

BEAVERCREEK PLANNING COMMISSION  
REGULAR MEETING, January 3, 2018

PRESENT: Ms. Akers, Mr. Curran, Mr. Loftis, Mr. Shrider, Mr. Self

ABSENT: None

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

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

Mr. Curran MOVED approval of the December 6, 2017 minutes. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

**PUBLIC HEARINGS**

**PUD 97-1 MOD 10/17A, Lidl Grocery Store (Case was withdrawn by the applicant.)**

Mr. Curran MOVED to permanently withdraw PUD 97-1 MOD 10/17A. Motion was seconded by Mr. Loftis and PASSED by majority voice vote.

**PC 18-3, Car Paradise, Conditional Use**

Clerk Gillaugh read the notice of public hearing on an application filed by Ayman Hamdan, 4110 Colonel Glenn Highway, Beavercreek, OH 45431. The applicant requests conditional use approval to allow for a car rental business to be located at 4110 Colonel Glenn Highway. The property is located on the north side of Colonel Glenn Highway approximately 150 feet west of the intersection of Colonel Glenn Highway and Eastside Drive. The property is further described as Book 1, Page 2, Parcel 15 on the Greene County Property Tax Atlas.

Mario Ayman Hamdan, owner of Shisha Café located at 4110 Colonel Glenn Highway, was requesting approval to be able to rent cars from the property. He said the smoke shop business is in the evenings, and there is nothing being done with the property during the day time. Mr. Hamdan thought they would have around ten cars and do a rental business. He explained the hours would be during the day from 10 AM to 5 PM, and will not interfere with his smoke shop business. Mr. Hamdan stated the property has a nice parking lot, and there are a lot of different car places along Colonel Glenn Highway. He believed they would get some business from the base since they are close and people come and visit the area.

Mr. Burkett summarized the staff report dated December 28, 2018, which stated the applicant is requesting conditional use approval to allow for the operation of a car rental business in conjunction with an existing hookah bar on 0.92 acres. He discussed the location of the property, the surrounding properties' zoning districts, the access around the site, and several conditions in the resolution. Staff recommended approval of the case with 20 conditions.

BEAVERCREEK PLANNING COMMISSION,1/3/18

In public input, Mario Ayman Hamdan, explained who owns the property he is renting and the property to the east. He said the property owner didn't have an issue with what he was proposing to do. Mr. Hamdan discussed they would have plenty of parking spaces for the car rental business and his smoke shop. He stated he went through the conditions with his attorney, and he understood and agreed with all of them.

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

Ms. Akers asked if the applicant planned on constructing a new building to run the rental businesses from or if he was going to use the existing building. Mr. Hamdan stated it will be run out of the existing business. Ms. Akers questioned if the Shisha Café omitted an odor. Mr. Hamdan said it does, and they only sell tobacco products. Ms. Akers asked if the applicant was planning on adding additional signage to the building. Mr. Hamdan stated not at this point because there will be small signs in the cars.

Mr. Loftis asked where the maintenance issues or minor breakdowns would be done. Mr. Hamdan explained they have a garage in Dayton where that work would be completed.

Mr. Shrider questioned if they were allowed to put large stickers on the cars and use them as signage. Mr. Burkett explained that type of signage was not permitted in the Code, and did not believe a sign hanging from the rear view mirror would be an issue. Mr. Shrider asked if a car could not be turned into a rental sign. Mr. Burkett stated that was correct.

Mr. Self assumed this was his own car rental business and he was not franchised. Mr. Hamdan said he is not franchised.

Mr. Shrider MOVED to approve PC 18-3 CU with 20 conditions, with a correction to Condition #5:

1. No portion of any building may be occupied for the first time or reoccupied later until and unless an application for a Certificate of Use Compliance has been submitted by the property owner or by the prospective occupant and approved by the City of Beaver creek.
2. The Certificate of Use Compliance shall not be issued unless all of the conditions within this Resolution have been complied with to the satisfaction of the Planning Department.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and release of the Certificate of Use Compliance. A Development Agreement must be signed by the owner and a bond or letter of credit for landscaping must be submitted

BEAVERCREEK PLANNING COMMISSION,1/3/18

prior to issuance of a Certificate of Use Compliance 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. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and release of the Certificate of Use Compliance.

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 of their removal, weather permitting.
5. No vehicle shall be permitted to be parked, stored, repaired or left unattended in an area within the lot that is not paved with Portland cement concrete, bituminous/asphalt concrete nor shall any vehicle be parked, stored, repaired or left unattended in a manner so as to obstruct the view of traffic. Gravel surfaces shall not be permitted on the site.
6. There shall be a maximum of 15 vehicles for rent on the site at any given time.
7. There shall be a minimum of 15 designated off-street parking spaces for vehicular rental services, as well as 25 designated off-street parking spaces for the hookah/shisha bar located on the site, for a total of 40 off-street parking spaces. One of those spaces shall be designated as handicap accessible.
8. A zoning permit shall be required for any expansion of the existing parking lot. The City Engineer shall sign off on construction drawings of the proposed expansion area to ensure the Stormwater and Erosion Control Ordinance has been complied with properly.
9. The existing gravel surface north of the parking lot shall be paved prior to the release of the Certificate of Use Compliance.
10. Parking and driveway areas located between the vacant portion of the lot, as well as the street shall be paved and also guttered with concrete at all perimeters.
11. No outdoor sales or storage of goods or materials (such as tires, or other maintenance products) shall be conducted on the property.
12. No vehicular sales shall be conducted on the site. Vehicular sales (new and used) are not permitted in B-2 districts.
13. Outdoor speakers are not permitted.
14. There shall be only one ground sign permitted on the site. The existing ground sign, if modified to add a panel for the car rental business, shall be reconstructed, and

have a brick or stone base, a minimum of 1 foot thick. The ground sign shall be no taller than 5 feet from existing grade and shall be no more than 25 square feet per sign face. The final design and location of the ground sign shall be reviewed and approved by the Planning Department prior to the release of the zoning permit for the sign.

15. Temporary signs, banners or streamers, etc. of any kind shall not be permitted.
16. Additional window signage, beyond what is in the windows as of December 29, 2017, (see picture marked Exhibit A) shall not be permitted on the windows at any time.
17. The parking lot shall be kept in good condition. The City Engineer reserves the right to determine if the parking lot pavement condition is in disrepair and has not been maintained in a commercially acceptable condition, and that improvements are required. Those improvements shall be completed in a timely manner to the City Engineer's satisfaction.
18. Prior to the release of the Certificate of Use Compliance, 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 for the enclosure (an accessory structure permit).
19. The conditional use approval shall expire one year after the effective date of Planning Commission approval, unless the car rental business has started.
20. As permitted in 158.171 (C) 5, the applicant shall post a permanent Two Thousand Dollar (\$2,000.00) cash bond prior to the issuance of a Certificate of Use Compliance for the car rental business to ensure the continuing compliance with the conditions of approval. If violations occur, the Planning Department shall notify the applicant that they are in violation of the conditions of approval and the applicant shall have three (3) days to bring the violation into compliance. Should the violation not be corrected within three (3) days of the notification by the Planning Department, the applicant will be charged \$100.00 for every day that the violation has not been corrected. A reoccurrence of previously warned violations shall be considered a continuance of said violation and no 3-day warning shall be required and in these situations the fines shall start immediately. The fine shall be withdrawn by the City from the required posted cash bond. Once said fines have been assessed and the violation has been corrected the applicant shall reimburse the cash bond account to a Two Thousand Dollar (\$2,000.00) balance within 30 days. On request of the applicant, the applicant can request this provision be reviewed by Planning Commission and/or Planning Department after five years.

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

**DECISION ITEMS**

**PUD 17-3 SSP #1, Cedarbrook Farms (Tabled at December 6<sup>th</sup> Planning Commission meeting.)**

Ms. Akers MOVED to untable PUD 17-3 SSP #1. Motion was seconded by Mr. Loftis. Motion PASSED by majority voice vote.

Mr. Burkett summarized the memo dated December 29, 2017, which discussed the changes to the proposed resolution. He stated in Condition #14 “street tree” needed to be replaced with “common area”. Mr. Burkett said the right-of-way is 60 feet, and if there is not going to be street trees in the right-of-way it could be reduced to 50 feet. He explained the extra ten feet could go into the lots and make them a minimum of 300 square feet larger. He shared with the Commission the traffic count results that were done on a day on Shetland Drive and on Newton Drive. Staff recommended approval of the case with 24 conditions, and stated if Planning Commission chooses to he would recommend Condition #25 be that a 50-foot right-of-way shall be allowed within this development.

Mr. Curran felt like what staff has put together is acceptable, but he did remain a little dubious about the cut-through streets. He said he knew about the Thoroughfare Plan, and could live with what they have proposed.

Mr. Loftis thanked staff and the developer for answering the Commission’s questions and concerns. He thought as they go forward, he would like to see a traffic count done when a residential development is proposed. Mr. Burkett stated he spoke with the City Engineer and the City is going to do another traffic count once Newton Drive gets built.

Mr. Shrider thanked staff and said his concerns were addressed.

Ms. Akers thanked staff, and she wanted to note Mr. Moorman did go out and look at the creek. She said they discussed the detention ponds, and believed that will help those issues. Ms. Akers stated if necessary, the City is willing to add an electronic sign on Newton Drive to monitor the speed if the concern arises once the road is connected.

Mr. Self thanked staff and the applicant for being sensitive. He said he lives on Shetland Road, and he agrees there is a lot of traffic on Shetland Drive in a day. Mr. Self stated connecting Newton Drive is the only chance of connecting the plat so it will be more accessible in an emergency. He asked if the detention ponds would be maintained by the HOA. Mr. Burkett stated that was correct, and was in Condition #10. Mr. Self said with the additional square footage, he asked what the smallest lot size would be. Mr. Burkett said the smallest lot would be 8,000 square feet. Mr. Self stated that was his only concern with this development is the lot sizes will range from 8,000 square feet to 20,000 square feet and the same home can be built on those size lots. Sherry Oakes,

BEAVERCREEK PLANNING COMMISSION,1/3/18

Developer, stated they were waiting to get approval tonight before they would have the engineer do the extensive construction drawings. She said what they are seeing is the desire for different size lots for different users. Mrs. Oakes guaranteed the Commission the products will be accommodating, but a little bit different because they are a custom builder. Mr. Self was concerned about seeing a large house on a small lot. Mrs. Oakes said she understood, but they feel like they can make it very attractive.

Mr. Self asked if the five lots in the northwest corner of the property were always there. Mr. Burkett said yes. Mr. Self asked where Phase I and Phase II would be. Mr. Burkett showed a map. Mr. Self referred to the contour lines around the property, and asked if there was going to be a swale. Steve Lisle, Reinke Group, explained there would be a little swale and the reason they are proposing it.

Ms. Akers MOVED to approve PUD 17-3 SSP #1 with 25 conditions, adding Condition #25 and amend Condition #14:

1. The approved site and landscape plans shall be the plans dated "Received November 2, 2017" except as modified herein.
2. Hours of construction for any grading and exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.
3. Construction traffic shall not be permitted on the existing portion of Newton Drive.
4. Prior to issuance of any zoning permits for the project, the applicant shall submit a subdivision record plan for City approval.
5. Prior to the release of the subdivision for recording, the applicant shall sign a Subdivider's Contract on forms provided by the City and provide a bond or letter of credit for the required public improvements.
6. A PUD Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit 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.
7. Perpetual maintenance of landscaping planted in all common areas shall be provided and any dead or diseased materials shall be removed and replaced by the homeowner's associations with similar types, species and sizes, as originally planted, within three months of their removal, weather permitting.
8. There shall be one tree provided for each individual buildable lot, which shall be planted between the sidewalk and the front of the house.

BEAVERCREEK PLANNING COMMISSION,1/3/18

9. Prior to release of the subdivision for recording, all concerns and comments of the City Engineer, the Beavercreek Fire Department, and Sanitary Engineer shall be addressed and satisfied.
10. Prior to the release of the subdivision, the applicant shall submit a copy of the covenants, restrictions, and homeowner's association documents to the City of Beavercreek for this subdivision, which shall, among other provisions, provide provisions for maintenance and landscaping of common areas, including the maintenance of landscaping within the traffic circle on Newton Drive, communal mail facilities and the storm water ponds. The covenants, restrictions and homeowner's association documents, shall be reviewed and approved by the City Attorney and be recorded with Greene County prior to the release of any zoning permit for the site. Said maintenance and landscaping shall be provided by the homeowners association in perpetuity.
11. Entrance signs and the landscape plans for the entry features shall be approved by the Planning Department staff prior to any zoning permits being issued for the signs. If staff does not agree with the developer's final design/size of the sign or the landscaping of the entry features, the matter shall be resolved through a minor modification application decided by Planning Commission. The maximum height for the entry sign shall be 5 feet tall.
12. One photoelectric light fixture shall be required for every lot with a residential structure.
13. Street lighting is subject to final approval of the Engineering Department prior to the release of the record plat for recording.
14. Final landscape plans are subject to final review and approval by the Planning Department prior to the release of a record plat for recording. The final plans shall show additional evergreen trees to be planted along the northern property line of the subdivision, and near the northwest corner of the subdivision.
15. All concerns of the Beavercreek Fire Department and Sanitary Engineer must be addressed prior to the release of a record plat. All concerns of the City Engineer including but not limited to road improvements, land dedication, grading, stormwater management, and erosion control must be addressed prior to the release of a record plat.
16. The approved homes constructed within this development shall be generally consistent with the example homes shown in the attached Exhibit A, which comes from Design Home's webpage, which are available homes for Soraya Farms, in Springboro, Ohio. If needed, any disagreement between the Planning Department and the home builder as to what is considered "generally consistent" shall be decided by the Planning Commission.

17. The homes constructed within this development must consist of brick, stone and Hardie plank/cement board siding, and/or acrylic siding on all four sides of the building. The use of metal or vinyl sidings, including aluminum siding shall not be permitted except on fascia and soffit areas. If needed, any disagreement between the Planning Department and the home builder as to what is considered approved materials shall be decided by the Planning Commission.
18. Any home builder other than Design Homes must provide the Planning Department with samples of past construction, to ensure consistency with architectural requirements, prior to issuance of a zoning permit. If needed, any disagreement between the Planning Department and the home builder as to what is considered architecturally consistent shall be decided by the Planning Commission.
19. The use of chain linked fencing shall be prohibited in this development.
20. Aeration and water circulation devices and/or fountains are required to be installed into any retention pond and shall be maintained by the owner in perpetuity.
21. Any existing wells on site that will be closed off, shall be closed under appropriate ODNR methods.
22. The final design and placement of any common mailbox(es) shall be reviewed and approved by the Planning Department prior to their placement.
23. The final plans shall show two speed tables on Newton Drive. The final design and placement shall be subject to review and approval by the Planning Department prior to the release of the record plan, and shall be generally consistent with the placement shown in Exhibit B, subject to final review and approval by the City Engineer prior to their placement.
24. If deemed necessary by the Engineering Department, traffic signs shall be installed in the right-of-way immediately adjacent to the northern speed table, in order to discourage avoidance by drivers of said speed table.
25. The street right-of-way shall be a minimum of 50 feet.

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

**ADJOURNMENT**

Mr. Loftis MOVED adjournment at 6:45 p.m., seconded by Mr. Curran. Motion PASSED by majority voice vote.

---

Melissa Gillaugh  
Deputy Clerk