

BEAVERCREEK CITY COUNCIL
REGULAR MEETING February 13, 2017 6:00 p.m.

PROCLATIONS

◆ Million Hearts Day, Elizabeth Sorensen, PhD

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

TARDY: None

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Randy Burkett, City Planner; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Pete Landrum, City Manager; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Jarvis led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Whilding MOVED to accept PUD 06-3 SSP #3, First & Main Beavercreek's request to withdraw their application and remove from the agenda, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Council Member Whilding MOVED to remove the Executive Session from the agenda, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Council Member Whilding MOVED to approve the agenda as amended, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Jarvis MOVED to approve the minutes of the January 9, 2017 Regular Meeting, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the January 14, 2017 Advance, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

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PUBLIC HEARING – R-PUD 91-2 SSP #7, Clover Senior Residential Community Clerk Lampton read an application filed by Clover Communities Beaver creek LLC, 34 Harris Hill Road, Williamsville, NY 14221. The applicant requests specific site plan approval to allow for the construction of a 100 unit senior residential development on 14.947 acres. The property is located on the north side of Lakeview Drive, approximately 300 feet from the intersection of Edge Water Drive and Lakeview Drive. The property is further described as Book 4, Page 6, Parcel 56 on the Greene County Property Tax Atlas.

Application Presentation

Johnathan Wocher, Clover Communities and Clover Development

Mr. Wocher explained they were requesting approval of a site specific PUD plan for this project. He said this project would be a senior independent living community, market rate housing for seniors 55 years and older. He said Clover develops, owns and manages these facilities. He said it was their intention to hold these properties long term. He said they currently have 15 properties that they manage across the Great Lakes region and Ohio and have another 15 projects in development. He said it is a very low traffic generator and the units are specifically designed for seniors. They believed the project was an appropriate use given the surrounding land uses and was an appropriate transition for the commercial development that is located to the west. He said they supported the recommended conditions in the Planning Commission resolution.

Staff Presentation

Mr. Burkett summarized staff report dated February 7, 2017, which state the applicant is requesting approval of a specific site plan to allow for a 120,000 square foot multi-family residential structure that will have 100 units for 55 and older seniors, on approximately 14.9 acres. He discussed the location of the lot, the land use and building design. He explained with this application they would be extending Lillian Lane to connect to Lakeview Drive. He reviewed the one access to the location from the extended Lillian Lane, parking, the detached garages, the site plan, architectural renderings and the landscaping plan. He explained the existing storm water detention ponds would be utilized for the project but included in the conditions was the requirement to add fountains to aerate. Staff and Planning Commission recommended approval of the applicant's request with 23 conditions.

Public Input

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

Council Input

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Council Member Upton questioned the height of the surrounding buildings. Mr. Burkett explained the condos to the north were three stories like the proposed building. He said this would blend well into the woods as it was setback on a large piece of property and would not be intrusive. Council Member Upton questioned the topography. Mr. Burkett said there was a seven to eight foot mound behind Target and it would not be very visible, if at all, from Target.

Council Member Wallace questioned the number of ADA parking spaces. Mr. Burkett said they were required six and would be supplying seven. Council Member Wallace said she would be making a motion to add more two more parking spaces

Council Member Jarvis questioned the distance between the building, Target and the property line to the east. Mr. Burkett said the property to the east would be the Lillian Road extension. He said it would be a couple hundred feet from the apartments and two to three hundred feet from Target. There was discussion of the location of the trees and the existing mound. Mr. Burkett explained there were wetlands and an endangered weed that would not be disturbed.

Council Member Whilding questioned the line of site from Elcid. Mr. Burkett explained the evergreens and the distance of 500-600 feet would prevent any visual intrusiveness. Council Member Whilding verified there had not been any tests completed for those properties like what was done for the Lofino property to the east. Mr. Burkett said there was no line of site study completed. Council Member Whilding asked if they had maxed out the zoning for this lot. Mr. Burkett explained the updated zoning that was approved in 2015 stated they were allowed to have up to 100 units on the 14.9 acres.

Mayor Stone asked if the tenants would have assigned parking spaces. Mr. Wocher replied other than the garages, no. He said they believed they have more than adequate parking based on their studies. He said it is not a high parking generator. He said the average tenant is 73 years old and driving is less common.

Council Member Wallace MOVED to all two additional handicapped parking spaces, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Against – Whilding, Stone)

Motion

Council Member Wallace MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for the Clover Senior Residential Community, PUD 91-2, SSP #7, on the basis that City Council finds the facts submitted with the application and accompanying materials and modifications, amendments and

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supplementary conditions satisfy the standards and criteria for a PUD Specific Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. She further moved that this motion with all conditions be fully recorded in the minutes of this council meeting.

1. The approved site plan and landscape plan shall be those plans dated "Received December 28, 2016" except as modified herein.
2. The approved architectural elevations shall be those plans dated "Received December 1, 2016" except as modified herein.
3. 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.
4. 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 Clover Senior Residential Community.
5. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted within three months weather permitting.
6. 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.
7. 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. Maximum mounting height for any parking fixture shall be 16 feet (including the concrete base), 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, including full cut-off fixtures.
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

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- 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 downspouts shall be painted to match the color of the adjacent siding.
 12. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits.
 13. 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.
 14. The outdoor construction hours shall be limited to 7:00 am to 7:00 pm, Monday thru Saturday.
 15. 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.
 16. 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.
 17. Pad mounted mechanical and HVAC equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
 18. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent gated dumpster enclosure. Any dumpster enclosure shall be constructed with material to match the building.
 19. Prior to the release of any zoning permits, park fees shall be paid in-lieu of dedication of parkland.
 20. Aeration and water circulation devices and/or fountains are required to be installed into the existing retention pond(s) and shall be maintained by the

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owner, developer, or the condo association in perpetuity.

21. Prior to the release of any zoning permits, impact fees shall be paid.
22. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of any zoning permits for this project.
23. There shall be a limit of one ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 5 feet tall and have a sign face of up to 32 square feet. 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.
24. The applicant shall work with staff to add two additional handicap parking spaces on the site.

Seconded by Vice Mayor Vann. Motion PASSED by majority voice vote. (Against – Whilding)

ORDINANCES, RESOLUTIONS AND PUDS

Resolution 17-03 Necessity and Intent to Appropriate Property (3455 Dayton-Xenia, LLC) for the Dayton-Xenia Road Streetscape Part II Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Carrie Clark, with interest by others, for the Dayton-Xenia Road Streetscape II Project, in the City of Beavercreek, Ohio.

Mr. Moorman explained one of the projects approved in the capital improvements budget was the expansion of the streetscape improvements in the vicinity of Grange Hall Road and Dayton-Xenia Road originally built in 2015. He said the project this year would be to extend the project to the west between Ken Klare Drive and West Lynn Drive. He said they have been in the process of securing the additional property rights needed to build the project. He said they have been successful in five of the six cases. He said there is one property owner who they have not been able to come to an agreement with. He said the property, owned by Carrie Clark is located to the east of the West Lynn and Dayton-Xenia Road intersection on the south side of Dayton-Xenia Road. To move forward with the project it is necessary to ask Council to authorize appropriation of the property to meet the deadline with the Ohio Department of Transportation.

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Council Member Litteral questioned the number of attempts to contact the owner. Mr. Moorman replied there were ten contacts with the property owner. Council Member Litteral asked if there had been any communication. Mr. Moorman explained the owner was new to the project and bought the property after the city had started the right-of-way acquisition process. He said she is not a big fan of the project and didn't want discuss it.

Council Member Whilding confirmed it was not a discord between the amount that was offered and the amount she wants and does not support the project at all. Mr. Moorman replied that was correct. Council Member Whilding asked if it was because of the impact to her property. Mr. Moorman said she was not a fan of the look. Council Member Whilding said there was a business on the other side with much more space to accommodate and asked what the possibility of moving the location and discussing it with them. Mr. Moorman said it would not be possible to move because they were trying to keep it balanced between the north and south side. He explained when they built the improvements along Dayton-Xenia Road they dealt with that business to buy right-of-way and it did not turn out very well in that case either.

Council Member Upton asked if the previous owner acknowledged to the new owner of this project. Mr. Moorman explained the previous owner was in an estate and going through probate.

Council Member Wallace asked if she was given the documents of the design improvements for Dayton-Xenia Road. Mr. Moorman said he would have loved that opportunity but she did not want to talk to him.

Council Member Whilding said this is not for road widening but an amenity feature. Mr. Moorman said this is for street lighting purposes.

Vice Mayor Vann MOVED to approve Resolution 17-03, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Ordinance 17-01 Appropriate the Right-of-Way (Carrie Clark) for the Dayton-Xenia Streetscape II Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by Carrie Clark, for the Dayton-Xenia Road Streetscape II Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Mr. Moorman explained this is the companion piece of legislation to the Resolution just passed. He said because there are federal dollars involved with this project,

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there is a deadline that needs to be met and asked Council to consider passing this Ordinance as an emergency to meet a deadline.

Vice Mayor Vann MOVED to approve Ordinance 17-01 as an emergency, seconded by Council Member Litteral. Motion PASSED by roll call vote of 7-0.

Resolution 17-04 Necessity and Intent to Appropriate Property (Michael Hammermeister) for the Shakertown Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Michael K. Hammermeister, with interest by others, for the Shakertown Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Moorman explained the other project they are working on is the improvements to Shakertown Road between Willow Run and County Line Road where there is a bad drop-off. He said the plan is to reprofile the road to widen it to three lanes and add curb and sidewalk on the south side and address the drop-off issue. He said they have been working for the past several months to acquire the property rights to build the project. He said they have been successful in acquiring five of the seven properties. He explained Mr. Hammermeister inherited this property and does not live there. Mr. Moorman said it is a small temporary easement they are trying to acquire with a value of \$300. He said there was no need for an emergency to meet the deadlines with this project.

Council Member Jarvis MOVED to approve Resolution 17-04, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Ordinance 17-02 Appropriate the Right-of-Way (Michael Hammermeister) for the Shakertown Road Widening Project

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by Michael K. Hammermeister, for the Shakertown Road Widening Project in the City of Beavercreek, Ohio.

Mr. Moorman said this was the companion piece of legislation for the same project.

Council Member Whilding MOVED to approve Ordinance 17-02 and move to the second and third readings, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Resolution 17-05 Necessity and Intent to Appropriate Property (Robert & Mary Lucius) for the Shakertown Road Widening Project

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Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Robert Lucius and Mary Lucius, with interest by others, for the Shakertown Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Moorman explained this was for the same project. He said the property owners were still speaking with them and thought they would reach an agreement. He said in the case they did not come to an agreement he wished to move forward with the legislation. He said the issue is the owner has two large stone columns that delineates where the driveway is. He said they are trying to make a deal on how to move them so they would be salvaged with the project. He said there are also a lot of trees along the side of the property but the trees are within the public right-of-way so the appraiser did not give them any money for the trees. He said they are trying to work out a deal that is fair to both the city and the property owner.

Council Member Upton asked if they were close. Mr. Moorman said he thought they would be able to work it out.

Council Member Jarvis MOVED to approve Resolution 17-05, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 17-03 Appropriate the Right-of-Way (Robert Lucius and Mary Lucius) for the Shakertown Road Widening Project

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by Robert Lucius and Mary Lucius, for the Shakertown Road Widening Project in the City of Beavercreek, Ohio.

Council Member Wallace MOVED to approve Ordinance 17-03 and move to the second and third readings, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

LIQUOR PERMITS

Fun Eats and Drinks LLC dba Fox and Hound (Transfer)

Chief Evers said the Ohio Division of Liquor Control sent police notification of a request to transfer a D5, D6 liquor permit for Last Call Operating Co 1 Inc., LLC DBA Fox & Hound Pub and Grille, 2661 Fairfield Commons, Beavercreek, OH 45432 to Fun Eats and Drinks LLC, DBA Fox & Hound 65088, 2661 Fairfield Commons, Beavercreek, OH 45432. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request. Staff recommended this liquor permit transfer move forward without comment.

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Council Member Litteral MOVED to accept without comment, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Dayton Sake Inc. dba Dayton Sake (Transfer)

Chief Evers said the Ohio of Liquor Control sent police notification of a request to transfer a D%l, D6 liquor permit for Sake One Inc., DBA Sake Japanese Steakhouse, 4470 Indian Ripple Road, Beavercreek, OH 45440 to Dayton Sake Inc. DBA Dayton Sake, 4470 Indian Ripple Road, Beavercreek, OH 45440. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholder for this application request. Staff recommend this liquor permit transfer move forward without comment.

Council Member Litteral MOVED to accept without comment, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote

CITY MANAGER'S REPORT

Mr. Landrum recognized the award winners announced at the annual meeting of the Beavercreek Police Department. The construction at the Senior Center began today. It is anticipated that the project will be completed by the 4th quarter of this year. The City offices will be closed Monday, February 20th in observance of President's Day.

MAYOR'S REPORT

Mayor Stone reviewed an application called See, Click and Fix and asked Council if they would like to see a presentation on this project.

COUNCIL TIME

Council Member Jarvis wished the girls and boys varsity basketball teams good luck in the tournaments.

Vice Mayor Vann said there may be good information in the report Englewood received with the evaluation of water softening. She said Beavercreek was not listed in the Dayton Business Journal as spending money for economic development. She said they need to make this a priority.

Council Member Wallace said there was a zoning workshop at Greene Memorial Hospital on February 22nd from 6:30 to 8:30 p.m.

Council Member Litteral reminded everyone to be heart healthy and wear red tomorrow. The Greene County Family Violence and Prevention Center will be having their annual fund raiser on May 5th, Denim and Diamonds.

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Mayor Stone said the Mayors and Managers Association has a petition to express opposition to the states proposal to allow cell towers to be built anywhere. He said he and the City Manager signed the petition.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

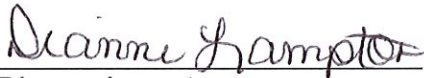
ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 7:12 p.m., seconded by Council Member Wallace. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin021317

