greater shall be permitted a maximum of six (6) chickens.

(c) Chickens shall not be permitted on multi-family or two-family residentially zoned properties.

(2) Roosters. Roosters shall not be permitted to be housed or kept on any residentially zoned property within the City.

(3) Chicken pens or chicken coops. All chickens shall be kept in a pen or coop at all times. The chicken pen or chicken coop shall conform to the following standards:

(a) Pens must consist of sturdy wire fencing, or constructed of a solid wood, composite or vinyl material that must be buried at least 12" into the ground, and must be covered with wire, aviary netting, or solid roofing and constructed so as to prevent rodents, wild birds, predators, dogs, and cats from accessing feed and the chickens.

(b) Pens shall only be permitted in the rear yard of the property, completely to the rear of the primary structure.

(c) Pens may not be located any closer than twenty (20) feet from any property line of an adjacent property.

(d) Pens must be kept clean, dry, odor-free and free from accumulated manure. Any stored manure must be kept in a fully enclosed structure or container.

(4) Processing of Chicken. Chickens shall not be permitted to be butchered within public view.

(5) Nuisances. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and predators and parasites that may result in unhealthy conditions to human habitation. Should said infestation occur, the chickens and/or parasites and insects may be removed by the City, through the animal control officer, or other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

(B) Permits required.

(1) An accessory structure permit is required prior to the construction of the chicken coop. Coops that are up to and including 100 total square feet shall not count toward the maximum allowed square footage of accessory structures in a residential district, as defined in 158.104 (E) (1).

(2) Prior to the introduction of chickens to the chicken coop, the property owner or his designee must apply for, and receive a separate permit for the keeping of chickens in a residential district.

(3) Revocation of Permit. The permit to keep chickens may be revoked by the City where there is a risk to public health or safety, or for any violations of or failure to comply with any of the provisions of this section.

(C) Sunset Provision. These regulations are temporary and are considered be valid for one year from the date it becomes effective. City Council shall re-evaluate these regulations and could make changes that could include the repealing of this subsection of the Zoning Code and requiring the removal of all previously approved chickens. Persons applying for a permit to keep chicken within the first year shall be made aware, as stated on the permit, that they may have to remove the chickens should council choose not to renew these regulations after the one year period.

(D) Violations. Any property containing chickens which fails to meet the requirements of this section shall be deemed to be in violation of this section and of the Zoning Code.

~~• 158.126 RESERVED.~~

• 158.127 NURSERY SCHOOL/DAY CARE CENTER.

(A) *License required.* The nursery school/day care center shall secure a valid license from the Ohio Department of Human Services to operate such facility in the city.

(B) *Required outdoor play space.* The site shall have an outdoor play space which is located behind the required front yard setback, enclosed by a fence or wall a minimum of 42 inches high, and possess a minimum of 60 square feet for each child expected to use the play space at any one time.

(C) *Screening of play space.* Any part of the play space abutting an existing residential district or a parking lot shall be screened by a hedge or other screening at least four feet in height acceptable to the Planning Commission and/or City Council. Landscaping and screening shall be as specified in • 158.135,

SIGNS

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• **158.145 INTENT.**

To establish size and location standards which will meet the needs of businesses and other organizations within the city, while at the same time protect and enhance the visual quality of the City of Beavercreek.

(Ord. 09-21, passed 7-27-09)

• **158.146 EXEMPT SIGNS.**

(A) *Intent.* These signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the city.

(B) *Exempt signs.* The following signs are exempt from this code and shall not require permits:

(1) Temporary or permanent signs erected and maintained by the city, County, State or Federal government for traffic direction or for direction to or identification of a governmental facility or community event as declared by the City Manager.

~~(2) Directional-Permanent Ground signs located at the entrance and/or exit of any commercial establishment~~ not to exceed two signs per driveway ~~indicating entrance and exit locations~~ with size not to exceed three square feet per sign face and four feet in height. ~~Advertisements or company logos are not allowed to be incorporated in the design of traffic or directional signs.~~

(3) Flags, emblems and insignias of national, state or local political subdivisions.

(4) Signs that do not exceed eight square feet in sign area and six feet in height ~~at the entrance to any residential neighborhood installed by a homeowners association that give notice of Neighborhood Crime Watch Programs being in effect.~~

(5) ~~Name and/or address descriptions~~ Signs mounted to the front wall of a building or to a lamp post in the front yard not to exceed two square feet in sign area.

(C) *Other exempt signs.* Signage not serving a compelling government interest in protecting the health, safety and welfare of person and property in the city, but still exempt.

(1) Single faced signs ~~dedicated for a specific purpose~~, located within the confines of a parking ~~space lot, such as "Carry-Out Parking Only, or "Employee of the Month"~~, not to exceed four square feet.

(2) Barber poles, not larger than six inches in diameter, and three feet in height.

(3) Unshielded luminous tube (neon) lighting, of small diameter (1/2 inch) which acts as an architectural detail on the exterior of any commercial structure; limited to rooflines, and cannot be located on the side of the building facing any residential structure or district.
(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10)

• 158.147 PROHIBITED PERMANENT AND TEMPORARY SIGNS.

All signs not expressly permitted under this section or exempt from regulation under the previous section are prohibited in the city. Such signs include but are not limited to:

(A) *List of prohibited permanent and temporary signs.*

(1) Abandoned signs.

(2) Beacons and searchlights except for emergency, health or safety purposes.

~~(3) Billboards, lead-in, or other off-premise signs except as provided for in • 158.159.~~

~~(3) 4~~ Blinking, flashing or intermittent lighting, except those permitted under electronic copy signs in "B" districts.

~~(4) 5~~ Moving, animated or rotating signs.

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(56) Pennants, streamers, banners, windfeathers, flags not exempt under • 158.146, and similar devices.

(67) All helium, gas and air balloons located on or anchored to structures, vehicles, the ground, or to anything connected to or on the ground, including skytubes, skydancers, and similar devices.

(78) Portable signs except as authorized under temporary signs.

(89) Projecting roof signs.

~~(10) Roof signs.~~

(94) Signs attached to any tree, utility pole, fence, bench, trash receptacle, or newspaper vending machine.

~~(10+12)~~ Signs for which a permit has not been issued by the city or which are not exempt under • 158.146.

(11+3) Signs attached to or painted on the face of accessory buildings except those attached to automatic teller machines or similar structures.

(12+4) Any sign which, by reason of its size, shape, location, content, coloring or manner of illumination:

(a) Constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.

(b) May be confused with a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle.

~~(15) Signs which make use of words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.~~

(13+6) Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way.

(14+7) Signs or parts thereof which are erected within or above a public right-of-way.

(15+8) Signs which convey visual information that may be prohibited under the obscenity statutes of the state.

(16+9) Spinning devices or strings of spinning devices.

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(1720) Window signs in any district which covers more than 50% of total window area.

(1824) Any sign that is attached, painted or placed onto or inside a parked vehicle which is used primarily for commercial advertising is prohibited unless such advertising pertains to the business for which the vehicle is actively and normally used (e.g. delivery or service van/truck) or for the sale or rental of the vehicle itself.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

o 158.148 GENERAL DESIGN, ERECTION AND MAINTENANCE PROVISIONS.

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of this section.

(A) *Automatic teller machine signs - (ATMs).* Automatic teller machines or similar devices either attached to a principal structure or enclosed within an independent free standing structure shall be permitted two square feet of sign area for every one foot width of the ATM structure not to exceed 20 square feet of total sign area.

(B) *Awning signs.*

(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment.

(2) If illuminated, such awning shall have lighting concealed from view.

(3) An awning sign shall not project higher than the top of the awning to which sign text is affixed.

(C) *Changeable copy area.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for changeable copy, with a maximum 24 inches in height of changeable copy area.

(2) Changeable copy may be used in lieu of but not in addition to electronic copy.

(3) All permanent changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.

(4) No property that utilizes a changeable copy sign shall be permitted to have any temporary signage.

(D) *Dangerous or defective signs not permitted.* A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under § 158.156.

(E) *Electronic copy signs.*

(1) Permanent ground signs located in "B" Districts as well as permitted conditional uses in agricultural and residential districts may incorporate up to 50% per side of total sign area for electronic copy area with a maximum 24 inches in height of electronic copy area. The measurement for an electronic copy sign includes the entire area of the electronic copy structure, not the letter area.

(2) Electronic copy may be used in lieu of but not in addition to changeable copy.

(3) Electronic display shall remain constant for a period not less than two seconds per message.

(4) No property that utilizes an electronic copy sign shall be permitted to have any temporary signage.

(5) Electronic copy signs shall be permitted as ground signs only. No wall sign shall be permitted to have electronic copy sign area.

(F) *Ground signs.*

(1) *General.*

(a) Any temporary ground sign or any part thereof shall be set back a minimum distance of 15 feet from the edge of an adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way.

(b) A permanent ground sign or any part thereof shall be set back a minimum distance of five feet from any right-of-way or from any proposed right-of-way or any property line or as otherwise required in this section. Greater setbacks for permanent signs may be required to improve sight distances at intersections. All ground signs must be located only in the front yard unless otherwise expressly permitted by this section. In no instance may a ground sign be located closer than 15 feet from the edge of roadway pavement.

(c) The Planning and Zoning Department may permit a slight variation from the minimum street frontage spacing requirements for ground signs applicable in individual zoning districts if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.

(d) If a ground sign is pole-mounted, skirting shall be installed between the bottom of the sign and the ground to visually convey the impression of a monument-type sign.

(2) *Minimum street frontage.* Permanent ground signs shall be prohibited on parcels with street frontage less than 50 feet in width at the right-of-way line unless otherwise expressly permitted in this sign code.

(3) *Landscaping requirements.* A permanent ground sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

(a) The minimum landscaped area shall be equal to or greater than the total sign area of the sign.

(b) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.

(c) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be 30 inches.

(d) The landscaped area shall include one or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

(4) *Construction sites.* During construction of a commercial or residential development, one free-standing temporary ground-mounted sign shall be permitted to be installed on the site of the commercial or residential development. The sign shall be single-faced, have a maximum height of eight feet and not exceed 32 square feet in sign area. Minimum setback for the sign shall be 15 feet from the public right-of-way. The sign shall be removed within two years after the date on the sign permit, or a new permit shall be needed.

(a) To ensure removal, the applicant shall be required to place a cash bond with the city at the time of the permit issuance for the removal of the sign. Said bond shall be in the amount as stated in the approved fee schedule of the City of Beavercreek and shall be refunded in full to the applicant if the permitted sign is removed within the required timeframe.

(b) In the event a permitted ~~construction~~ sign is not removed at the required time, said sign shall be deemed an illegal sign and the bond shall be forfeited to the city to cover removal costs.

~~(G) Major development signs. Developments in C-PUD, MX-PUD and I-PUD districts, fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway may be permitted one permanent freestanding pylon sign per street frontage up to a maximum of two permanent pylon signs per development.~~

~~(GH) Marquee signs.~~

(I) Marquee signs may be displayed in lieu of but not in addition to any other form of permanent sign identification with the exception of under marquee signs for an individual business establishment.

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(2) If illuminated, such marquee signs shall have lighting concealed from view.

(HH) Neon signs and neon banding.

(1) Neon signs shall be permitted in business districts only, unless otherwise approved in a PUD district and cannot be located on the side of the building facing any residential structure or district.

(2) Neon signs may be displayed in lieu of, but not in addition to, a wall sign for an individual establishment.

(3) Neon banding shall be allowed provided the banding follows the roofline, and the tubes are no larger than one-half inch in diameter.

(IJ) Number of signs permitted. An individual establishment shall be permitted a maximum of two types of permanent sign identification unless otherwise permitted or prohibited in this section.

(JK) Planned Unit Development sign programs. Signs which have been approved as part of a Planned Unit Development sign program may vary from the requirements stated within this section. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.

(KL) Sign location with respect to street and building frontages.

(1) All signs permitted by virtue of a premises having street frontage or building frontage shall be located only along the front of the structure or property visible from the fronting roadway or from the adjacent parking lot.

(2) In the case where an individual occupant would have no building frontage, the maximum horizontal width of the portion of the building where that occupant's main entrance is located shall be considered that occupant's separate and distinct building frontage. In the case where the ground floor of a building is occupied by two or more different tenants, the portion of the building frontage occupied by each tenant shall be considered a separate and distinct building frontage.

(LM) Temporary sign illumination. Illumination of a temporary sign shall be prohibited.

(MN) Temporary signs (additional permitted). In addition to temporary signs permitted in the specific district requirements of this section, temporary signs shall also be permitted which comply with the following requirements:

(1) ~~Real estate signs shall be permitted as follows~~ Temporary signs on properties for sale, rent, or lease:

(a) *Location.* One ground or window sign per street frontage ~~to advertise the sale, rental or lease of the property upon which the sign is located~~ shall be permitted. Any ground sign or part thereof shall be set back a minimum of 15 feet from the edge of any adjacent roadway pavement. Additional setback may be required to avoid placement within the public right-of-way and/or to prevent a line-of-sight obstruction. No sign may be located within the median or any other part of a public right-of-way and shall not block visibility or create an obstacle for motorists, bicyclist, or pedestrians.

(b) *Area.* In residential districts, the total sign area shall not exceed six square feet per sign face or 12 square feet in total sign area if two sided. In nonresidential districts, total sign area shall not exceed 16 square feet per sign face, or 32 square feet in total sign area if two sided.

(c) *Height.* In residential districts, the sign height shall not exceed four feet. In nonresidential districts, sign heights shall not exceed five feet.

(2) ~~Political opinion, election and issue signs~~ Temporary signs installed prior to an election shall be permitted as follows:

(a) *Property owner permission required.* It shall be the responsibility of the owner of any ~~political~~ sign to obtain the permission of the property owner of any parcel on which the sign will be placed, prior to the placement of any ~~political~~ sign.

(b) ~~Political opinion, election and issue signs in residential~~ Residential districts:

1. ~~Political~~ signs shall not be illuminated.
2. ~~Political~~ signs shall not be larger than six square feet per sign face or 12 square feet in sign area if two sided.
3. ~~Political~~ signs shall not be mounted to any tree, utility pole or building.
4. ~~Political~~ signs shall not be displayed in the right-of-way and cannot create a line of sight hazard.

(c) ~~Political opinion, election and issue signs in~~ Commercial districts.

1. ~~Political~~ signs shall not be illuminated.
2. Each commercial parcel shall be allowed one large sign, up to 16 square feet per sign face, or 32 square feet if two-sided, ~~per individual political issue, opinion and election.~~
3. In addition to the large sign, each commercial parcel shall be allowed an additional 36 square feet within smaller signs, each of which shall be no larger than six square feet per sign face, or 12 square feet if two-sided, ~~per individual political issue, opinion and election.~~

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4. ~~Political~~ signs shall not be mounted to any tree, utility pole or building.
 5. ~~Political~~ signs shall not be displayed in the right-of-way and cannot create a line-of-sight hazard.
 6. Because of the nature of materials typically used to construct ~~political~~ these types of signs, to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, ~~political~~ signs must be removed or replaced when the sign is deteriorated or within 60 days from the date the sign is posted, whichever comes first. The city may cause the removal of any deteriorated sign and charge the expenses for the removal to the owner of the property on which the sign is displayed. If posts are used to display larger signs, said posts shall also be removed within 60 days from the date the sign is posted.
 7. Prior to the placement of a ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Planning Department for a Temporary ~~Political~~ Sign Permit.
 8. Prior to the placement of the ~~political~~ sign on a commercial property, the owner of the sign shall submit and receive approval by the Ohio Utility Protection Services before driving posts for large signs.
- (NØ) *Under marquee signs.* Under marquee signs shall be mounted as nearly as possible to right angles of the building face.
- (OP) *Wall signs.*
- (1) A wall sign may be displayed in lieu of, but not in addition to, an awning sign or neon sign for an individual establishment.
 - (2) A wall sign shall not project more than 18 inches from the wall of the building upon which it is mounted.
 - (3) A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
 - (4) A wall sign shall not extend above the top of the wall and shall not extend beyond the limits of any wall to which it is attached.
 - (5) A wall sign shall not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows, or trim).
 - (6) A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by normal atmospheric conditions.

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(7) If illuminated, such lighting shall not produce glare and all lighting elements, including wiring, shall be concealed from view.

(8) The removal or alteration of any wall sign shall result in the underlying façade being returned to its original construction condition, so as to leave no evidence of a former sign.

~~(PQ)~~ *Exterior lighting for signage.* See • 158.136, Standards for Exterior Lighting.

~~(QR) Maintenance.~~ All signs using illumination, whether internal or external, shall be maintained in good working order. Any inoperable light source, which gives the sign an incomplete appearance, shall be replaced by the owner of the sign as soon as practical.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• 158.149 SIGNS PERMITTED IN A-1 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed nonresidential or nonagricultural parcel with a permitted or conditional use shall be based on one quarter square foot of sign area for each linear foot of street frontage. Sign area for permanent wall signs shall be based on one quarter square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be permitted through the PUD or conditional use process.

(2) Developed parcels located on corner lots are permitted only one ground sign.

(3) The total sign area of a ground sign shall not exceed 3024 square feet per sign face or 48-60 square feet in total sign area.

(4) No ground sign shall exceed four-five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one building frontage.

(C) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for nonresidential or nonagricultural premises with a permitted conditional use.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of signs on one

building frontage.

- (3) The total sign area of a wall sign shall not exceed 16 square feet in sign area.
- (4) A wall sign shall not project above the top of the wall to which attached.

(D) *Temporary ground signs ~~excluding those outlined in §158.148 political and real estate signs.~~*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign containing changeable copy or for an A-frame sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

- (2) The sign shall not exceed five feet in height.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• 158.150 SIGNS PERMITTED IN R DISTRICTS.

(A) *Permanent ground signs.*

(1) One permanent ground sign shall be permitted ~~to identify near the entrance of~~ an approved subdivision, neighborhood, multi-family development complex, or permitted conditional use. ~~These signs shall be permitted so as to implement a compelling government interest in protecting the health and safety of persons and property in the city through proper identification of subdivisions, neighborhoods, multi-family developments and conditional uses.~~ A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Ground signs must be located along a principal arterial, major arterial or visually definable entryway to a residential subdivision or permitted conditional use.

(3) The total sign area of such a ground sign shall not exceed 30 square feet. The sign shall not exceed 15 square feet per face.

(4) No ground sign shall exceed four feet in height from established grade to top of sign structure. See also Appendix C.

(B) *Temporary ground signs for residential uses ~~excluding those outlined in §158.148, excluding political and real estate signs.~~*

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(C) *Temporary ground signs for non-residential uses excluding those outlined in §158.148, excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• **158.151 SIGNS PERMITTED IN RO-1 DISTRICTS.**

(A) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) The total sign area of such a ground sign shall not exceed 30 square feet. An individual sign face shall not exceed 15 square feet.

(3) No such ground sign shall exceed four feet in height from the established grade to the top of sign structure.

(4) Such a ground sign must be constructed of natural materials and shall not be internally illuminated.

(5) Such a ground sign must be located at least 50 feet from any adjacent residential district

(6) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(B) *Permanent wall signs.*

(1) One wall sign, which shall not exceed four square feet in sign area, is permitted on the front wall of the structure.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) Such a wall sign shall not exceed eight feet in height from the base of the main entrance door sill.

(C) *Temporary ground signs ~~excluding those outlined in §158.148~~excluding political and real estate signs.*

(1) Only one temporary ground sign constructed of fiberboard, wood or plastic shall be permitted on an individual residential office parcel for a period of time not to exceed one continuous seven-day period in any one calendar year.

(2) The sign height shall not exceed four feet. See also Appendix C.

(3) Total sign area for a temporary ground sign shall be based on one square foot of sign area for every ten linear foot of street frontage. The total sign area shall not exceed ten square feet per sign face or 20 square feet in total sign area.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• 158.152 SIGNS PERMITTED IN B-1 AND B-2 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon and under marquee signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. [A larger number of ground signs may be approved through the PUD or conditional use process.](#)

(2) Where a developed parcel has street frontage in excess of 250 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than 150 feet and are not located closer than 50 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage

(C) *Permanent awning sign.* One awning sign per building frontage shall be permitted for an individual establishment.

(D) *Permanent wall signs.*

(1) No more than one wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Permanent under marquee signs.*

(1) No more than one under marquee sign is permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than four square feet per sign face.

(3) Such signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(F) *Temporary ground signs ~~excluding those outlined in §158.148~~excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

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(G) *Permanent canopy sign.*

- (1) A maximum of one canopy sign per canopy frontage shall be permitted per establishment.
- (2) Canopy signs may not project above or below canopy facing.
- (3) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed 50% of the total sign area allotted the principal building frontage.

(H) ~~Menu-board signs~~ *Signs for drive-thru restaurants.*

- (1) One ~~menu-board~~additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.
- (2) Total sign area ~~for a menu-board sign~~ shall not exceed 20 square feet.
- (3) Maximum height ~~of a ground-mounted menu-board sign~~ shall be 6 feet.
- (4) All ground mounted ~~menu-board~~ signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(I) *Blade Signs.*

- (1) Total sign area for a blade sign shall not exceed four square feet per sign face.
 - (2) Blade signs shall not project any higher than three feet from the building.
 - (3) The bottom of blade signs shall not be any lower than eight feet from grade.
- (Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• 158.153 SIGNS PERMITTED IN B-3 AND B-4 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on three-fourths square feet of sign area for each linear foot of street footage. Sign area for permanent awning, wall, neon, canopy, marquee and under marquee signs shall be based on one and one-half square feet of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

- (1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

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(2) Where a developed parcel has street frontage in excess of 300 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between the ground signs is not less than 200 feet and said signs are not located closer than 50 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 32 square feet per sign face or 64 square feet in total sign area.

(4) No ground sign shall exceed five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(C) *Permanent awning sign.* One awning sign per building frontage shall be permitted for an individual establishment.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Permanent canopy signs.*

(1) One sign per canopy frontage shall be permitted per establishment.

(2) Canopy signs may not project above or below canopy facing.

(3) Total sign area permitted for all canopy signs attached to a canopy structure shall not exceed 50% of the total sign area allotted the principal building frontage.

(F) *Permanent marquee signs.*

(1) A changeable copy marquee sign shall be permitted only on places of public entertainment such as theaters, arenas, and the like.

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(2) Total sign area permitted for a marquee sign shall not exceed 75% of total sign area allotted the building frontage.

(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine feet in height from the sidewalk.

(4) The marquee sign shall not extend more than 18 inches from the wall of the building upon which it is mounted.

(G) *Permanent under marquee signs.*

(1) No more than one under marquee sign shall be permitted for an individual establishment.

(2) Signs attached to the underside of a marquee shall have a sign area no greater than six square feet per sign face.

(3) Signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.

(H) *Temporary ground signs excluding those outlined in §158.148, excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(I) *Menu-board signs Signs for drive-thru restaurants.*

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• **158.154 SIGNS PERMITTED IN O-1, RP-1 AND ORP-1 DISTRICTS.**

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on one square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Where a developed parcel has street frontage in excess of 200 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 150 feet and said signs are not located closer than 25 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 25 square feet per sign face or 50 square feet in total sign area.

(4) No ground sign shall exceed five feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(6) One ground sign shall be permitted at the entrance to each major arterial serving a Research Park District or Office Research Park District. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right of way.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement or courtyard area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs excluding those outlined in §158.148, excluding political and real-estate signs.*

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(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for a temporary portable ground sign, which shall be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

~~(F) Additional Requirements. All signage shall comply with 158.145 through 158.158 with the following exceptions and/or additions:~~

~~(1) Free-standing signs except as otherwise authorized in this section, projecting signs, canopy and marquee signs, awning signs and sloping roof signs are not permitted in the Research Park District or Office-Research Park District.~~

~~(2) Ground signs are permitted in the Research Park District or Office-Research Park District under the following conditions:~~

~~(a) One ground sign not to exceed 24 square feet per side.~~

~~(b) Ground signs within a Research Park District or Office-Research Park District must be set back a minimum of ten feet from the public right-of-way.~~

~~(c) One ground sign for two or more combined permitted business uses on the same premise, and shall not exceed 36 square feet per side.~~

~~(d) The maximum height of the ground sign above the grade shall be four feet.~~

~~(e) One freestanding sign or ground sign which identifies an entire Research Park District or Office-Research Park District shall be permitted at each major arterial serving the park. The sign area shall not exceed 50 square feet per side and maximum of 100 square feet total of all sides and shall not be higher than six feet and shall be set back a minimum of 20 from the right-of-way.~~

Zoning Code

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(G) Menu board signs (for drive-thru restaurants only). Signs for drive-thru restaurants

(1) One additional ground sign is permitted per drive-thru restaurant, and shall be located adjacent to the drive-thru lane.

(2) Total sign area shall not exceed 20 square feet.

(3) Maximum height shall be 6 feet.

(4) All ground mounted signs shall conform to the landscape requirements for ground signs as specified in §158.148 (F)(3).

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

• 158.155 SIGNS PERMITTED IN I-1 AND I-2 DISTRICTS.

(A) *Total sign area allowed.* Total sign area for a permanent ground sign for each developed parcel shall be based on one-half square foot of sign area for each linear foot of street footage. Sign area for permanent awning and wall signs shall be based on three-fourths square foot of sign area for each linear foot of building frontage.

(B) *Permanent ground signs.*

(1) One ground sign shall be permitted for each developed parcel. A larger number of ground signs may be approved through the PUD or conditional use process.

(2) Where a developed parcel has street frontage in excess of 500 feet, one additional ground sign may be permitted for additional occupants of a parcel provided that the distance between ground signs is not less than 250 feet and said signs are not located closer than 125 feet to any adjoining side property line.

(3) The total sign area of a ground sign shall not exceed 50 square feet per sign face or 100 square feet in total sign area.

(4) No ground sign shall exceed six feet in height from established grade to top of sign structure. See also Appendix C.

(5) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(C) *Permanent awning signs.* One awning sign shall be permitted for an individual establishment with orientation toward a street or an internal pedestrian movement area.

(D) *Permanent wall signs.*

(1) One wall sign per building frontage shall be permitted for an individual establishment.

(2) Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.

(3) A wall sign shall not project above the top of the wall to which attached.

(E) *Temporary ground signs excluding those outlined in §158.148, excluding political and real estate signs.*

(1) Each individual establishment shall be allowed to choose one of the following options per calendar year for a temporary portable ground sign.

(a) Two temporary sign permits each calendar year for a period of time not to exceed one continuous 15-day period per sign permit. Each continuous 15-day period shall be separated from any subsequent 15-day period by no less than 30 calendar days.

(b) One temporary sign permit each calendar year for a period of time not to exceed one continuous 30-day period.

(2) The sign height shall not exceed five feet.

(3) Total sign area for temporary ground signs, which are to be constructed of metal, wood, plastic or fiberboard, shall not exceed 20 square feet in sign area per sign face, total sign area not to exceed 40 square feet.

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12)

§158.156 ADMINISTRATION AND ENFORCEMENT OF SIGNS.

(A) *General.* The Code Enforcement Officer shall enforce all provisions of this section.

(B) *Permits required.* A zoning permit shall be obtained for erection, construction, relocation, or alteration of any sign unless exempted by this section. Any sign subject to this section shall comply with all city zoning, building, and electrical codes.

(C) *Permit application.* Application for a permit to install a temporary or permanent sign shall be made upon an application form provided by the Planning and Zoning Department. This application shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this section.

(D) *Permit fee.* A fee shall accompany each sign permit application, in accordance with § 158.173 (C). In addition, when any sign is erected, placed, installed or otherwise established on any property without first obtaining the permit required by this section, the fee shall be doubled; however the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein.

(E) *Sign duration.*

(1) *Permanent.* Any sign deemed permanent under this section shall remain a permanent sign unless otherwise stated in this section. A renewal fee is not required.

(2) *Temporary.* Any sign deemed temporary under this section shall comply with the duration specified within §§158.145 - 158.155.

(F) *Maintenance of signs.* Every sign, whether requiring a sign permit or not, shall be maintained in a safe and aesthetically presentable condition at all times and must not appear to be in a deteriorated or dilapidated condition. Proper sign maintenance includes, but is not limited to, the replacement of defective parts, painting, cleaning, and other acts required for maintenance of the appearance and structural condition of the sign.

(G) *Removal of sign outside of the right-of way by the Code Enforcement Officer.*

(1) The Code Enforcement Officer shall cause to be removed any temporary or permanent sign that constitutes a public nuisance in that it endangers the public safety, such as a sign which has been abandoned, is illegal, is dangerous, or is materially, electrically, or structurally defective. The Code Enforcement Officer shall also cause to be removed any sign except a valid nonconforming sign for which no permit has been issued or a sign which is not in compliance with the permit issued. Before removing any such sign, however, the Code Enforcement Officer shall first prepare a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign

shall be removed or the violation corrected within the next ten days or that a temporary sign shall be removed or the violation corrected within the next 24 hours. If this notice is not complied with, the sign shall be removed immediately following the applicable time frames by the Code Enforcement Officer in accordance with the provisions of this section.

(2) All notices issued by a Code Enforcement Officer may be served by certified mail, by placing in a prominent place on the property or delivery to the property owner, current occupant, to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

(3) The property owner and current occupant shall be jointly and severally obligated to reimburse the city immediately for all third party and administrative expenses incurred in removing any sign including but not limited to costs to the city for the time of city employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the city.

(H) *Removal of unlawful sign in the public rights-of-way.* Signs, other than governmental signs, are specifically prohibited in public rights-of-way. The city shall immediately remove or cause to be removed from the public rights-of-way any sign other than governmental as referenced in this section. Just as a private property owner may remove any sign placed on his or her private property so may the city if the sign is in violation of this section. Such removal authority must be exercised in a nondiscriminatory manner.

(I) *Recovery of unlawful signs.* In order to recover any unlawful sign confiscated by the city, a sign recovery fee, as determined by City Council, must be paid prior to pickup. Should the sign recovery fee not be paid within ten days from the date the sign was confiscated, the sign shall become property of the City of Beavercreek.

(Ord. 09-21, passed 7-27-09; Am. Ord. 12-02, passed 2-13-12)

• 158.157 NONCONFORMING SIGNS.

(A) *General.* Any sign lawfully existing prior to the effective date of this chapter or amendments thereto, which no longer conforms to all the standards and regulations of the current chapter.

(B) *Rules for nonconforming signs.*

(1) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

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(2) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this section or to make it less nonconforming.

(3) If a nonconforming sign is damaged by more than one-half of its replacement value, it shall be removed and shall not be repaired or replaced except in conformance with this section.

(4) Any nonconforming sign which is altered, relocated or replaced shall comply with all provisions of this sign code as if it were a new sign.
(Ord. 09-21, passed 7-27-09)

• 158.158 ILLEGAL SIGNS.

(A) *Does not satisfy code requirements.* Any sign which is contrary to the requirements of this code and which does not satisfy the nonconforming specifications stated in this code shall be deemed an illegal sign.

(B) *Illegally erected signs.* Signs which were illegally erected, established or maintained with respect to the applicable requirements of prior resolutions or ordinances shall be removed or brought into compliance with this sign code per the requirements and procedures of • 158.156.
(Ord. 09-21, passed 7-27-09)

• 158.159 ~~OFF-PREMISE~~ ELECTRONIC VARIABLE MESSAGE SIGNS OR DIGITAL BILLBOARDS.

(A) *Intent.* To maintain and expand the economic base of the city by helping foster a positive environment for commerce, ~~as well as to promote the ability of digital billboards to carry public service messages, such as Amber Alerts and traffic hazard warnings~~ by allowing for a limited number of ~~off-premise~~ electronic variable message signs (EVMSs) or digital billboards on commercially or industrially zoned properties within the city.

(B) *General Requirements.*

(1) *Sign area.* ~~Off-premise~~ electronic variable message signs shall have the following maximum square footage:

(a) On parcels immediately adjacent to ~~major US 35 or I-675 right highway right-~~of-way that have four or ~~fewer fewer~~ travel lanes, the sign face shall be no more than 400 square feet on each side, 800 square feet total.

Beavercreek - Land Usage

(b) On parcels immediately adjacent to ~~US 35 or I-675~~ major highway right-of-way that have five to seven travel lanes, the sign face shall be no more than 600 square feet on each side, 1200 square feet total.

(c) On parcels immediately adjacent to ~~major highway US 35 or I-675~~ right-of-way that have more than seven travel lanes, the sign face shall be no more than 800 square feet on each side, 1600 square feet total.

(2) *Location.* ~~Off-premise electronic~~ Electronic variable message signs must be located on commercially zoned parcels immediately adjacent ~~to major highway to US 35 or I-675~~ right-of-way.

(3) *Spacing.* ~~Off-premise E~~ electronic variable message signs must be located at least 15,000 feet apart throughout the city and there shall be no more than four in the city at a time.

(4) *Multiple message signs.*

(a) Electronic messages shall remain in a fixed position for a minimum of eight seconds.

(b) The transition time, or time it takes to change the message (electronically) shall be one second or less.

(5) *Audio speakers.* Audio speakers shall be prohibited on all ~~off-premise~~ electronic variable message signs.

(6) *Brightness.* At no time shall ~~off-premise~~ electronic variable message signs cause glare or otherwise impair the vision of the operator of any motor vehicle. Signs shall be equipped with automatic dimming capabilities so that the maximum luminescence level for the sign shall be as follows:

(a) For signs with a sign face less than 300 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 150 feet from the base of the sign.

(b) For signs with a sign face between 300 and 400 square feet, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 200 feet from the base of the sign.

(c) For signs with a sign face 400 square feet or larger, a maximum luminescence level of 0.3 foot-candles, measured at a distance of 250 feet from the base of the sign.

(C) *Non-conforming billboard mitigation.* All applicants who currently have a non-conforming billboard or supporting structure for a billboard on the parcel which the new ~~off-premise~~ electronic variable message sign will be located, shall remove any and all billboards, and supporting structures, on that parcel prior to the release of a zoning permit for a new ~~off-premise~~ electronic variable message sign, unless the structure is to be reused for the new ~~off-premise~~ electronic variable message sign.

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(D) *Public hearing and approval required.* All ~~off-premise~~ electronic variable message signs, including related structures, shall be subject to review and approval by City Council at a public hearing, following which the City Council shall, by motion, approve, approve with supplementary conditions, or disapprove the proposed ~~off-premise~~ electronic variable message sign application.

(1) *General design practices.* The structure, base and sign face shall be arranged, planned and designed, on the site to produce:

(a) Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;

(b) Safety, convenience and ease of pedestrian and vehicular movement near and around the structure; and

(c) An overall positive visual quality of the structure, base and sign face.

(d) See Appendix C: DIGITAL BILLBOARD DESIGN GUIDELINES for general material and design guidelines of ~~off-premise~~ electronic variable message signs, subject to approval by City Council.

(2) *Line-of-sight study.* With the application to City Council, the applicant shall submit a line-of-sight study of the proposed billboard to ensure that it will not be directly visible to any residential properties in the vicinity.

(E) *Permit and annual license required.* Prior to the installation of an ~~off-premise~~ electronic variable message sign, the owner or their designee shall be required to apply and receive a sign permit as required in • 158.156 (A) thru (D).

(1) *Annual license.* In addition to the installation permit, the applicant shall apply and receive an annual license, which shall be valid for 12 months after the issue date. The annual license shall be accompanied by a required annual license fee as deemed reasonable and proper by the City Manager in accordance with the fee schedule heretofore approved by the City Manager.

(2) *Failure to renew license.* In the event that the owner or their designated employee fails to apply and receive the annual license, the sign shall be deemed to be in violation of the zoning code and violators shall be subject to the penalty provisions contained in • 158.999 of the Zoning Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(3) If there is any conflict between this chapter and O.A.C. • 5501: 2-2-02 as it may be amended, the state statute shall control.
(Ord. 12-02, passed 2-13-12)

Zoning Code

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- (1) Granted as requested.
- (2) May recommend a modification of the amendment or request.
- (3) May recommend the amendment or request not be granted.
- (4) Table/delay pending receipt of further information, and the like.

(J) *Public hearing before City Council.* Within 45 days after receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing. The date of the hearing shall be not more than 45 days from the receipt of the recommendation from the Planning Commission.

(K) *Notice of public hearing in newspaper.* Notice of the public hearing required in division (J) of this section shall be given by the City Council by at least one publication in one or more newspapers of general circulation in the city. The notice shall be published at least 15 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

(L) *Notice to property owners by City Council.* If the proposed amendment intends to rezone or redistrict property within the city written notice of the hearing shall be mailed by the Clerk of the City Council, by first class mail, at least 15 days before the day of the public hearing to all owners of property within 500 feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the City Council. The notice shall contain the same information required of notices published in newspapers as specified in division (K) of this section. The failure of notice delivery as provided in this section, so long as it is not intentional, shall not invalidate the public hearing or any decision on the application.

(M) *Action by City Council.* As soon as reasonably possible after completion of the public hearing required in division (J) of this section, the City Council shall pass a motion to adopt, amend, return or deny the recommendation of the Planning Commission by a vote of a majority four votes of the Council membership. In the event of a tie vote or the failure to gain the number of votes required only the motion fails. An additional motion must be brought to vote to resolve the issue. That issue shall be continued until a majority vote is finally reached.

(N) *Effective date and referendum.* Such amendment adopted by the City Council shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment there is presented to the City Council a petition for referendum pursuant to R.C. • 731.29 et seq. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate ~~effect~~ effect.

(O) *Technical review costs.* When any applications to the city for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the city may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the city agreeing to consider any such application, the applicant must agree to

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
May 4, 2016

RE: PC 16-1 Beaver Creek
Zoning Code Updates

WHEREAS, the City of Beaver Creek Planning Commission has determined it necessary to make certain corrections and additions to the Beaver Creek Zoning Code; and

WHEREAS, public hearing was held on May 4, 2016 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

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

SECTION I

The City of Beaver Creek Planning Commission recommends to City Council adoption of the amendment to the Zoning Code as attached in "Exhibit A" April 21, 2016.

SECTION II

1. The approved Zoning Code shall be amended as described in "Exhibit A" dated April 21, 2016.

SECTION III

These papers relating to the Zoning Code changes shall be submitted with this resolution to City Council.

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

ADOPTED: May 4, 2016

VOTING FOR ADOPTION:

VOTING AGAINST:

Chairman

Attest:



Daniel Fitzgerald
4310 Straight Arrow Rd
Beavercreek, Ohio 45430

May 3rd, 2016

City of Beavercreek
Beavercreek Planning Commission
1368 Research Park Drive
Beavercreek, Ohio 45432

To Whom this May Concern,

I am writing this letter to share my concerns as to why I am opposed to the building of a new condominium development to be known as The Cottages of Beavercreek.

- I bought my current condo because of the view that I have from my back porch, as stated in the Cinnamon Ridge brochure as a selling feature of this community that it would "Border 20-Acre Equestrian Center" and "Adjacent to Cinnamon Ridge Park".
- Since my condo was bought in the 2008 the resale of our condo's have dropped by 22 %, Most condo's were purchased new for an average of around \$150k and we will be lucky to resell for \$115k because the most recent sales have been around \$110k. By building another condo in close proximity of ours it will only make it that much more difficult to sell. Having another condo community will now further divide the area and will bring even more foreclosure and abandonment of properties than there already is. The City should want to reunite their citizens and encourage them to plant roots here for families, not flee.
- The area of Cinnamon Ridge, County Line Road and the surrounding areas are already congested; building another condo will only increase the traffic congestion within our area and increase the safety concern which means we will need more emergency services and police patrols.
- I bought a condo in Cinnamon Ridge because of the view and the space of wooded areas, if I wanted to have a different view I would have bought in a different area of Beavercreek with neighbors behind me. I chose this specific place because I assumed it was protected from overgrowth of people and that nature still had a place in this city.

- The same builder that you are allowing to saturate an area that is on the verge of overcrowding took many short cuts during the building phases of the Cinnamon Ridge Condo's.
- There are other areas within Beaver creek that are already zoned for Condominiums, such as the Colonel Glenn Corridor. So why take away from our beautiful condo's an area that is zoned agricultural and should stay agricultural and is so pleasant to look at while sitting on our back porches, if The Cottages of Beaver creek are built on the agricultural area that is right behind my condo I will no longer have a beautiful view, instead I will be able to spit on the building of the new condo. I will have to close my windows and blinds, instead of letting natural air circulate in the house. You're changing my way of life, and yes I am more than a little upset. You are taking away what use to make Beaver creek a great place to live; why are trying to disturb the balance of nature, people, and businesses? This delicate balance is being threatened, again.

I consider myself fortunate to live in the City of Beaver creek and it sickens me that time and time again we are trying to overcrowd and diminish the beauty of this area.

Sincerely,

Daniel Fitzgerald

April 29, 2016

Julie Han
PROPERTY OWNER at Cinnamon Ridge Condominiums
4328 Straight Arrow Rd.
Beavercreek, OH 45430

To: Beavercreek Planning Commission

Re: Case No. PUD 16-1

I am writing to OPPOSE this rezoning application on the following grounds:

The Cottages of Beavercreek project will further decrease Cinnamon Ridge property values, as well as diminish the attractiveness of this community to renters.

- Simple economics of supply and demand dictate that the introduction of 94 BRAND NEW condominiums right next door will make selling Cinnamon Ridge units even more difficult. With most of the units in Cinnamon Ridge selling at 70% to 80% of purchase price, the introduction of 94 new condominium units will further create downward pressure on property values.
- One of the key selling points of the Cinnamon Ridge community is the proximity to forest and agricultural areas and these selling features were promoted in the original purchase brochure¹. Allowing re-zoning and new development will destroy two of the main reasons why I live here and why this community is attractive to new buyers and/or renters.

Beavercreek has a tremendous amount of land already zoned for condominiums [PUD (Planned Unit Development)], therefore it is unnecessary to re-zone the parcel in question from its current Agricultural use.

- The City of Beavercreek has stated that revitalizing the Colonel Glenn Corridor is a priority². 81% of the Colonel Glenn Corridor is already zoned for PUD (Planned Unit Development) and in particular, only 4% is residentially zoned, in stark contrast to the City of Beavercreek as whole at 87% residential zoning, indicating a pressing need for new housing development. New housing development should be encouraged in this area, rather than forcing excess supply into an already weak housing market next to Cinnamon Ridge.

¹ Cinnamon Ridge brochure advertised "Borders 20-Acre Equestrian Center" and "Adjacent to Cinnamon Ridge Park" as selling features of this community

² Colonel Glenn Highway Corridor Revitalization Study 10-7-2014

- As an example, Mission Pointe is a 135 acre Mixed Use PUD which is already approved for up to 90 multifamily residential dwelling units in the Colonel Glenn Corridor.
- The Central Planning Area is only 11% residentially zoned (47% zoned for PUD overall) and anchored by a newly renovated Meijer.

The Cottages of Beavercreek development is in direct conflict with the stated guiding principle of the Beavercreek Township Comprehensive Plan³ to preserve the rural character and atmosphere of our community.

- o Many of us chose to live in Beavercreek because we enjoy a rural environment where homes are mixed in with a variety of farms, wide open spaces, woodlands and parks. We chose to live here because we did not want to live in an overdeveloped, crowded suburban area, such as Kettering. Bringing 94 new multifamily residential dwelling units into our neighborhood would ruin the rural character that brought us here.
 - To my knowledge, this new development would create the largest and most dense condominium grouping (over 200 multi-family units) in Beavercreek, which I feel is a dangerous precedent to set for ongoing development in our city.
- o The Beavercreek Township Comprehensive Plan declares “the preservation and protection of trees, woodland and important community open spaces, natural resources and wildlife”⁴ as a key land use goal for our community. The current development plan calls for the destruction of almost all the wooded area directly adjacent to Cinnamon Ridge. These trees are hundreds of years old and cannot be replaced in our or our children’s lifetimes. This forest is habitat to countless flora and fauna, whose homes will be destroyed. It would be a mistake to destroy this forest.
- o To my knowledge, the proposed developer has not conducted any environmental impact studies that would address:
 - Increased air pollution from ~200 new residents and their cars coupled with the deforestation of the parcel in question
 - Increased noise pollution from the new development, in particular addressing any potential echo effect created by having large buildings so close to each with no barrier on the north side of Cinnamon Ridge
 - Increase in temperature from loss of transpiration cooling due to deforestation

³ Beavercreek Township Comprehensive Plan (April 2012) states Beavercreek’s “rural character and atmosphere has been a magnet in drawing more and more residents to our area. The beauty of the land and the aesthetics and ambiance associated with our communities are the beacons that have drawn people to the Township.”

⁴ Beavercreek Township Comprehensive Plan (April 2012)

- Wildlife loss of habitat and in particular, ensuring that there are no protected species at risk
- Potential to create a wind tunnel between the 2 condominium complexes

The Cottages of Beavercreek could result in unauthorized use of Cinnamon Ridge resources.

- o We presently have limited parking in our community. As there is no plan for street parking in The Cottages of Beavercreek development, the nearness of Cinnamon Ridge parking spaces could result in unauthorized use.
- o We also have a Community Pool and Walking Path which are not planned for the new development. The close proximity of such a large number of people in a small area could result in excessive numbers of uninvited guests in our Pool and on our Walking Path.
- o A significant number of littering and dog waste complaints come from the areas nearest the Cinnamon Ridge Walking Path. Having an influx of 200 to 300 people from the new development will likely exacerbate these types of problems.
- o Additionally, increased use of our Walking Path will likely result in increased use of the Dog Waste Disposal bags along the path which are paid for with our Association Dues.

The Cottages of Beavercreek could create significant tensions between 2 large groups of Beavercreek citizens with no avenues for mediation.

- o It is necessary for condominiums and apartments to have a set of rules for residents because of the density of occupants in a small, confined space with limited resources. At Cinnamon Ridge, we have a set of rules that are much more restrictive than local jurisdiction mandates. These rules are necessary to maintain safety (e.g., speed limits and dog leash laws) and property values (e.g., limits on signage and modifications to buildings).
- o If The Cottages of Beavercreek are built, I believe this would create an unprecedented, extremely large and very dense community that has a high probability of conflict between 2 communities with competing goals that are forced to exist with 50 feet of each other and have no avenues for mediation.
 - As an example, if the new development has less restrictive leash laws, I believe the potential for dog bites and altercations will increase without any physical separation between the 2 properties.

The Cottages of Beavercreek could create traffic problems in our community.

- o Rush hour traffic for I-675 often extends from the intersection of Indian Ripple and County Line all the way to Research Blvd. An additional 150 to 200 drivers coming in and out from the new development will only make this traffic situation worse.

Melissa Gillaugh

From: Planning and Zoning
Sent: Wednesday, May 04, 2016 7:36 AM
To: Randy Burkett; Melissa Gillaugh; Jeff McGrath
Subject: FW: Case No. PUD 16-1 zoning meeting

From: Denise Worst [mailto:dworst@gmail.com]
Sent: Tuesday, May 03, 2016 9:40 PM
To: Planning and Zoning <Planning@beavercreekohio.gov>
Subject: Re: Case No. PUD 16-1 zoning meeting

Ok thanks for the reply. Following is my statement regarding the proposed development:

I'm Denise Worst, residing at 4322 Weber Dr, Beavercreek OH 45430 (Stonegate II neighborhood)
I have several concerns regarding the proposal:

1. Additional traffic on both Quill Dr and County Line Rd. When finished this proposed development would have 94 units. Assuming each unit would have at least 2 cars, that is an additional 188 cars that could drive through our residential neighborhood. Our neighborhood street design was not meant for that many additional cars and it would most likely cause quicker road deterioration. Our neighborhood has many active families out walking and playing. An increase in traffic is a safety concern for our children and pets. Additionally having that many more cars going on and off of County Line Rd would cause even more traffic delays during rush hour. There is always a long backup on County Line Rd going towards Dorothy Lane from 5-5:30pm at night when most of Reynolds and Reynolds workers leave for the day. Putting more cars in this area will make the backups even worse. I don't think a traffic light could be placed at the street coming directly from the development as it would be too close to the lights at Straight Arrow and Weber Dr. Turning left out of that development during busy times will be difficult and could cause an increase in traffic accidents.
2. Property values: Our small neighborhood of single family houses would be surrounded by apartments and condos on two sides if this development goes forward. This will lower our home values and make our neighborhood less attractive to new home buyers.
3. School overpopulation: Most likely there will be a lot of families that would move into the proposed development. Our schools and school buses are already over capacity. The buses already have 3 kids to a seat. Adding that many new families would just make the problem worse.

Personally I'd rather see a single family housing development go into this area with lot sizes of 1/2 acre. This would flow with the design of our neighborhood.

thank you for your time and consideration,
Denise Worst

On Wed, Apr 27, 2016 at 8:27 AM, Planning and Zoning <Planning@beavercreekohio.gov> wrote:

Good morning,

If you can't attend the meeting, you can always submit something in writing or email. If we receive the information before the meeting on 5/4, it will be distributed to the Commissioners at the meeting. As long as we receive it prior to the meeting, it will be presented at the meeting and entered into the minutes.

When Planning Commission makes their recommendation to City Council, Council will also hold a public hearing. When this is scheduled, you will receive a notice similar to what you have received for the Planning Commission meeting.

If you have any other question, please let me know.

Dee Frisk

Planning & Zoning Department

City of Beavercreek

From: Denise Worst [mailto:dworst@gmail.com]
Sent: Tuesday, April 26, 2016 5:14 PM
To: Planning and Zoning <Planning@beavercreekohio.gov>
Subject: Case No. PUD 16-1 zoning meeting

Hi,

We got the notice for the public hearing regarding Case No. PUD 16-1 (2358 County Line Road (Cottages of Beavercreek) rezoning on May 4th. Unfortunately we cannot make this meeting. Is there another way we can provide our statement?

thanks for any information,

Denise

Melissa Gillaugh

From: Dianne Lampton
Sent: Thursday, April 21, 2016 8:09 AM
To: Melissa Gillaugh
Subject: Cottages at Beavercreek

Below is an email against the development.

Dianne Lampton
Clerk of Council
City of Beavercreek
1368 Research Park Drive
Beavercreek, OH 45432
(937) 320-7388
lampton@beavercreekohio.gov

From: Anneris Coria-Navia [<mailto:anneris.navia@gmail.com>]
Sent: Wednesday, April 20, 2016 6:48 PM
To: Dianne Lampton <Lampton@beavercreekohio.gov>
Subject: Fwd: Delivery Status Notification (Failure)

Dear Dianne:

Our family is writing to provide input on the case referred to above. We were residents of Cinnamon Ridge from 2007-2009 and we are currently homeowners of two units. It is through our tenants that we found out about the proposed development of what we lovingly call "the horse farm." It is ironic that we purchased these properties from Simms Development, whose advertising materials included the view of the horse farm as a selling point. Since we purchased these units we have personally enjoyed and the natural surroundings of the development and so have our tenants. There is no need to explain what being close to nature does to improve the quality of life of the community.

We vehemently oppose the approval of this petition.

Sincerely,
Anneris and Benjamin Navia
[937-760-1652](tel:937-760-1652)



Julie Han <jhan45430@gmail.com>

Opposition to development, 4286 Straight Arrow Rd

Joey <psjoe96@gmail.com>

Sun, May 1, 2016 at 6:52 PM

To: Julie Han <jhan45430@gmail.com>

Julie-

Thanks again for taking the time out of your weekend to bring this to our attention, as it will undoubtedly affect everyone living here in one way or another. My girlfriend Stephanie plans to come as I will be working nights, but I want to let you use my 3 minutes of speaking time as she would rather not. Here's a few points I have, that you can use my time to make, or use for your own points as you see fit:

-As I sit here writing this, I have my curtains open enjoying the view and the sound of birds that were a major selling point of me deciding to buy here. The idea of that being taken away is unacceptable, especially considering this land isn't zoned for this, and there is plenty of land that is, and isn't being used.

-I work 12 hour rotating shift work, to provide power to the area with DP&L, and the prospect of not being able to sleep during the day when I work nights isn't something I am able, or willing to deal with. The only reason I'm not going in person is because I'm working nights all this week.

-The increased traffic, decrease in property value, and loss of rural atmosphere is unacceptable. If this is passed, I am ready to do everything I can to sell, move outside of Beavercreek taking my tax dollars with me, and more than willing to no longer spend a dollar within the city limits. All the amenities and advantages I took into consideration in choosing to live here in Beavercreek are being threatened to be taken away, and I will do all I can to prevent that. If passed, I will do all I can to never contribute another dollar to this city, in both sales and tax dollars.

Thank you,

Joey Sario

[Quoted text hidden]

Beavercreek Planning Commission,

This letter is in regard to the re-zoning permit that would be for The Cottages of Beavercreek. My husband and I are the owners of the unit at 4366 Straight Arrow Road, while my son currently occupies the unit. We live out of town and are unable to attend the meeting this Wednesday. However, all of us are in opposition to the current proposal.

Our main concern is the decrease in property values that would come as a result of this new unit. Having the significant green space around the allotment was a large selling point for Cinnamon Ridge. The green space and horse pasture was a great surprise when visiting these units and one of our favorite features. Loss of these would negatively affect every homeowner in the unit and I believe renters would be less satisfied because of the increase in traffic, change in environment, and concern over parking space.

We are not opposed to unit development in general, only in the incorrect setting. We believe this development would be the incorrect setting. Agricultural land is becoming more and more scarce and the loss of it should not be taken lightly. There are already areas in Beavercreek zoned for units, so the loss of agricultural land for development of a large condo unit seems unnecessary.

The development of the Cottages of Beavercreek would not only upset the owners and renters in Cinnamon Ridge, but be a major loss to the surrounding area as well. This unit would change the feel and environment of the area and subtract to what drew people here in the first place. A great deal of dissatisfaction would be had with the construction of these new units.

Please respect the views of those in the area and preserve what made this area home to all of us from the start.

Sincerely,

Christine and James Soehnlen
Homeowners
4366 Straight Arrow Road
Neil Soehnlen (Son) occupies unit

Jill E. Toto
4388 Straight Arrow Rd.
Beavercreek, OH 45430

May 4, 2016

Beavercreek Planning Commission
Beavercreek City Hall
1368 Research Park Dr.
Beavercreek, OH 45432

To Whom It May Concern:

This letter is in regard to Charles Simms Development's proposed re-zoning permit to develop a new condominium complex known as The Cottages of Beavercreek. Due to scheduling conflicts, I am unable to attend the Beavercreek Planning Commission meeting on Wednesday, May 4, 2016; therefore, I am documenting my concerns and disapproval of the proposal in writing instead.

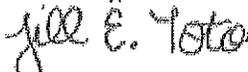
As an original owner of a Cinnamon Ridge condominium, I purchased the unit (in 2005) for a variety of reasons; including but not limited to, the attractive advertisement (by Charles Simms) that the development was bordered by 20-acre equestrian center. Given the proposed re-zoning, I am concerned The Cottages of Beavercreek will result in overall decreased quality of life with the destruction of the agricultural land. This includes potential for increased traffic, crime, noise, as well as visual intrusions on peace and privacy.

Furthermore, the Cottages of Beavercreek will likely result in overall home value diminution. Property values correspond to real estate taxes, which impacts the Beavercreek community as a whole. With the 2008 economic downturn, the Cinnamon Ridge units have significantly lost resale value and will continue to depreciate with the influx of 94 new condominiums.

While growth and development is a necessary component for cities to thrive, the voice of current residents should always be valued and respected as well. In my opinion, agricultural land should be preserved in order for residents to enjoy the rural character and atmosphere of Beavercreek.

In conclusion, I strongly oppose the proposed re-zoning permit and I believe the 20 acre land directly North of Cinnamon Ridge should remain agricultural at this time. Thank you for your consideration.

Sincerely,



Jill E. Toto



Julie Han <julieyhan@gmail.com>

Cinnamon Ridge

James Spangler <lightsout568@gmail.com>

Sat, Apr 30, 2016 at 12:12 PM

To: Julie Han <julieyhan@gmail.com>

Attn Beaver Creek Planning Board:

My name is James Spangler. I live at 4324 Straight Arrow Road. In regards to the development of these new condos, I am adamantly opposed to this for multiple reasons.

To begin with, this will significantly decrease my property value. Putting this many new condos into development will dramatically increase road traffic in front of my property which already struggles with cars driving way too fast through this residential neighborhood where kids play.

The view from my condo would be decimated. The residents of this development bought our properties in part based on the privacy and view of the now existing trees and walking trails. I specifically asked Charles Simms when I purchased my property if the trees he is now planning to tear down would be preserved. He evidently bold-faced lied to us and said they would be. He even went as far as to say the trees were part of a city park system and could not be compromised in the future. This is evidently not his plan or intention. I believe this is a case of greed on the part of Charles Simms at the financial expense of every home owner in his development of Cinnamon Ridge.

Wildlife also harmoniously resides here. Foxes, deer, raccoons, birds etc all call this area home to the enjoyment of the homeowners in this development.

Please take these points into consideration when making your decision. I would ask that you at least prevent the destruction of the trees that now reside here. We understand that some new development will occur. However, please significantly limit the amount of our trees that will be destroyed in the process. Again, this will significantly affect our property values in a negative way. Thank you for your time and consideration.

Regards,

Dr James H Spangler III
937-689-9677

Sent from my iPhone

[Quoted text hidden]

- > <Site Plan - Cottages Of Beaver Creek.pdf>
- > <Re-Zoning Opposition 2016.04.28 to residents.pdf>
- > <Case PUD 16-1 Letter to Planning Commission.pdf>

Carlos and Yasmin Ledesma
4398 Straight Arrow Road
Beavercreek, OH. 45430
Owners

Beavercreek City Hall
1368 Research Park Drive
Beavercreek, OH 45432

Re:

Re-zoning of the property behind our Condo

To whom it may concern,

This letter is intended to oppose the re-zoning of the land behind the Cinnamon Ridge Condos.

Please see a few reasons listed below as to why we oppose the re-zoning plan.

The construction of 94 additional condominiums adjacent to Cinnamon Ridge could potentially impact all of us in several ways including:

- Our property values could be affected by the additional condo units adjacent to us.
- The backside of most even number units in Cinnamon Ridge will be looking at new condo units instead of the field / woods that are currently behind these units.
- Nearly all the trees behind units 4282 – 4312 will be cut down, and will be replaced by condo buildings.
- Some of the new condo buildings will be built only 50 feet from the buildings of Cinnamon Ridge (this is closer than the building across the street from you).
- The residents of the new condo units could use our facilities (pool, walking path, parking spaces, etc) even though we pay for those facilities, and they do not.
- An entrance to the new condos would be added to the intersection of Straight Arrow Road and Quill Road. This could increase traffic & congestion at the entrance to Cinnamon Ridge.

Sincerely,

Carlos and Yasmin Ledesma



Julie Han <jhan45430@gmail.com>

Owner Concerns Regarding Rezoning Opposition--Unit #4329

Sarah Thorpe <sarahbeththorpe@yahoo.com>
Reply-To: Sarah Thorpe <sarahbeththorpe@yahoo.com>
To: "jhan45430@gmail.com" <jhan45430@gmail.com>

Mon, May 2, 2016 at 9:44 PM

As an owner of a condominium of Cinnamon Ridge, I am using my voice through this email. I oppose the rezoning and development of the land adjacent to Cinnamon Ridge because of the following reasons:

- The Cottages of Beaver Creek will have a negative impact on the property values of the units of Cinnamon Ridge. Reasoning: Diminished look and feel for a small community that would be less appealing for future potential owners/renters.
- Beaver Creek has a tremendous amount of land allotted for residential housing and does not need to rezone land to build more condominiums.
- Increased motor-vehicle traffic exiting the Cinnamon Ridge community to County Line Road.
- Increase of overall noise, which has a negative impact on the feel of the community, and would affect potential owners/renters.

Thank you,

Sarah Thorpe, Unit #4329

Justin Morton
4392 Straight Arrow Rd.
Beavercreek, OH 45430
419.234.5509
justintmorton@gmail.com

May 3, 2016

Beavercreek Planning Commission:

I am writing to express my **opposition** to the proposed re-zoning permit for The Cottages of Beavercreek development. I believe that the destruction of the current agricultural area will have a negative impact on the community. The existing rural atmosphere makes the community a desirable and unique place to live. Destruction of the field and trees will have a negative impact on property values, the environment, and traffic. Please reject the proposed re-zoning permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Morton', with a long horizontal flourish extending to the right.

Justin Morton

May 3, 2016

Beavercreek Planning Commission
1368 Research Park Drive
Beavercreek, Ohio 45432

To Whom It May Concern:

I currently reside in the Cinnamon Ridge Condominium complex. One of the primary reasons I purchased my unit was due to the open land behind it. I understood at the time of purchase that the land behind my condo was zoned agricultural and there was no plan to change that. I was disappointed last year when new development of apartments was put up across from me and trees were removed on the land.

I understand that there is a request to re-zone this land for a new development of condominiums. I am very much against this for many reasons:

1. Our property values have decreased significantly on their own and this development would not help improve the ability to sell.
2. The development has no parking for its visitors and could result in their residents using our parking which is limited as it is and possible use of our amenities.
3. I also understand that there is a plan to provide access to the units via our street adding to additional traffic and congestion.
4. County Line Road is already a bottleneck with traffic and adding this complex will only make it worse.
5. In 2012, the Beavercreek Township Comprehensive Plan was to preserve the rural character and atmosphere has been a magnet in drawing more and more residents to our area. One of the reasons I chose Beavercreek and my unit was the beauty of the land and aesthetics behind me.
6. I also have been made aware of the many other places within Beavercreek Township available for development of this project.
7. In addition, lights would shine in my bedroom at night when they approach their homes.

I appreciate your taking the time to read my letter and listening to my apprehensions about this development. I hope that you find that my and my fellow owner concerns to be relevant enough to stop this re-zoning permit.

Warm Regards,

Cheryl Hall, 4380 Straight Arrow Road



Cinnamon Ridge

Jenna Hubosky <jennahubosky@gmail.com>
To: jhan45430@gmail.com

Tue, May 3, 2016 at 9:15 PM

To whom it may concern,

I am a resident of the Cinnamon Ridge development. My family and I have lived in the development for approximately two years. We relocated to this area from out of state. When my husband and I were searching for housing in the area, we came upon this community and knew it was the best option for us and our two children.

It is a great location. It is within close proximity to shopping, dining, and other conveniences. However, it offers the quiet, safe atmosphere and green space that you would find in a more rural area rather than a city. I feel these characteristics make the community a desirable place to reside.

I was informed of the possibility of the development of the land next to Cinnamon Ridge. In my opinion, this would greatly decrease the desirability of living in the community. Squeezing more condos and people onto that land would obviously eliminate green space and affect the quiet, rural atmosphere, possibly affecting the safety of the area as well.

Therefore I am in opposition of this development due to the negative impact it would have on the Cinnamon Ridge community. I do hope these concerns are taken into consideration before a decision is made.

Thank you,
[Quoted text hidden]



Julie Han <jhan45430@gmail.com>

Rezoning Protest

Chad Minnick <minnick.chad33@yahoo.com>

Tue, May 3, 2016 at 7:12 PM

Reply-To: Chad Minnick <minnick.chad33@yahoo.com>

To: "jhan45430@gmail.com" <jhan45430@gmail.com>, Vanessa Minnick <vanessa.minnick@yahoo.com>

Ladies and Gentlemen of the Beavercreek Planning Commission,

I would like to protest against the Simms Development rezoning application.

It is beyond unfortunate that so much of creation and its beauty has fallen prey to human greed and development. I once heard a wise woman say that we all have our one spot in nature that we go to and find our peace and sanctuary. A place where the chaos of this world fades away and we are reminded of our joy & purpose for this life. Please take a moment to reflect on where that spot is for you. For some it's a beach, for others a mountain, wetland, woods, lake, ocean or maybe even a golf course. Now imagine that place and all of its luster and beauty demolished to ground zero, paved with asphalt, and forever lost. Neither you nor your kids, your grandchildren or future grandchildren will ever look at or be able to see your treasured, coveted place within this world ever again.

As for me, what sold me on my condo at Cinnamon Ridge was the breathtaking and peaceful scenery that I have the privilege of enjoying with my wife every day. We are also blessed to be expecting a child this August as well and I would love for our little boy to share in the joy, adventure, and tranquility that comes from having a natural habitat as one's backyard.

As you consider your decision, please, please put yourself in our shoes and imagine how your life would change if you came home every day surrounded by the beauty of Gods creation one day and return the next to the sight of modernization & over-development.

My home was purchased with the understanding that the environment surrounding our homes was sought to be protected & preserved as outlined in the Beavercreek Township Comprehensive Plan. With the deforestation & proposed development our homes will take an instant hit against their values and potential rental earnings. Hence, many residents who go to work day in and day out to make this community better, will lose a portion of their net wealth. If the proposed rezoning is approved, will the amount lost in our property values be repaid?

When is enough, enough? Too many companies & cooperations are demolishing our lands for profits. Please help to protect that from happening to the Cinnamon Ridge community.

Again, please reflect upon your favorite destination which brings you and your family peace, escape & sanctuary from this overdeveloped world...would you vote in favor of it's destruction and asphalt covering?

I sincerely thank you for your valued time and consideration & will respect your decision.

All the Best,

2d Lt. Chad J. Minnick

4300 Straight Arrow Rd.
Beavercreek OH, 45430



Julie Han <jhan45430@gmail.com>

Re: Concerns on New Subdivision Rezoning by Charles Simms

Frank Hung <fdahung2@yahoo.com>

Wed, May 4, 2016 at 12:01 PM

Reply-To: Frank Hung <fdahung2@yahoo.com>

To: Frank Hung <fdahung2@yahoo.com>, Julie Han <jhan45430@gmail.com>

Cc: "luciahung4@gmail.com" <luciahung4@gmail.com>, "cinnamonridge.brian@yahoo.com" <cinnamonridge.brian@yahoo.com>, "fdahung2.@yahoo.com" <fdahung2.@yahoo.com>

Subject: Re: Concerns on New Subdivision Rezoning by Charles Simms

Date: May 4th, 2016

From: Mr. & Mrs. Francisco D. Hung
4282 Straight Arrow Road
Beavercreek, OH 45430-1519

To: Beavercreek Planning Board

We bought our current home at a premium in 2008 for its privacy with the horse farm, the park land behind and next to it. We did not anticipate that the horse farm would now be bought and being requested for rezoning to build 90+ condominium units by Charles Simms. Below are some of the concerns we have on the proposed rezoning request by Charles Simms on the parcel of land behind our home to build more condominium units.

- The woods behind and walking trails are very important to us. Will the new plan intend to preserve this experience? Will the wooded area to the east of the parcel be preserved?
- The view from my house is very important to us. We bought this property on the basis that we would be looking at trees and grass from the back our home. I would like this view preserved with additional landscaping so we have as much privacy as our neighbors on the south side of Cinnamon Ridge have from the residents on Longmeadow. What are you going to do to preserve the rural nature of our view and the privacy of our home? We don't want to have to look at an expanse of vinyl sided buildings. We would like to see brick buildings, just as we do from the front of our home?
- We are extremely concerned about the increased traffic on Straight Arrow Road from Quill Road to the traffic lights, unless the new proposed subdivision will have it own direct access to County Line and not via Proposed Quill Road.
- If not, we like to see stop signs and speed bumps installed on the Quill Road extension into the new development. The increased traffic by cars or tenants of the new subdivision at the traffic lights during rush hours will increase risk of accidents.
- We are concerned about the additional pedestrian traffic on the walking path next to our home. We have a significant number of people from surround neighborhoods using this path already to gain access to the park land or to the other side of Straight Arrow Road. The increased use by new neighbors from the new units to be built will lead to potential for more littering, dog waste, dog bites/altercations. How are you going to ensure that people from the new development do not have access to the common lawn area behind our homes? We would like to see a physical barrier in the form of 6 foot high wood fences and landscaping.
- Our bedroom faces the north side of Cinnamon Ridge (the trees and the Horse Farm) and I we like to sleep with our windows open at night. You need to ensure that there are provisions in the new parcel development plan to include noise abatement measures to reduce noise pollution?
- We purchased our home based on Charles Simms brochure for Cinnamon Ridge that there is parkland and

a horse farm behind us. It is ironic that the same developer has now purchased the horse farm and submit a request to rezone the parcel of land to develop a condominium complex which essentially negates all the advertisement they use to sell their first development leaving the current owners now with a sunken feeling of betrayal by a reputable and ethical developer (so we thought). Not to mention that the new condo units will devalue our homes, which was not on the Master Development Plan for Beavercreek and specifically for our townhome area.

- We chose to live here because it is low traffic and close to I-675. What are you going to do to ensure that we don't encounter problems with my daily commute? We strongly believe that this new subdivision must have their directly road traffic access to County Line, and not via Quill Road extension.

Please ensure that all our concerns are addressed and satisfied when you make your assessment and decision on this rezoning request by Charles Simms.

Yours Truly,
Lucia & Francisco Hung
4282 Straight Arrow Road
Beavercreek, OH 45430-1519

From: Frank Hung <fdahung2@yahoo.com>
To: Julie Han <jhan45430@gmail.com>
Cc: "luciahung4@gmail.com" <luciahung4@gmail.com>; "cinnamonridge.brian@yahoo.com" <cinnamonridge.brian@yahoo.com>; Frank Hung <fdahung2@yahoo.com>
Sent: Tuesday, May 3, 2016 9:41 AM
Subject: Re: Concerns on New Subdivision Rezoning by Charles Simms
[Quoted text hidden]

TO: Beaver Creek Planning Commission

FROM: Robert H. Ryan (4338 Straight Arrow Road Owner)

SUBJECT: The Cottages of Beaver Creek Township Re-Zoning Permit Request

1) I, Robert H. Ryan as a property owner & taxpayer in the Beaver Creek Township community, am opposed to The Cottages of Beaver Creek proposed re-zoning. Re-zoning of the parcel in question is in direct conflict with the Beaver Creek Township Comprehensive Plan dated April 2012. Significant land has already been zoned for the construction of condominiums within Beaver Creek Township raising the question of where is the need to re-zone the parcel in question. The re-zoning will most certainly diminish my property value.

2) One of the largest factors for purchasing my home in the Beaver Creek Township community was the rural atmosphere and landscape. The re-zoning of the parcel in question would remove agricultural land and lead to the destruction of almost all the wooded area adjacent to my property. As stated in the Beaver Creek Township Comprehensive Plan dated April 2012, "rural character and atmosphere has been a magnet in drawing more and more residents to our area." The decision to re-zone agricultural land for the construction of condominiums is in direct violation of the Beaver Creek Township Comprehensive Plan.

3) There is no need to zone additional land for the use of constructing condominiums. Planned Unit Development has significant land already zoned for condominiums construction. The Colonel Glenn Highway Corridor Revitalization Study dated 7 Oct 2014 designated the Colonel Glenn Corridor as a priority for revitalization. The Colonel Glenn Corridor planned unit development is already 81% zoned for condominium construction. It is in the communities' best interest to utilize the existing zoned land already available before re-zoning additional land for condominium construction. Re-zoning agricultural land when there is already 135 acres in Mission Pointe zoned for up to 90 multi-family dwelling units is not in the communities' best interest.

4) My property overlooks the parcel of land proposed for re-zoning and since purchasing my home in September 2010 my property value has diminished by ~20%. Removing the natural landscape and forest would further diminish the value of my property. The addition of more condominiums on the proposed parcel would further saturate the market driving down property values. There is no need driving additional condominiums in Beaver Creek Township that cannot be met by land currently zoned for condominium construction.

5) I am opposed to the re-zoning of the parcel in question for the reasons stated. I hereby delegate Brian Daniel the authority to speak on my behalf at the Beaver Creek Planning Commission Meeting on Wednesday, May 4th 2016 in the matter of The Cottages of Beaver Creek Township re-zoning. I cannot attend the meeting in question because I am on military orders out of state.


ROBERT H. Ryan
4338 Straight Arrow Rd
Beaver Creek, OH 45430

Members of the Planning Commission:

In response to the proposal by Simms Development to rezone the parcel located adjacent to Cinnamon Ridge, we would like to voice our **strong opposition** to approving this parcel for a different use. The City of Beavercreek has experienced an influx of development with projects such as The Greene and various other residential and commercial developments in recent years; these developments, which have provided for residential, commercial, and governmental needs, have increasingly decreased the amount of forested lands throughout the area. The proposed Simms project would not just destroy the only dwindling green space nearby, but also significantly decrease local property values that are already suffering.

The area located adjacent to Cinnamon Ridge is an area zoned for agricultural use, and the Beavercreek Zoning Code provides that areas zoned for agriculture have the stated intent of encouraging and preserving agricultural uses as part of a balanced and diversified economy. The Code goes on to further state agricultural areas are intended to provide a “ low density rural atmosphere . . . “ The Comprehensive Plan for the Township also expresses the purpose of promoting a diverse rural atmosphere as well.

As is evident from the intent and purpose of these statutes, our reasons for opposing this zoning alteration are not only justified personally, but also by law. The destruction of the green space would eliminate what little landscape diversity remains close to our homes. As such, we believe that any rezoning would be contrary to the legislative intent of our elected officials that drafted these laws. In addition, there is plentiful housing available in other areas close by, so any alleged public need for housing would have the appearance of promoting the private interests of Simms, rather than the general welfare of the public.

We sincerely hope for this matter to be resolved now, but if any further action is taken toward a potential approval of new zoning, we intend to move our Home Owner’s Association to retain legal counsel to oppose any change in zoning due to the risk the development places upon our enjoyment of the land and economic interests.

Sincerely,

Kevin Hoffer, Owner Cinnamon Ridge
Johnna Hoffer, Owner Cinnamon Ridge
Matthew Schoemaker, Owner Cinnamon Ridge
Jamie Schoemaker, Owner Cinnamon Ridge
Tyler Hoffer, Resident of Cinnamon Ridge
Corine Sponcia, Resident of Cinnamon Ridge

**Marcia Rouse' Beaver Creek Zoning Commission Mtg (5/4/2016) Comments Re Proposed Development,
"The Cottages of Beaver Creek"**

My name is Marcia Rouse.

I have lived at 4336 Straight Arrow Rd in Cinnamon Ridge since Oct 2013.

I oppose the proposed construction of the Cottages of Beaver Creek for many reasons, to include quality of life.

However, the primary concern I want to raise tonight regards traffic safety caused by the proposed site development.

I think I can provide information about area traffic and safety issues that might only be known by local residents and the City of Kettering, who currently has responsibility for the stretch of County Line Rd affected by this proposed development and, thus, would bear the burden of the impact of the additional traffic in terms of increased resources.

TRAFFIC SAFETY

Problem: The proposed funneling of the increased traffic from the planned development would increase the potential for traffic and pedestrian accidents by (1) increasing congestion on an already congested, confined stretch of County Line Rd, (2) by increasing traffic through an already dangerous intersection at Straight Arrow and County Line Roads, and (3) by increasing traffic in a short stretch of Straight Arrow road heavily used by pedestrians.

Increasing Traffic Congestion on an already congested, confined stretch of road

The Indian Ripple/County Line Rds intersection is already a major choke point for drivers attempting to access I-675 or pursuing shopping, recreation, and other services both at The Greene and along the continuation of County Line Rd and Indian Ripple Road (in both directions).

Drive time traffic from the intersection of Indian Ripple and County Line Roads often extends from that intersection to Shakertown Rd. In fact, to monitor the traffic situation Kettering police often station a car along the stretch of road between the Indian Ripple/County Line Rds intersection and the Straight Arrow/County Line Rd intersection.

And the accidents on County Line aren't known to Beaver Creek because Kettering handles them.

The addition of another 150-200 cars to that traffic would increase the congestion, lengthen the drive time back-ups, and increase motorist delays.

Further – and most importantly -- it would also increase the potential for traffic accidents by motorists, with attendant injuries/deaths, property damages/costs, and emergency services cost.

Increasing Traffic in an already hazardous intersection

The intersection of Indian Ripple and County Line Rds is already hazardous, in part due to the egress of traffic from Reynolds and Reynolds.

I learned in the first few months of living on Straight Arrow that when turning Left at that intersection it was best to have one foot on the gas, one on the brake, and my hand on the horn – and be prepared to yield to unauthorized traffic to avoid a collision.

This is because drivers exiting from Reynolds and Reynolds parking lot routinely take the right of way when turning Right onto County Line Rd – and more of those drivers turn Right than Left at that light, apparently because their routes home take them in that direction.

And unlike the intersection at County Line and Weber roads, this intersection has no properly constructed Right turn/merge lane.

Further, about ¼ mile from the intersection the curb lane closes down. Thus, traffic exiting Reynolds and Reynolds parking and turning Right typically swing directly into the inside lane vs the curb lane to insure they merge before the curb lane ends.

And they do this despite oncoming traffic from Straight Arrow Rd IN the intersection and despite the blowing of one's horn – they typically just blow their horn and keep on coming. Thus, the only way to avoid a collision is to yield the right of way.

But one cannot always yield the right of way. In Oct of 2014 I was turning Left from Straight Arrow and pulling out of the intersection when a driver turning Right from the Reynolds and Reynolds parking lot crossed the curb lane and hit me in the right front corner panel of my new 2014 Subaru Forester.

When I called to report the accident I was told that it would be some time before the Kettering Police could respond because we had no injuries to report and the Police were busy responding to higher priority incidents. We actually waited over an hour for an officer to come and take the Accident Report and cite the driver at fault (improper right turn, improper lane change, failure to yield to traffic).

That accident cost me \$1,300 in repairs to my new Subaru Forester and 2 days in bed due to the exacerbation of 2 pre-existing conditions (a herniated cervical disc and migraine, which is a risk factor for stroke).

And I was lucky: the car that hit me was a small Toyota. Had it been another SUV or something larger – or if the impact been in a different place on my car -- one or both of us drivers could have been seriously injured or killed.

PEDESTRIAN SAFETY

Along the stretch of Straight Arrow from Quill South to the intersection with County Line Rd, there is much pedestrian traffic from the 2 communities, Long Meadow and Cinnamon Ridge.

This traffic includes schoolchildren walking to the current bus stop near the end of Quill Rd.

RECOMMENDATIONS

To address the threats to the public's health, safety and welfare addressed above, recommend the following:

Independent Traffic Impact Study:

Beavercreek should charter an Independent Traffic Impact Study per the guidelines of the Ohio DOT (LTAP Center) to insure completeness and objectivity.

The study should focus on accidents/potential for accidents at the Straight-Arrow/County Line intersection currently and with the projected increase in traffic.

Changes to Developer's Proposed Development Traffic Plan:

That Independent study should consider the following changes which are based on the observation and experiences of long-time residents. These changes would appear to best insure the public's health, safety and welfare:

-- Change the County Line Rd primary ingress/egress point from the already hazardous, poorly designed intersection with Straight Arrow to the larger, better-designed intersection with Weber Road.

--- With its properly-constructed Right turn/merge lane, the Weber Road intersection is better-equipped to safely handle the increase in Left-turning traffic exiting from Weber onto County Line, especially as the curb lane there extends for well over a mile, vs within just 500 feet, as with the Straight Arrow Rd intersection.

-- Further, relocating the primary ingress/egress point to Weber Rd would allow for a longer stretch of Road over which to extend the increasing traffic back-up at drive times, and that back-up would be broken and controlled somewhat by the intervening Straight Arrow Rd intersection.

-- To change the primary ingress/egress point would require providing full vehicular access through North Quill Road instead of South Quill Rd.

--- This change to North Quill would also preserve the school bus stop and preclude dense traffic on the short stretch of Straight Arrow from Quill South to the intersection with County Line.

--- Further, it would be more centrally located and direct not only for the residents of the Cottages, but also for service providers (waste pickup, movers, delivery trucks, etc.).

Alternative Recommendation:

If the primary ingress/egress point remains at the Straight Arrow/County Line intersection, that intersection should be improved and made safer, potentially by constructing a proper Right turn/merge lane (as at Weber intersection) and simply closing the curb lane at that point vs about ¼ mile.

The developer should pay the cost for improvements to this intersection and any other required road improvements as a development impact fee as provided for by the Ohio Supreme Ct decision in *Homebuilders Assn of Dayton and the Miami Valley v. City of Beavercreek (2000)*.

To: the Beavercreek Planning Commission

I just moved here a little over a week ago, I chose to live at Cinnamon Ridge I bought the Condominium. I oppose to the 94 Brand new Condominiums - The Cottages of Beavercreek. I bought here because of the atmosphere and Rural Character. It is so nice to see trees, open area. I do not want to look into another Condo there is privacy here!

Also, they could use Cinnamon Ridge Resources. Traffic is already terrible around here Reynolds + Reynolds does add a lot, but there are apartments also, homes, limited access to County Line Rd. The traffic is the worst during morning commutes and evening

This will make it worse! It is so quiet and beautiful to build these, tearing down trees open space means a lot to all who live here.

This will put a significant impact on our property values and day to day life. I bought this to be my home for the rest of my life.

I hope you will reconsider this, leave it as it is.

Mary Anne Cassano
Mary Anne Cassano

4408 Straight Arrow

Melissa Gillaugh

From: jsullivan40@woh.rr.com
Sent: Wednesday, May 04, 2016 2:17 PM
To: Melissa Gillaugh
Subject: PUD 16.1 Zoning Code Proposal - City Of Beavercreek

Planning Commission:

I am against the Proposal for a Zoning Code revision #158.126 allowing the "Keeping Of Chickens In A Residential District". The proposal should be rejected in its entirety.

The practice of raising chickens should be continue to be considered "Agricultural" and remain a restricted practice to property use within City Zoning boundaries per existing city residential zoning regulations.

Permitting the raising of Chickens represent potential issues related to cleanliness, rodents, predators, care /feeding, etc. Further, there are potential issues related to the compliance of the proposed restrictions by any resident who would choose to raise chickens. The enforcement, policing, cost of ensuring adherence to the proposed restrictions (number of chickens, sanitation policies, structure adherence, boundary adherence) outweigh any proposed overall benefits (number of practitioners, home grown food, etc.)

Permitting the residential Chickens represents potential unfavorable situations to other residents (neighbors, plats, property values, health, unsightliness etc.) The enforcement / policing of the existing restriction is currently in a somewhat "lacking" state. The proposal contains limited provision related to enforcement.

Further a "one year trial" simply represents a practice of "kicking the can down the road". The issue would subsequently need to be re-reviewed, re-addressed with additional consideration should it be necessary to stop / disallow the practice.

We have been a city for several years without allowing this capability. Overall adverse affects are/have been little to none. City Planning and City council should continue to focus their efforts on better priorities related to business zoning, PUD zoning, overall zoning Plans, Overall city budget, issues etc. The Revision #158.126 is not a "current day" practice for a city of this size.

As 60+ year residents we are against proposal #158.126.

John T Sullivan
Susan C Sullivan
816 Vernis Drive
Beavercreek Ohio 45434

Melissa Gillaugh

From: Jim and Pam <jreisen@woh.rr.com>
Sent: Wednesday, May 04, 2016 1:28 PM
To: Jeff McGrath; Melissa Gillaugh; Dianne Lampton
Subject: Fwd: Suburban Chickens
Attachments: backyard.jpg; chickens.jpg; coop.jpg

Hi All,
As information for the planning commission meeting tonight, I'm forwarding information to the city manager that started this effort. I thank you for your time and look forward to meeting with you this evening.
Jim Reisen

----- Forwarded Message -----

Subject: Suburban Chickens
Date: Tue, 13 Oct 2015 08:47:02 -0400
From: Jim and Pam <jreisen@woh.rr.com>
To: manager@beavercreekohio.gov

Hi Mr. Cornell,

I think you wanted me to give you a call sometime, so I thought I'd send you a little background first and then you can call me at your convenience. I'm retired, so my day is pretty unstructured. You can see from the pictures, that the chickens have a pretty good life and a minimal impact on the yard. The fence keeps them completely contained and off the neighbors property. The left side is a stockade fence which is good because those neighbors have a collection of dogs, some of them large. They've been there all summer (and kept down the bugs, even mosquitoes) and the neighbors, as far as I know, didn't initiate the complaint. Last week our water service failed (between the meter pit and the house), and that's a long sad story. We should be getting it repaired tomorrow. But I suspect that it was a contractor here for an estimate (or the people who recently mowed the wetlands park adjoining our property) that thought it was their civic duty to report the chickens. So that's where we are. It would be nice if we could find some accommodation or change to the city rules.

Aloha,
Jim & Pam Reisen
826 Vernis Dr.
(937) 426-4556

ps - Yes, we lived in Hawai'i in a subdivision with 5,000 sq. ft. lots, and oddly enough chickens were allowed (up to 3) including roosters because it was a religious exemption!

