

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, July 6, 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. Archibald and PASSED by majority voice vote.

Mr. Erbes MOVED approval of the June 1, 2016 minutes. Motion was seconded by Mr. Archibald and PASSED by majority voice vote.

DECISION ITEMS

PUD 16-1, The Cottages of Beavercreek Rezoning

Mr. Self recused himself from the case.

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

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.

Mr. Burkett discussed the change to Condition #8 regarding construction traffic, and said that was the only change to the resolution since the previous meeting.

Mr. Archibald explained this case is a rezoning case and is not the approval of the specific site plan. He stated if the Commission does approve the case tonight, the case will move on to City Council for three readings before they vote on it.

Mr. Curran was pleased with the effort Mr. Simms and the residents went through. He said he was for the application.

Mr. Erbes stated once he reviewed the revised packet it provides some clarity regarding the routing of the road to the north and the berming concerns he had. He appreciated the additional information to help them consider the case tonight.

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Mr. Archibald appreciated Mr. Simms working with the citizens to resolve some issues and to reach some compromises, and to keep in mind those discussions need to be continued if this case goes forward. He believed there had been some significant changes made based on input from the community.

Mr. Curran MOVED to approve PUD 16-1 with 10 conditions:

1. The approved concept plan shall be the plans dated "Received June 21, 2016", except as modified herein.
2. Principal and accessory uses permitted in this R-PUD shall only be the following:
 - One Family Dwellings
 - Two Family Dwellings
 - Multi-Family Dwellings
 - Private garages for storage of vehicles of residents and employees
 - Private swimming pools and club houses for use by residents and guests only.
 - Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.
3. Maximum density for this property shall be 4.31 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 90 dwelling units.
5. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
6. Building plans, designs and elevations for residential structures within the 20.03-acre project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
7. Open space for this development shall be no less than 55% of the total land area.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
9. All principal dwellings shall be limited to one story.
10. Buffers and grading limits for the project shall be as follows:
 - Where the woods exist along the southern property line abutting the multi-family residential properties, maintain 50 foot buffer from the property line. No grading or removal of vegetation permitted with the southern 25 feet of this 50-foot buffer, or as regulated by Planning Commission and/or City Council at the specific site plan Stage.

- Where there are no woods along the southern property line abutting the multi-family residential properties, construct a 4-foot mound, complimented with dense evergreens trees.
- Where the woods exist along the northern property line abutting the single family residential properties, maintain 50 foot buffer from the property line. No grading or removal of vegetation permitted within this 50-foot buffer, except within the southern two feet, or as regulated by Planning Commission and/or City Council at the specific site plan stage.
- Where there are no woods along the northern property line abutting the single family residential properties, construct a 6-foot mound, complimented with dense evergreens trees.
- If acceptable to Beavercreek Fire Department, maintain natural barrier (tree) that dead-ends on Quill Drive to the north by curving the emergency access road.
- Emergency access roads shall be constructed from grass pavers, the final design and location subject to review and approval at the specific site plan stage.
- No construction traffic shall be permitted on Quill Road, Terrace Drive, or Straight Arrow Road.

Motion was seconded by Mr. Loftis. Motion PASSED by a roll call vote of 4-0. (Self recused)

PC 16-1, Zoning Code Updates

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

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

Mr. Archibald stated he recommended a change from last month that was not included in the packet regarding Chapter 158.126 (A)(4), which was changing the word “butchered” to “slaughtered”. He believed they all agreed on the change, but it just didn’t get changed. He said there has been some concern about Beavercreek being an agricultural community by allowing chickens in residential areas, but he felt staff had done a really good job of putting the package together to layout the ground rules and what the requirements are. He said if those are not properly maintained then the City can pull the permit and the people will have to get rid of the chickens. Mr. Archibald said the City also included a sunset provision that means after a year if it is not reviewed and approved permanently then it goes away. Mr. McHugh stated if it is approved, Council will reevaluate the conditions and they have the authority to repeal it if they find it is not working. Mr. Archibald thought this was an opportunity to see if it will work, and if not there is a way out.

Mr. Curran said he had some conversations with citizens, and has had some trepidation about it, but he thought he could support it with the sunset provision.

Mr. Erbes thanked staff for the updates regarding the signage, and felt he had made his voice clear regarding the chickens.

Mr. Self referred to the definition of "Sign, Commemorative" and asked if that was something similar to a state historical plaque. Mr. Burkett stated that was correct, and said it would be a city, state, or federal sign. Mr. Self thought the sunset clause was a good idea with the chickens, and if it does not work then it will die automatically unless renewed by Council. Mr. Self referenced Chapter 158.146 (C)(3) and believed LED tubes are larger than half inch. Mr. Burkett said they would look into it. Mr. Self referred to Chapter 158.148 (H), and suggested adding that verbage in there too because it matches up with Chapter 158.146 (C)(3).

Mr. Archibald MOVED to approve PC 16-1 with the changes that were discussed tonight. Motion was seconded by Mr. Loftis. Motion PASSED by a roll call vote of 4-1. (Erbes opposed)

PUBLIC HEARINGS

PUD 16-2, Creekstone Rezoning

Mr. Erbes recused himself from the case due to the close proximity of his home.

Clerk Gillaugh read the notice of public hearing on an application filed by Oberer Land Developers, Ltd, 3475 Newmark Drive, Miamisburg, OH 45342. The application requests approval of a residential planned unit development (Creekstone) by rezoning 69.1 acres of land from A-1 Agricultural District and R-1A One-Family Residential District to R-PUD Residential Planned Unit Development. The property is located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall and Shakertown Roads. The property is further described as Book 3, Page 13, Parcels 29 and 30 on the Greene County Property Tax Atlas.

Mr. Burkett summarized the staff report dated July 1, 2016, which stated the applicant is requesting to rezone 69.1 acres to R-PUD to construct a low-density single family development consisting of up to 145 units. He discussed the location of the property, the zoning classification for the property under discussion and the surrounding properties' zoning classifications, the Land Use Plan designation for the property, the proposed concept plan, what type of homes are proposed, the density calculation, the setback requirements, and several conditions in the resolution. Staff recommended approval of the case with eight conditions.

George Oberer Jr., Oberer Companies, discussed the overview of the Oberer Companies and the location of the proposed project. He showed the conceptual plan and reviewed the types of homes they are proposing to build. Mr. Oberer explained they are proposing a tree preservation area along the northern and eastern boundary lines and he discussed the storm water management they are planning on doing. He stated they did have a traffic study done because of the concern about visibility from the Grange Hall Road access

point, and it was determined to be a safe location. Mr. Oberer said they are proposing a pedestrian access only to River Hills Road, and said it would be difficult to connect a street because of the grade and they want to make sure they get adequate drainage in place to get the water to the pond.

Mr. Oberer showed a site plan of Phase 1 off Grange Hall Road, which would be the patio home lots, and explained what the HOA would be responsible to maintain. Mr. Oberer stated there are over a half dozen patio home styles, will be single floor living, and will range from 1,453 square feet to 2,080 square feet. Mr. Oberer showed a site plan showing Phase 1 off Shakertown Road, which are the single-family homes with lot sizes varying in width from 85 feet to 95 feet. He stated there are over a dozen single-family home plans with over 50 potential elevation varieties. Mr. Oberer said the lots will have large front and rear yards and there is potential for side load garages on many of the lots. He explained the homes would range in size from 1,865 square feet to 3,098 square feet. He showed several different elevations of what would be offered that consisted of single and two-story plans.

Mr. Oberer said a little over five acres has been set aside for the expansion of Leo Brown Traditions at Beaver Creek Senior Assisted Living Development. He explained it is a senior living development that is under construction, and they would like to add several buildings to their development. Mr. Oberer did not see where that would be an incompatible development and would be happy to work with them to make that happen. He said they would be submitting a separate application for that project.

Mr. Oberer said they are proposing a four to six foot high landscape mound within the rear yards along Grange Hall and Shakertown Roads. Mr. Oberer stated there will be a continuation of sidewalks added to the Shakertown frontage and an eight-foot multi-purpose path on the Grange Hall Road frontage. Mr. Oberer explained open spaces were concentrated as much as possible along the eastern property line to preserve the trees and it is the lowest spot in the development to put the detention basin. He said there has been a 10-foot no cut zone added along the rear of all the lots that are adjacent to existing lots to the north and east.

In public input, Michael Bergman gave his three minutes to Linda Bergman.

Linda Bergman, 731 Burntwood, stated she is a long term resident of Beaver Creek and said she is not fighting the development but she was concerned. She was worried about the traffic flow problems that she sees on Shakertown Road, which was her primary concern, but also for Grange Hall Road. Mrs. Bergman said Ankeney Middle School generates a lot of traffic at peak periods and during special events, the church that will be built on the corner will have a lot of traffic issues at peak times, and The Traditions will have workers entering/exiting the site. She explained Burntwood Drive is directly opposite from the entrance point into Creekstone, which she looked at and didn't see any other place to put it either. Mrs. Bergman said to the east of Burntwood Drive there is an incline and a curve in the road. She stated she would like for that to be addressed before this

project goes in, and how traffic is going to get out of the site because of the traffic on Shakertown Road.

Mrs. Bergman asked if a turn lane would be added on Shakertown Road and would start at the intersection of Grange Hall Road and Shakertown Road and continue to the three lanes that currently exist. She believed if that was done the land should come from the north side of Shakertown Road because it was vacant land and not the front yards of existing homes like it is on the south side. Mrs. Bergman questioned if the Commission could give her some peace of mind that the changes that are proposed would not affect their quality of life.

Robert Manske, 3987 Rexford Road, stated he would like the Commission to figure out where all the people are going to go on Grange Hall Road and Shakertown Road and the intersection of the two.

Tim Kunzweiler, Pastor of Community of Christ Church, owner of the property at the corner of Grange Hall Road and Shakertown Road, stated they are interested in the planning that is occurring with this project and dealing with the Planning Commission and the developer.

Tom Gucwa, 3623 Sunset Bluff Drive, stated he realized something was going to be built here, and preferred it didn't, but knew it would. He appreciated the applicant listening to the residents because he stopped the traffic patterns coming in from the existing residential areas and has offered to keep some of the trees along the northern property line in back of the patio homes. He requested a 20-foot no-cut zone along the northern property line to the east, but he understood it is up against agricultural property and according to the zoning he does not have to. Mr. Gucwa stated he would really like to keep some of the trees in that area, and requested that change.

Scott Perry, 3998 Willowcrest Road, stated he appreciated the applicant addressing the water run-off because the area floods by Grange Hall Road. He said he was concerned about the entrance on Grange Hall Road, and said eventually they are going to want to widen Grange Hall Road, and he had the same concerns as a previous speaker and wondered if they could take a little more land from the business park and not so much the resident's front yards because they don't have that much front yard already. He appreciated if the City could look out for them also.

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

Mr. Archibald stated the recommendation in the resolution called for five-foot side yard setbacks, and he could not support that. He said when he first looked at the plan he was surprised by the 62-foot frontage of some lots and wondered how they were going to build a house on that, but then he went and looked at a couple of other patio home developments that have similar size lots. He said those developments had a distance between the houses that was at least 16 or 18 feet. Mr. Archibald preferred the side yard setbacks for the patio homes be eight feet and for the other homes he would like to see

ten-foot setbacks. He explained the Zoning Code requires a minimum lot size of 20,000 square feet and a minimum 100-foot frontage for R-1A Districts. Mr. Archibald said they have moved away from those requirements in a lot of very successful neighborhoods.

Mr. Curran stated he did not want River Hills Road cut through and open into the new development. He said they already had a few residents speak about increased traffic on Shakertown Road, and he could see traffic from this area using River Hills Road and impacting that residential area. Mr. Curran thought traffic could come out from the existing plat and go through the new development and come out on Shakertown Road.

Mr. Loftis asked what the approximate wooded acreage was on the site. Mr. Oberer said they have done some preliminary design work on it, but he did not have an exact wooded acreage. Mr. Loftis questioned if he knew what it would be after the site was built out. Mr. Oberer said no, but he could get that information. Mr. Loftis stated the applicant is looking between a seven to nine year built out for the project, and questioned how long it would take to complete Phase 1. Mr. Oberer thought approximately a year and a half, and explained the first phase normally takes a little longer to get momentum built with the sales process. Mr. Loftis asked what the sales price per square foot would be. Mr. Oberer explained what they were experiencing in similar developments right now, and said it is anywhere from \$156 to \$175 a square foot.

Mr. Loftis said he was concerned with the Phase 1 density and if the rest of the development does not get completed they are not going to meet the density requirement. He questioned what the density would be in Phase 1. Mr. Oberer said he did not know, but it was their intention to start with the Phase 1 on Grange Hall Road and Shakertown Road simultaneously. He explained the reason they are able to do that is the site is blessed with an abundance of utilities at easy access locations. Mr. Loftis said he did some rough calculations and he is at about 3.4 units/acre for Phase 1, and he was very concerned about that. He understood they were looking at the overall development, but the initial phase is very high density. Mr. Loftis explained if the project would fail it would not meet the density of the PUD. Mr. Loftis was concerned about the traffic flowing through the area especially knowing they are going to be reconstructing the arterial roads at some point and could further exacerbate the problem.

Mr. Self said if he remembered correctly when they approved Farmbrook they required the new lots that abutted to existing residential to be 20,000 square foot lots, and he asked if that was policy or a provision in the Zoning Code. Mr. Burkett explained there is a requirement in the Zoning Code that refers to lots immediately adjacent to existing. Mr. Self stated this proposal does not do it because all the patio homes are adjacent to R-1A lots. Mr. Burkett explained there is an open space strip between the patio homes and the existing residents so they are not technically immediately adjacent. Mr. Self asked if there will be turn lanes and street lights required at both intersections. Mr. Burkett said yes there will be street lights and discussed the road improvements that will be done on Shakertown Road and said there will be a left turn lane at the new intersection created on Grange Hall Road. Mr. Self asked if they were going to do fees in lieu of park land. Mr. Burkett

explained he did a quick calculation, and he did not think the land he is donating as open space would quite cover all the park fees so there will be some credit for the open space but it will not cover it all.

Mr. Self referred to the detention pond, and asked if the City Engineer had looked into the water runoff since it turns into a grass swale through people's backyards and he wanted to make sure the pond would retain the runoff so it does not flood the swale. Mr. Burkett explained those calculations are done at the specific site plan and if the case moves forward to that stage the calculations will need to show it does retain the water that is any additional runoff. Mr. Self referred to the Zoning Code and talked about the setbacks for R-1A properties. Mr. Self stated they were well under those requirements for this PUD, and the problem with short front yard setbacks is cars overhanging the sidewalks.

Mr. Self explained single family homes generate fewer trips per day than the same number of multi-family units. He discussed the Zoning Code requirements regarding water runoff when a property is developed. Mr. Self said when Planning Commission and City Council are considering a development they cannot legally look at traffic and the condition of the roads in the area as a consideration for a yes or no on a development. He said it is the City's responsibility and in some cases the developer's responsibility to improve the roads to meet the standards of a new development.

Mr. Self disagreed with Mr. Curran and said it is simply good planning when you have the adjacent plat streets connect. He stated the stub streets were put in there for a reason, and they were done that way for when the property developed. Mr. Self explained where they have had adjacent plats joined with streets there has been little or no problem and where there have not there has been problems.

Mr. Self said the applicant is putting sidewalks on Grange Hall Road and Shakertown Road, and asked about within the plat itself. Mr. Oberer said yes there will be sidewalks. He stated in response to the comment about connecting streets, he would normally agree with him. Mr. Oberer believed in this particular case there are some sound engineering reasons to not connect them and it has everything to do with the topography of the property and to aide in the drainage and the yards that back up to this property. He thought it would be a hindrance to put a street through to connect because it will obstruct the possibility to have free flowing drainage all across the northern property line. Mr. Oberer said it could be done but it will make it much more difficult because the typography changes very little. He stated the connectivity to the east just happens to be the lowest point on the property, and it was extremely important that the stormwater detention area go at the lowest point. Mr. Oberer said to further complicate matters it is right next to the storm outlet. He explained they looked at a couple different drainage plans, but the results that are being presented tonight are the best. Mr. Self thought the residents in the plat would use the connection more to go through the development so they don't have to make a left turn on Grange Hall Road and another left turn to get to Shakertown Road.

Mr. Archibald explained they have discussed this property before and the water drainage problems and he thought the plan is going to help eliminate those problems or at least not exacerbate them. He was concerned about the drainage pond not being in Phase 1, but it sounded like there was a pipe running from Grange Hall Road over to the detention pond. Mr. Oberer said there would be a temporary detention pond to the east of Phase 1, and once they got beyond that section they would run the pipe all the way to the detention pond. Mr. Archibald asked if the storm pipe would go under the properties. Mr. Oberer said yes it would go through the properties, and explained there will be another detention pond just south of the Leo Brown Development. He stated that is proposed to be a shared pond with the Traditions of Beaver Creek. Mr. Archibald said the applicant had done his due diligence, and said most of the citizens' concerns were about traffic flow. He agreed they cannot include traffic items in their decision making process, but felt they do have some influence. Mr. Archibald stated he would like to see the resolution amended for the side yard setbacks a minimum of 8 feet for Lot Type 1 and 10 feet for Lot Type 2 and 3. Mr. Oberer said the reason they requested it was because shifting the house closer to the property line allows them to build a larger house and perhaps a side entry garage or a third-car garage. Mr. Archibald said it also gives them the ability to build houses 10 feet apart, and that is where he has the concern. Mr. Oberer said they are not in favor of that either, and believed they could put language in the document for a total side yard setback and a minimum amount between them. Mr. Archibald said it could be amended to a 5-foot minimum side yard, total of both side yards a minimum of 15 feet.

Mr. Self said the applicant mentioned earlier they are planning on starting on both ends and meeting in the middle, and asked what the plan was for building Roads A and D and if they will be connected with Phase 1. Mr. Oberer explained they are only going to build the section that is in the phase. Mr. Self questioned if those streets will be stubs until however long it takes to build out to the last phase. Mr. Oberer stated that was correct.

Mr. Curran asked if the cut through to River Hills Road can be made as a condition that it will not be cut through. Mr. Burkett said it is shown on the plan as not being cut through, so a condition would have to be added for it to be cut through.

Mr. Loftis asked if a condition could be added that the density has to stay at a certain amount at the specific site plan stage because he was really concerned that the site plan initially is nothing but high density and there is no commitment beyond that. Mr. Burkett explained densities are normally called for in rezoning cases, and discussed how the density condition was worded in the resolution. Mr. McHugh said he has seen it before where they have to keep it within a certain range, and they have to build so many of each style homes to keep a balance. Mr. Burkett stated it polices itself, and if they wanted to change the style of the lots they would have to come through this process again. Mr. McHugh stated another way they could address Mr. Loftis' concern was they could not move on to Phase 2 with the patio homes until they have met a certain percentage of the larger homes. Mr. Burkett did not like the idea of adding legislation that they could not move on to future phases until more single family homes are constructed. Mr. McHugh said it could be a percentage. Mr. Loftis stated then they could come in at a future time and

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request a higher density. Mr. Burkett explained they would have to go through the same process and the Land Use Plan calls for low density in this area. He stated if they did come back with an application they still would not be able to go over 3.01 units/acre for the overall development or staff would not recommend approval.

Mr. Curran MOVED to approve PUD 16-2 with eight conditions, seconded by Mr. Archibald.

Mr. Archibald MOVED to amend Condition 5C stating 5-foot minimum side yard; total of both side yards 15 feet minimum. Motion was seconded by Mr. Curran and PASSED by majority voice vote.

Mr. Self MOVED to amend Condition 5A to a 40-foot minimum front yard setback. Motion was seconded by Mr. Curran. Mr. Burkett explained there are a lot of recent developments that have had the 30-foot front yard setback, so it was not unheard of. Mr. Self said he was concerned about vehicles blocking sidewalks. Mr. Burkett proposed to split the difference and make the front yard setback 35 feet. Planning Commission agreed and motion PASSED by majority voice vote.

Mr. Self MOVED to add Condition 9 stating that Road A and Road D be completed as part of Phase 1. He said it was because they will be short stub streets that will cause traffic problems and he did not think it was smart planning to leave the streets stubbed for what could be years. Motion was seconded by Mr. Archibald and PASSED by majority voice vote. (Curran opposed)

Mr. Self stated in other plats where there is a residential PUD that abuts existing straight R-1A zoning, as it does to the north with this proposal, they have required the developer to have the lots adjoining existing R-1A half acre lots to be R-1A half acre lots. He proposed that with this development, and explained that mean shifting those patio homes on the northwest part of the development. Mr. Self believed that is to be consistent with other zoning they have done around the City and required it of other developers. He said it took the developers of Farmbrook three times to get it right. Mr. Self MOVED to add that as Condition 10. Motion FAILED due to a lack of a second.

Mr. Self MOVED to add Condition 10 requiring the connection of River Hills Road to the north. Motion was seconded by Mr. Archibald. Motion PASSED by majority voice vote. (Curran opposed)

Mr. Curran thought the road was not going to be cut through for reasons Mr. Oberer explained earlier regarding some Engineering issues. Mr. Burkett explained that is what was originally discussed and Planning Commission just voted to change that.

Mr. Self said the case will be heard at City Council yet.

Mr. Curran thought the Commission was in agreement that the road was not going to be cut through, and asked for a separate vote on it. Mr. McHugh explained it was going to have to be for a reconsideration of that particular portion.

Mr. Archibald MOVED to reconsider Condition 10, seconded by Mr. Curran. Motion PASSED by roll call vote of 3-1. (Self opposed)

Mr. Curran MOVED to remove Condition 10 and that a road not be allowed to be built through to the new plat because the developer presented a very sound reasoning and he felt from a traffic congestion problem it was necessary to do so. He stated there was absolutely no reason to do it. Mr. Archibald thought it was all valid points and as a Planning Commission they have determined cross utilization is a good thing and they have required almost all the businesses to have that. He said there is a stub there and it was put there understanding it was a going to go through, and requested to hear from the applicant. Mr. Oberer said they will honor whatever the Planning Commission decides on the stub street, and stated it will make it more difficult to drain that area from the west to the east but the bigger issue is the condition to build Road A and Road D completely in Phase 1. He explained that is a financial hardship that will make this development not happen. Mr. Oberer stated he has been doing this for 35 years and they have always built roads one phase at a time, and is financially impossible to finance something like that and they will not take the risk of doing it.

Mr. Loftis asked what was an estimated price per square yard to construct the road and how many square yards are they expecting to complete Road A and Road D. Mr. Loftis said Mr. Oberer stated it was going to be a financial burden for them, but he did have the cost of the roads. Mr. Oberer said it will be a couple of million dollars to connect the two. Mr. Loftis stated it was just the two main roads not the side roads. Mr. Oberer understood, and explained that is a significant amount of inventory to put on the ground in a market that is not fully recovered. He said if that condition remains it is impossible to meet.

Mr. Archibald asked the applicant to explain the engineering perspective of putting River Hills Road through. Mr. Oberer stated the buffer strip is intended to do two things, one was so the patio homes did not abut directly to the lots to the north and the other was to provide a drainage opportunity that was unobstructed to get the water from the west part of the development to the east part of the development. He said they have not completed the Engineering for the site, but most likely will include a series of catch basins and storm drains that would help collect the water back there to bring it back into the storm drainage system and take it to the east to the detention pond. Mr. Oberer stated constructing a road would obstruct their way to get that water from one side of the development to the other.

Mr. Self said if the street is cut through it is going to have curbs, gutters and drains that could tie in easily to what they have planned because there is going to be catch basins along there anyway.

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Mr. Curran asked for advisement from Mr. McHugh. Mr. McHugh stated Mr. Curran had a motion on the floor to remove Condition 10, but he did not believe there was a second. Motion FAILED due to a lack of a second.

Conditions on the case were as follows:

1. The specific site plan shall generally conform to the plans dated "Received July 1st, 2016", as modified herein.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be those uses permitted in the R-1A zoning district. The Conditional Uses within the R-1A zoning district shall not be permitted.
3. Maximum density for this R- PUD shall be 2.13 dwelling units per acre.
4. Total units for the R-PUD shall not exceed 145 dwelling units.
5. Minimum Building Setbacks for this PUD are as follows:
 - 35-foot minimum front yard
 - 30-foot minimum rear yard (except Lots 105-107, which will have a minimum 20' rear yard setback)
 - 5-foot minimum side yard; total of both side yards 15 feet minimum
6. Points of access and vehicular circulation as shown on the concept plan are subject to City of Beavercreek final review and approval at the specific site plan stage.
7. Building plans, designs and elevations for residential structures within this project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage.
8. The applicant shall be required to pay all applicable park fees, or dedicate parkland in lieu of park fees as determined by the City Manager, Planning Department and/or Parks Department prior to releasing the record plan for recording.
9. Road A and Road D shall be completed as part of Phase 1.
10. There shall be a street connection with River Hills Road to the north.

Motion PASSED by a roll call vote of 3-1. (Curran opposed, Erbes recused)

PC 16-3, Good News Baptist Church, Conditional Use

Clerk Gillaugh read the notice of public hearing on an application filed by Good News Baptist Church, 3437 Marimont Drive, Dayton, OH 45410. The applicant requests conditional use approval to allow for a church to be located in a portion of the existing structure at 1340 North Fairfield Road. The property is located on the east side of North

Fairfield Road approximately 180 feet north of the intersection of North Fairfield and Dayton-Xenia Roads. The property is further described as Book 5, Page 5, Parcel 108 on the Greene County Property Tax Atlas.

Vicky Parks, husband is the pastor of the church, stated their purpose for this request is so they can minister in the community. She explained they attended Charity Baptist Church for many years, and they have had a church in north Dayton where they leased a building that was sold. Mrs. Parks said they have been there 11 years were given a 30 day notice, and feel that God has sent them back to this area for the community so that is their desire.

Ms. Pereira summarized the staff report dated June 28, 2016, stating the applicant is requesting conditional use approval to allow Good News Baptist Church to occupy a tenant space at 1340 North Fairfield Road. She discussed the location of the property, who currently occupies the building, how much square footage the applicant would occupy of the building, the zoning district, how many church members they have, and the parking requirements. Staff recommended approval of the case with four conditions.

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

Mr. Curran MOVED to approve PC 16-3 with four conditions:

1. Should this conditional use request be approved, a Certificate of Use Compliance shall be required by the Planning and Zoning Department.
2. Prior to the issuance of any zoning permit for the development, all comments and concerns of the Planning and Zoning Department, the City Engineer, and Fire Department shall be addressed and satisfied.
3. Any signage request for this conditional use must meet the requirements of the B-3 zoning district.
4. No temporary signage shall be permitted for this conditional use.

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

SUBDIVISIONS

S-16-5, Ashland Hills, Sec. 5

Ms. Pereira summarized the staff report dated June 29, 2016 on a request by Joseph and Donna Phipps, 325 Aspen Trail, Dayton, OH 45430. The applicant is requesting approval of a final subdivision of 4.242 acres located at the northeast corner of the intersection of Grange Hall Road and Timberleaf Drive. The proposed final subdivision calls for this area to be platted into four buildable lots. Staff recommended approval of the case with seven conditions.

Mitch Cosler, Cosler Engineering, gave some background on the Ashland Hills subdivision. He stated the property was sold and they are proposing to split it into four lots and the sidewalks, street, and utilities are in, so they are splitting it to welcome four more residences in Beavercreek.

Mr. Self asked if Ashland Hills was a PUD. Ms. Pereira said it is straight R-1A.

Mr. Loftis MOVED to approve S-16-5 with seven conditions:

1. The approved record plan shall be the plan stamped "Received July 5, 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 Beavercreek Township Fire Department shall be addressed and satisfied prior to release of the record plan for recording.
3. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for any required public improvements and landscaping for the subdivision and pay all required fees, including fees in lieu of parkland dedication.
4. Lot 79 shall not be permitted to have driveway access onto Grange Hall Road.
5. Photocell lights shall be required on all lots.
6. Sidewalks shall be installed along Lot 79 if required by and per the approval of the City Engineer.
7. 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. Curran. Motion PASSED by a roll call vote of 5-0.

ADJOURNMENT

Mr. Curran MOVED adjournment at 9:13 p.m., seconded by Mr. Archibald. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk