

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, June 1, 2016

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

ABSENT: Mr. Loftis, Mr. Self

Vice Chairman Archibald called the meeting to order followed by roll call.

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

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

Mr. Curran MOVED approval of the May 4, 2016 minutes. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

DECISION ITEMS

PUD 16-1, The Cottages of Beaver Creek Rezoning

Mr. Erbes MOVED to untable PUD 16-1. Motion was seconded by Mr. Curran and PASSED by majority voice vote.

Mr. Archibald said at the last meeting there was a lot of input and discussion from the community, and one of the items the Commissioners requested was for the developer to meet with the residents of the area to see if a resolution could be released. He stated he was inclined not to reopen the public hearing because the public input was taken under advisement at the last meeting. Mr. Archibald thought there was some new information as far as written input as a result of those meetings and would ask the Commissioners to question people who were in attendance about the results of the meetings.

Charles Simms referred to Exhibit A, and said that is the revised plan. Mr. Simms reviewed the concerns of the Commissioners and the citizens' concerns from the previous meeting. He explained he has had four meetings with the homeowners, and felt they had gone very well. Mr. Simms referenced Exhibit A, and discussed how the emergency accesses have been adjusted. He stated they are going to maintain the buffer on the north side next to the single-family lots, and are planning to come out 10 feet and have nothing and with the remaining 40 feet they will create a 6-foot berm and put landscaping on it. Mr. Simms said with the comments about the density being too high, they made the buffer to the south a 50-foot buffer so it reduced the total to 90 units. He said some of the items that were brought up last month will be addressed at the specific site plan stage, and one of the items was parking. Mr. Simms explained he went ahead and showed where they can add parking in certain areas and that all the units will have a two-car garage and two parking spaces in their driveways so the parking requirements will be met.

Mr. Simms said there will be a 50-foot buffer on the south side, and determined a four-foot mound can be constructed there because they have to have room for drainage. He stated there will be trees on that buffer also. Mr. Simms explained the homeowners do not want any connecting paths in the park area, and the developers are fine with that but the City will own it and it will be up to the City. He stated the City Engineer spoke at the last meeting regarding the traffic study, and the Engineer did not think this development would have much of an impact on the overall traffic and did not think a traffic study was necessary. Mr. Simms said there were concerns about two-story units being constructed, but he has agreed the units will be one-story. He explained the residents requested that the buffer is constructed with the trees on it before the framing of the first building is done, which he did not a problem with.

Mr. Simms discussed the emergency accesses and explained the citizens requested the existing vegetation be kept there, but Mr. Simms thought that was something that the City would decide. Mr. Archibald questioned if that was a mature tree that sits there. Mr. Simms stated the tree is about 90% dead, but there is some vegetation around it and it does provide some screening. He said some neighbors are concerned that people will drive through the emergency access, but he thought if they were done with the grass and proper signage that could be stopped. Mr. Simms said the Quill Road access to the south is not something he is able to resolve because it is up to the City and thought it would be addressed at the specific site plan stage. He stated all the mature trees will be kept on the property. Mr. Simms referred to a 40-foot buffer around the pond, but they are showing 25 feet because they have to make sure they have ample drainage for the site. He said if it is 25 feet they will do a little bit of mounding there and plant some trees for some screening. He stated the construction traffic will come in on County Line Road only.

Mr. Burkett discussed the updated resolution that will be legally binding. He explained the more detailed design plan will be brought forward at the specific site plan stage. Staff recommended approval of the case with nine conditions.

Mr. Archibald requested the president of the homeowner's association, Brian Daniel, to give his perspective of the meetings, perspective on Mr. Simm's presentation tonight, and if they are at a reasonable point now. Brian Daniel stated there was a lot of good discussions and many of the owners' concerns were raised but it was clear to him that there is still more concerns and not a true consensus was reached. He explained there were a lot of issues, but not everyone is content with the design and supportive of the proposed application. Mr. Daniel said some of the items were not discussed in the meetings as to how Mr. Simms presented them tonight so there is a discrepancy. He explained they requested a six-foot mound along the southern property line and there was a lot more specifics about the landscaping and the trees, and they were very concerned with how that is done because of the separation between the two developments. He understood the landscaping is discussed in a later process, but that is where a lot of their concerns are so it is difficult to say there is a consensus when there is no clear understanding of what that is going to be like. Mr. Daniel explained they had concerns about headlights, foot traffic, and personnel coming from one community to other and none

of those items are addressed in the vagueness that are presented tonight especially with a shortened term suggested by Mr. Simms.

He explained another major concern is the connection between The Cottages and Straight Arrow Road. He said there is a bus stop at Straight Arrow Road and County Line Road, and it is the only exit and entrance into their community. Mr. Daniel encouraged Mr. Simms to change that intersection into an emergency access only and not a road, which he said is the City's choice. He said the property values are still a concern, and putting more units that close together is not going to help the value of their units.

Mr. Daniel explained part of the appeal of the City is the natural landscape and there are sections of town that have rural settings, and this development pretty much eliminates that in their area. He said no site plan is going to fix that which attracted them to the area. Mr. Daniels said at the last meeting Mr. Erbes was concerned about some houses becoming double frontage lots, and did not believe this new plan addressed those concerns. He also mentioned a statement Mr. Erbes made at the last meeting about stacking two developments together. Mr. Daniel did not feel there was a consensus and felt like there were a number of concerns yet.

Mr. Daniel explained as the president of the homeowner's association he was still concerned about the separation and isolation of the two communities, and said all enforcements cost time, money and resources so it becomes a resource burden on them when there are enforcement problems. He believed there will be a number of enforcement problems between one community and the other because of how close they are to each other. Mr. Curran said the fundamental question is that it is green space now and it will be houses then. Mr. Daniel said yes, and there was a room full of people expressing they don't like that idea and the reason they came to Beaver Creek was the greenspace.

Sean Simmons, 4282 Weber Drive, stated they met with Mr. Simms and discussed the road on their end and the noise pollution in their rear yards. He said he was the one who modified the existing site plan, and Exhibit A does reflect some of the changes they want to see if this plan is approved. Mr. Simmons explained there is existing vegetation, and it is a dead tree, but it blocks all of Quill Road. He stated it gives the illusion of privacy, and a huge wall of privacy will be removed if it is torn down. Mr. Archibald explained from personal experience when a dead tree is left up and things start happening to the tree huge insurance issues are incurred. He said leaving a dead tree in a public place is not good judgement in his opinion.

Mr. Simmons referred to the agreement with the one-story dwellings and stated in the resolution it said principal dwelling units and questioned what the difference is between dwelling and principal dwellings. Mr. McHugh explained Condition #9 lists that they are limited to one-story. Mr. Simmons said a principal dwelling means all dwellings. Mr. McHugh said yes. Mr. Simmons said a lot of the residents had questions regarding the binding nature of this document as it pertains to future meetings. He questioned if this was just a concept plan, if it could be revisited at a later phase of approval. Mr. Archibald said

since this is a PUD the principal dwellings will remain as one story and in order to change it an amendment would have to be done and would have to go through the same process again. Mr. McHugh explained this is a recommendation for City Council, so City Council would need to approve it first. He said assuming City Council would accept the recommendation of Planning Commission, then it would become binding on the developer and the City. Mr. McHugh stated to make a major change would require them to go through the process again.

Mr. Archibald explained this is a rezoning case, and they are essentially requesting the land to be changed from agricultural to residential within a PUD. He stated the Land Use Plan supports that and allows them to change the use to medium density residential units. Mr. Archibald said if this is approved, the next step is for the developer to create a site plan. He stated several items Mr. Daniel alluded to will not be known until that stage. Mr. Archibald said once the specific site plan is approved, then the developer can start the project. Mr. Simmons said since the rezoning would specify that all the dwellings have to be one-story then at the specific site plan that cannot be deviated from because it is already approved in the concept plan. Mr. McHugh stated that was correct.

Mr. Curran asked how the emergency accesses will work and if there will be a gate there. Mr. Burkett said a gate design could be created at the specific site plan stage. He explained there will not be pavement, and it will look like a grass field between the curb line and the end of Quill Road. Mr. Curran questioned what the City Engineer said about Quill Road being opened to the south. Mr. Burkett explained there were traffic lights at Straight Arrow Road and Weber Drive, and if Quill Road was cut off the only reasonable exit would be to put another light at County Line Road. Mr. Burkett stated that would create three traffic lights within 100 feet of each other, and they wanted to keep Quill Road open so they could have access to an existing traffic light. He said that access point is an important access point to have. Mr. Archibald said it created cross access between the two developments much like many of the other developments that have been built in Beaver Creek. Mr. Burkett stated yes. Mr. McGrath stated the access point was reflected on the last concept plan and there was plenty of public discussion on that connection. He said it was recommended by the City Engineer and is not something that is new to the public hearing. Mr. McHugh stated this was a concept plan and not a specific site plan.

Mr. Erbes said the Commissioners understood the sensitivity towards this project, and they are looking for what is best for the City of Beaver Creek and the residents so they look at it from all aspects. Mr. Erbes referred to the plans attached to the resolution, and said the lane looked to be shifted to the south and more to the west. Mr. Burkett said yes there was a slight shift. Mr. Erbes felt the two pages conflict with each other, and he was sensitive as these changes are made to have a road behind people's houses. He thought adjustments were being made, and wanted to make sure the documents are consistent, clean, and reflect the same concepts.

Mr. Erbes referred to the setbacks and no-cut zones and said it appeared at the north end of the property they are extending the 50-foot setback now and a 25-foot no-cut zone. Mr.

Burkett said yes. Mr. Erbes asked if that is where the mounding is going to be four-foot. Mr. Burkett said there are no trees, there will be a four-foot mound to the south and a six-foot mound to the north. Mr. Erbes said the reason for the four-foot mound is because of drainage and swells. Mr. Burkett stated that was correct. Mr. Erbes stated he still had a concern with the road to the proximity of the houses to the north, and he appreciated Mr. Simms working with the residents. He stated he had concerns with how the road pushes everything to the south, the density, and the congestion of the area. Mr. Erbes said when he looks at the property to the south along Longmeadow Lane where houses are along both sides he felt more comfortable with it and thought it would be worth considering. He explained since there were only three Commissioners present tonight, he was very concerned that the input of the other Commissioners is important and that their voice should be heard as well on something so critical in the community.

Mr. Archibald referred to the email Mr. Daniel sent out and said the last two items were about the development being age restrictive and no walkways between the two communities, and asked him to elaborate on those two items. Mr. Daniel stated the age restriction is something that can be added to PUDs and is allowed in the Fair Housing Law and the laws of the State of Ohio that govern planned communities. He explained it restricts the owners and occupants of that complex to members that are 55 years old or older. Mr. Daniel said Mr. Simms has mentioned it several times that he is building this development for empty nesters, and given how close the proximately is part of their concern is the interaction of people. He stated if The Cottages are truly being built for empty nesters that means there would be less people in those units, and that changes the dynamic of the neighborhood. Mr. Daniel explained, if that is Mr. Simms' intent, then evoke the age restriction laws so they know for sure it is going to be an empty nester residential neighborhood. He stated if nothing is put in place then Mr. Simms can sell those units to any age group and would change the consensus of this design. Mr. Archibald said just because it is empty nester does not mean it has to be age restrictive, and those are two separate things. He explained that is a choice Mr. Simms has, but the City will not require that.

Mr. Daniel stated the walkway issue is because they will be responsible for the wear and tear on their walking path, and those are the fees and costs they want to avoid by not encouraging the residents of The Cottages to come over and enjoy their walking path and using their resources that they have to pay for and support. Mr. Archibald said as Planning Commissioners they want to make Beavercreek an inclusive community and do not want them to be stove piped developments and he was a little disturbed when he said that they wanted to cut everyone off and not be part of anyone else's community. Mr. Daniel stated he understood Mr. Archibald's concerns about inclusiveness, but the issue is the close proximity. Mr. Archibald said if it is done right it can be very amenable. Mr. Archibald questioned why they want single-story units. Mr. Simmons said when they bought and built their homes, the view was one of the selling points. He stated when they met with Mr. Simms they stressed they wanted some sense of seclusion. Mr. Simmons explained in the winter months a person can see straight through the woods, and they are trying to find

some middle ground so if they are one-story homes maybe that will preserve some privacy.

Mr. Curran MOVED to approve the June 1, 2016 resolution with the nine conditions and Exhibit A should reflect 90 units. Motion DIED due to a lack of a second.

Mr. McHugh stated there is only one other Commissioner able to vote on the case because the other Commissioner has a conflict and has to recuse himself. Mr. Archibald agreed with Mr. Erbes and thought it would be best to have the other Commissioner's comments. Mr. McHugh stated then a motion to table would be in order.

Mr. Erbes MOVED to table PUD 16-1 until Mr. Loftis is available to review the revised resolution. Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

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. Curran MOVED to untable PC 16-1. Motion was seconded by Mr. Erbes and PASSED by majority voice vote.

Mr. McGrath discussed the changes that were made to Chapter 158.126, "Keeping of Chickens in Residential Districts".

Mr. Curran asked if this was for one year. Mr. McGrath stated the sunset provision is for one year.

Mr. Archibald referred to Chapter 158.126 (A)(4), and suggested changing "butchered" to "slaughtered on residentially zoned properties".

Mr. Curran questioned who would be enforcing this. Mr. McGrath said it will be the Code Enforcement Officer in the Planning Department. Mr. Archibald stated he thought it was going to be Greene County Animal Control. Mr. McGrath explained if it gets to a point where it is an animal control issue then they will step in. He stated the Code Enforcement Officer is also a sanitarian, so some of the things about the adverse effects that may come along with them if they are not being cleaned or any nuisances come about because of the way they are being maintained, he does have a background in that to make a definitive determination.

Mr. Erbes said if this was approved by Planning Commission, he asked what the next step would be. Mr. McGrath stated it would move to City Council, and would have three readings at City Council.

Mr. Curran asked if they would be the first City in the region to allow chickens. Mr. McGrath said no, there are cities around here that do not regulate them at all so they are allowed.

Mr. Erbes stated this approval would be for the chickens and the signage. Mr. McGrath said yes, and if it was the consensus of the Planning Commission to remove the chickens then a motion would need to be made to approve the other items. He suggested making a motion ahead of the motion to recommend approval to eliminate what they do not want approved.

Mr. Erbes MOVED to separate Chapter 158.126 "Keeping of Chickens in Residential Districts" from the other changes that staff has provided. Motion FAILED due to a lack of a second.

Mr. Curran MOVED to approve PC 16-1. Motion FAILED due to a lack of a second.

Mr. Erbes MOVED to table PC 16-1 until the July Planning Commission meeting. Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

PUBLIC HEARINGS

PUD 15-3 SSP #2, Beaver Creek Retail

Clerk Gillaugh read the notice of public hearing on an application filed by Domenico Stolfo, 3500 Pentagon Blvd., Beaver Creek, OH 45431. The application requests specific site plan approval for 1.0532 acres of land to allow for the construction of a 7,440 square foot retail building located on the southwest corner of North Fairfield Road and Dayton-Xenia Road. The property is further described as Book 5, Page 5, Parcel 89 on the Greene County Property Tax Atlas.

Jerad Barnett, Synergy & Mills Development, stated they are proposing to construct a retail building on the corner of Dayton-Xenia Road and North Fairfield Road. He said when the AAA site plan came through they discussed the importance of that intersection. Mr. Barnett believed the plan they have created is a good plan for the corner and thinks that is one of the key intersections in Beaver Creek. He explained they tried to create a project with some outdoor components that will enhance the investment the City has made in the pedestrian piece of the corridor. Mr. Barnett discussed a color rendering of the site, and said they are going to try to tie the City's hardscape near the clock tower in with the hardscape they are proposing. He stated they want people to be able to see it as a walkable area, and wanted to see the pedestrian traffic move west of the intersection. Mr. Barnett said with them investing in that corridor and with AAA he believed they will be able to pull the pedestrians west. He explained they have a great relationship with AAA, and said their sites blend together and they have cross-parking and cross-access agreements.

Mr. Burkett summarized the staff report dated May 27, 2016, which stated the applicant is proposing to construct a 7,440 square foot multi-tenant retail building on 1.05 acres. He

discussed the location of the property, the access points, the traffic flow around the site, the parking requirements, the architectural elevations, the lighting plan, the landscaping plan, and the signage requirements. Staff recommended approval of the case with 20 conditions.

In public input, Nathan Falu, 3534 Dayton-Xenia Road, stated he looked forward to having more eatery facilities in the area. He said they plan on staying in the area, and it would be nice.

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

Mr. Erbes referred to the landscaping plan, and asked if there was any landscaping that existed along the southern property line. Mr. Burkett said no, and said there is going to be an eight foot retaining wall because of the grade difference. Mr. Erbes referenced the northeast corner of the site, and requested some signage be installed making sure people don't try to go that way. Mr. Burkett stated the necessary traffic control signage will be placed appropriately on the site. Mr. Erbes asked if anything was changing with the entrance/exit and it being a right-in/right-out only. Mr. Burkett said nothing was changing because it is in the ordinance.

Mr. Curran thought it was a nice design and thought it would be an asset to Beavercreek. He looked forward to some stores moving in at that location.

Mr. Archibald hoped that something aesthetically pleasing would be built on this corner, and thought what is proposed will be. He was concerned with the overhead wires and asked if there was anything that could be done. Mr. Barnett explained they have tried to accommodate them with the site plans. He said they have had some success in the past moving wires, but the poles are very expensive to relocate. Mr. Barnett stated they have met with DP&L on site, and it is something on their radar but didn't want to make promises he could not deliver. He explained when everything is bare they stand out more, and when they are incorporated into a site plan they tend to hide themselves better. Mr. Archibald said this is Beavercreek's premier corner, and he thought the lines would be a major distractor. Mr. Barnett stated they will do everything they can in landscaping and hardscaping, and they are already going to spend dollars they are not going to get back on that corner because they want it to be beautiful. He said they want to make some improvements and help take care of the maintenance so it looks like any of their sites.

Mr. Archibald asked if they had considered tying the paver patio into the sidewalk. Mr. Barnett explained that was their vision but there is such a grade change, it was difficult to do. He said it will bring them back to the sidewalk along the street so there is connectivity without having to go through the parking lot, but because of the grade change it was either what is proposed or steps. He stated because of ADA requirements they wanted to use a ramp versus stairs. Mr. Archibald asked if a person could access the grass from the patio paver area. Mr. Barnett said yes. Mr. Archibald questioned if the grass went up to the sidewalk. Mr. Barnett stated it did, and thought it should all blend together very well.

Mr. Archibald asked how many people the bistro will seat. Mr. Barnett said they put the signs on there, but they do not know who is going in there and it is speculation. He explained they just started marketing the site about a week and a half ago, and there is a lot of interest. Mr. Archibald thought the outdoor patio is going to be a big draw. Mr. Barnett agreed, and thought it was very important. Mr. Archibald questioned if the drive that is shared with AAA will be a pass through road. Mr. Barnett said yes, there will be no curbing there and it is easy to go back and forth. He explained AAA's parking needs are not significant and they are probably a little over parked. Mr. Barnett stated they are not allowed overnight parking, so when their dinner traffic is heavy, there will be more parking spaces available.

Mr. Erbes MOVED to approve PUD 15-3 SSP #2 with 20 conditions:

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

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

18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.

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

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

Motion was seconded by Mr. Curran. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

PUD 98-9 MOD 5/16, The Lux at Beavercreek, Major Modification

Clerk Gillaugh read the notice of public hearing on an application filed by Anthony Birkla, 881 3rd Avenue SW, Suite 100, Carmel, IN 46032. The applicant requests a major modification for 4.5339 acres of land to allow for the construction of one multi-family residential building consisting of approximately 100 apartments located on the northeast corner of the intersection of Hibiscus Way and Park Overlook Drive. The property is further described as Book 1, Page 10, Parcel 115 and 116 on the Greene County Property Tax Atlas.

Tony Birkla, owner of Anderson Birkla Investment Partners, stated he is the owner of two of the adjacent properties in Beavercreek. He explained this project is about 100 units and is a neighboring property to the other two projects. Mr. Birkla described the other projects they built and where they were located. He said they have tried to create something unique, and felt his product is targeting what they see is really missing in the community. Mr. Birkla stated the development will have a pool, club and an amenity area that will have a lounge and fitness area, attached garages, and a complementary outdoor landscaped area. He explained this property was supposed to be a phase of the Mills Development, but thought they have created a development that is complementing to the round-about and the extension of Park Overlook Drive. Mr. Birkla stated they are excited about the development.

Ms. Pereira summarized the staff report dated May 27, 2016, which stated this request was for a major modification to allow the construction of one multi-family residential building that would include 100 units on approximately 4.5 acres. She explained what the original site plan was approved for, how many residential units were permitted in the PUD, the land usage for the PUD, the building setbacks, the building design and materials, the storm water management, the landscaping plan, the parking requirements, the cross-parking agreement, and the access points. Staff recommended approval of the case with

20 conditions.

In public input, Nathan Falu, 3534 Dayton-Xenia Road, stated he is looking forward to the expansion to The Lofts. He was concerned with what they are going to cost because the current apartments cost a little more than what the average military member makes and many WPAFB employees stay in Beavercreek. He gave an example, and said he had many military friends who stay there and thought more would stay there if the price is more in line with the military pay grades.

Ryan Cappo, 3636 King Edward Way, stated his concern was addressed. He explained his concern was regarding the access to Park Overlook Drive. He thought it looked like a good design.

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

Mr. Erbes said in the two other phases of The Lofts there has been more of a two-story to three-story high brick veneer on the front, and questioned if there was a reduction with this phase and more hardy board being used. He understood they were changing colors of pallets, and asked why the changes are occurring since what is existing is very nice looking. Ms. Pereira explained the colors are a little bit different, but did not feel they were necessarily completely different. She believed they were trying to create more of a modern and urban look, which she thought still ties into the rest of it without looking completely different. Ms. Pereira explained how high the brick was going to go on the proposed building, and felt that the elevations that were submitted were compatible and aesthetically pleasing.

Mr. Erbes said there will be additional evergreens added to the parking lot to the east and asked if it will be the same density as what existed along the northern part of the parking lot. Ms. Pereira said yes, and discussed how the applicant had modified the site plan so the parking spaces would not face along the eastern property line.

Mr. Archibald stated he liked the concept and thought it was a good reuse of what was originally approved. He questioned why it was changed from office to residential on this property and what the thought was behind having a 100-unit building and why the setbacks were minimal. Mr. Birkla said the property was for sale, and they have over 40 million dollars in investments and thought the best way to protect that corner was to build it their selves. He explained out of the three projects, he is most excited about this project because in Phase I they were blazing new territory with an urban style development with large buildings. He said the success of the development was unbelievable, and when the hospital was built it allowed for their construction of Phase II. Mr. Birkla explained in Phase II the quality was stepped up a little bit from Phase I inside the units. He said they remain 98% occupied, and have never dipped below the lower 90%. Mr. Birkla explained they wanted to create a denser community and Phase I was a success they never anticipated.

Mr. Birkla stated in regards to the setbacks, it is the most urban of the three. He said it is one building that is elevator driven, so it opens up the demographics to an older and younger population. Mr. Birkla said the hallways will be heated and cooled, and has been successful in the other projects they have done. He said it really becomes more like a resort because people do not have to leave the building to access the gym or lounge. Mr. Birkla said in regards to the brick and color, they are trying to mimic more of a metal panel look with a quality material and hardy board to create a complimentary look to the other buildings. He said bringing the building closer to the street helps with the urban feel. Mr. Birkla explained the price points are going up because they will have upgraded amenities in the apartments. Mr. Birkla discussed Park Overlook Drive and was excited to see it was going to be cut through to Grange Hall Road. He said they have worked on market studies so they can create a unit that will complement the other two phases.

Mr. Archibald asked how the existing buildings compared in size to the proposed building. Mr. Birkla stated Phase I has 209 units, Phase II has 116 units and Phase III is proposed to be 100 units. Mr. Archibald questioned what the size of the new units will be. Mr. Birkla explained they will be a little smaller, but they will have upgraded finishes and amenities. Mr. Archibald was concerned with the parking, and did not have a problem with the additional parking being in the office parking lot except it takes a resident further away from their home. He asked if the applicant had any flexibility in bringing the parking closer to the building or numbering the parking spaces according to what apartment they are in. Mr. Birkla explained they have gone through many versions of the plan, and said the other units are about 1.5 spaces per unit and they have never had a parking issue. He said they reduced the number of parking spaces to pull the parking spaces away from the existing neighborhood to the east. Mr. Birkla said they went away from the parking in the u-shape part of the building so the amenities could be closer and better greenspace by the pond. Mr. Archibald understood, and did not see where anything could be done.

Mr. Archibald asked who will own the entrance into the property on Hibiscus Way because he was concerned about vehicles traveling on the road, and thought with all the traffic there needed to be a control put in there. Mr. McGrath said the entrance/exits will line up on Hibiscus Way, and said other than signs he wasn't sure what could be done. Mr. Archibald was thinking a light needed to be installed. Mr. McGrath explained a traffic light has to be warranted by the State to be installed, and he did not feel there would be enough traffic there for a light. He said the Engineering Department could look at it and see what could be done. Mr. Archibald discussed a situation that happened today, and said there were no marking on the road. Mr. McGrath said marking could be addressed and he would talk to the Engineering Department to see what can be done.

Mr. Curran MOVED to approve PUD 98-9 MOD 5/16 with 20 conditions:

1. The approved site plan, architectural elevations and landscape plan shall be those plans dated "Received May 25, 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 Department prior to the execution of the required PUD Agreement and release of any zoning permits for The Lux at Beavercreek. The final landscape plan shall show a row of evergreens along the eastern property line adjacent to the parking lot.
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. Light fixtures shall match the existing fixtures within College Park South.
7. A special lighting assessment district for operational costs and not installation of fixtures shall be created and approved by the City Engineer. The installation of the streetlights is the responsibility of the applicant and not the City.
8. 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.
9. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
10. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance 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 for exterior work 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. Mechanical and HVAC equipment must be screened with landscaping and/or parapet walls and shall not be visible to the public.
16. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit
17. Prior to the release of any zoning permits, park fees shall be paid.
18. Prior to the release of any zoning permits, impact fees shall be paid.
19. A replat shall be approved by the Planning Department and all necessary bonds and fees shall be paid prior to the release of a zoning permit for any building.
20. Aeration and water circulation devices and/or fountains are required for the retention pond(s) and shall be maintained by the owner, developer, or the condo association in perpetuity.

Motion was seconded by Mr. Erbes. Motion PASSED by a roll call vote of 3-0. (Loftis, Self absent)

ADJOURNMENT

Mr. Erbes MOVED adjournment at 9:11 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk