

BEAVERCREEK PLANNING COMMISSION  
REGULAR MEETING, April 4, 2018

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

ABSENT: None

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

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

Mr. Shrider MOVED approval of the March 7, 2018 minutes. Motion was seconded by Mr. Hight and PASSED by majority voice vote.

**PUBLIC HEARINGS**

**PC 18-5 CU, KNH Motors and Service Center (The applicant has requested this case be tabled until the May 2, 2018 meeting.)**

Ms. Akers MOVED to table PC 18-5 CU until the May meeting. Motion was seconded by Mr. Loftis and PASSED by majority voice vote.

**PUD 18-1, Lehmann Rezoning**

Clerk Gillaugh read the notice of public hearing on an application filed by Mills-Barnett Pavilion, 3500 Pentagon Boulevard, Suite 500, Beavercreek, OH 45431. The application requests approval to rezone approximately 3.5 acres from R-1A, One-Family Residential District to MX-PUD Mixed Use Planned Unit Development. The property is located at 1505 N. Fairfield Road further described as Book 5, Page 5, Parcel 126 on the Greene County Property Tax Atlas.

John Koplichack, Mills Development, stated they anticipate this is going to be a mixed use development and thought it was a good opportunity for office, medical, retail, and maybe some residential. He said they are excited about the property, and hoped to still get started with the project in 2018.

Mr. Burkett summarized the staff report dated March 27, 2018, which stated the applicant is requesting approval to rezone 3.5 acres from R-1A One Family Residential to MX-PUD Mixed Use Planned Unit Development. He discussed the location of the property, what currently exists on the lot, the surrounding properties' zoning districts, the Land Use Plan designation, the proposed uses, the setbacks, and the density requirements. Staff recommended approval of the case with eight conditions.

In public input, James Riley, 1564 Sycamore Drive, stated they were present to hear what was being proposed. He said they were not in favor to multi-family residential units being constructed, and believed that would affect their property values.

Mr. Self explained tonight they are looking at a rezoning case, and not the specific site plan. He said they are not looking at anything specific in the way of use other than what is not approved as far as the conditions in the resolution. He said if the rezoning is approved, then a specific site plan case will be submitted.

Cynthia Riley, 1564 Sycamore Drive, asked what the setback buffers were. Mr. Burkett showed the buffer map. Mrs. Riley stated the applicant purchased this property, and questioned what they are going to do with it. Mr. Self explained the Commission will make sure her questions get answered when they are discussing their thoughts, concerns, and questions. She asked how the maintenance of the building(s) was going to be handled. Mrs. Riley questioned where the water run-off is going to go.

Henry Wulbeck, 3424 Dayton-Xenia Road, stated he had spoken with Mr. Burkett yesterday, and submitted a list of questions to him and to the City Engineer, Jeff Moorman. He said his questions will most likely be addressed in the specific site plan stage. He discussed where his property is located, and believed the extension of Lantz Road is what is going to make this development work. He explained there is one parcel that Mills purchased that has not been rezoned, and questioned if they are planning on rezoning it as well.

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

Mr. Shrider asked if a parking lot or the access road could be built after the 20-foot building and parking lot setback. Mr. Burkett said yes. Mr. Shrider questioned if that was wide enough to pave a road and parking spaces. Mr. Burkett said they could have parking spaces or a drive-thru in that area, but staff has not gotten plans showing where they want to put a building. He explained 20 feet is wide enough to have a single access road. Mr. Shrider referred to Lantz Road, and questioned if it would be a public road. Mr. Burkett stated it will be a public road.

Mr. Loftis was concerned with how the parking lot would be constructed, but knew the screening and buffering of the headlights would be addressed at the specific site plan. Mr. Burkett said they look for screening or a berm or a combination of both. Mr. Loftis and Mr. Burkett discussed several uses that were excluded from the PUD, and some that staff felt were appropriate for the PUD. Mr. Loftis asked if staff had a definition for a bar whose primary revenue comes from alcohol sales verses bars/restaurants. Mr. Burkett said the City doesn't distinguish the difference.

Ms. Akers asked if there was a timeline on when Lantz Road would be constructed. Mr. Burkett said it is in the City's Thoroughfare Plan so it will be a City joint project, but a lot depends upon how this project and the Rock Drive project progress. He stated it will be in conjunction with their construction. Ms. Akers referred to several uses, and questioned why they were being excluded. Mr. Burkett explained they were trying to eliminate businesses with outdoor storage. Ms. Akers asked how staff distinguishes the different uses, and what are allowed and not allowed per PUD. Mr. Burkett explained

the difference between the two rezoning cases tonight is because this one is located next to single-family residential, but the case on Esquire Drive is not. Ms. Akers said if a permitted use was a conditional use, then the Commission would have to review the case. Mr. Burkett said yes. Ms. Akers asked if the maintenance and clean up would be addressed at the specific site plan stage. Mr. Burkett stated they have a boiler plate condition regarding maintenance and clean up. Ms. Akers questioned what the residential areas would look like if there are going to be any. Mr. Koplichack said at this point they don't know, and it will be market driven.

Mr. Hight referred to the uses, and said that Inspire Daycare will also be located across Lantz Road. Mr. Burkett explained the list is an inclusive list of uses they are allowed to have, and unless it is added into the B-2 specifically in the Zoning Code then it would not be allowed. Mr. Hight asked what the impact of traffic will be on North Fairfield Road once Lantz Road is constructed. Mr. Burkett believed it will have a positive impact on the North Fairfield Road/Dayton-Xenia Road intersection because it will act as a by-pass.

Mr. Self asked what the frontage was on North Fairfield Road. Mr. Burkett said approximately 140 feet. Mr. Self questioned if the vacant lot to the north was still zoned R-1A. Mr. Burkett stated yes. Mr. Self was concerned with several of the permitted uses, especially the uses that would generate a fair amount of traffic particularly at night and did not feel that would be appropriate next to residential. He felt there were several that could be struck or at least made a conditional use so the Commission would have some say in where they are located.

Mr. Loftis said there is a condition that addresses the height for multi-family uses as 35 feet, but it doesn't list any other uses. Mr. Burkett explained the maximum height limit in PUDs is 75 feet. He stated the height of a building is going to be restricted by the amount of parking that is required. Mr. Loftis asked if it could be addressed in the specific site plan. Mr. Burkett said yes. Mr. Loftis asked if they were planning on demoing the houses on site prior to a specific site plan being discussed. Mr. Koplichack explained in order to have a house demoed they have to go through environmental testing and a permit has to be applied for and approved by the City. Mr. Loftis assumed this was going to be joined in long term with the property to the south. Mr. Koplichack stated he would not assume that. Mr. Loftis was a little concerned because they demoed all the houses along Rock Drive and there is no specific site plan. Mr. Loftis questioned if they were planning on demoing the house prior to specific site plan. Mr. Koplichack said the houses on Rock Drive have not been demoed yet, but they have removed the trees which he believed is why they have put in the condition that they don't do that in this PUD. Mr. Loftis questioned if they planned on rezoning this all into one parcel in the future. Mr. Koplichack stated that is not the plan.

Mr. Koplichack said he was a little concerned with a blanket condition on some of the uses because they do have a corner lot that does not abut to any houses. Mr. Self said if they would make it conditional it still gives the applicant an opportunity to construct on

there, but it gives the Commission the ability to control where it is placed on the property.

Ms. Akers asked if there were certain restrictions because of the daycare location, and what could be placed around it. Mr. Burkett stated there is nothing from the City's standpoint. Mr. McHugh thought the daycare had the right to object. Ms. Akers questioned how she was supposed to recommend certain uses be conditional uses. Mr. McHugh suggested they will need to make a motion to approve the case, and then a motion to amend it and the Commission should go through the list and decide what they want to make conditional. He said they can continue to amend it until a consensus is made.

Mr. Self asked if this property will complete the Lantz Road loop. Mr. Burkett stated yes. Mr. Self questioned as part of the specific site plan, if they could condition that part of Lantz Road be constructed. Mr. McGrath said the cost of the road would not be completely bore by the developer, so this is a City road and City project. He said from the economic standpoint they will have to look at a public/private partnership to get that to happen. Mr. McGrath explained they could not say the road will be completed because it could depend upon grant money or some other things that will be timing related, but there will be appropriate access to each development if Lantz Road is not constructed right away. Mr. McHugh stated the first application that comes in will not be required to construct the whole road. Mr. McGrath said the road right-of-way will be dedicated on any subdivision that comes through for the Commission's consideration.

Ms. Akers MOVED to approve PUD 18-1 with eight conditions. Motion was seconded by Mr. Loftis.

Ms. Akers MOVED to amend Condition #2 to make "Bar/tavern/night club"; "Brewery, micro"; "Brew pub"; "Carry outs – beer, wine and party supply"; "Fraternal, social and civic associations, including food and beverage services"; and "Restaurants – inside and accessory drive thru service only" become conditional uses for PUD 18-1. Motion was seconded by Mr. Loftis.

There was a discussion to follow if restaurants should be a permitted use or an allowed use. After discussion, it was decided to leave it as a conditional use. Motion PASSED by a roll call vote of 5-0.

The motion for PUD 18-1 PASSED by a roll call vote of 5-0. Conditions are below.

1. The concept plan dated "Received March 8 2018" shall be adopted as the location map for this MX-PUD.

2. The permitted uses within this PUD shall be one-family residential, two-family residential, multi-family residential and those uses that are conditional and permitted in B-2 zoning districts, with the exception of the following:
  - i. Brewery
  - ii. Drug and alcohol addiction rehabilitation clinics (no overnight facilities)
  - iii. Heating, air conditioning and plumbing service and repair (excluding well drilling)
  - iv. Heating, air conditioning and plumbing stores - retail
  - v. Residential cleaning services
  - vi. Car rental service
  - vii. Moving trucks and trailers
  - viii. Veterinary clinic with kennels or animal hospitals

The following B-2 permitted uses will now be considered conditional uses with this PUD:

- i. Bar/tavern/night club
  - ii. Brewery, micro
  - iii. Brew pub
  - iv. Carry outs – beer, wine and party supply
  - v. Fraternal, social and civic associations, including food and beverage services
  - vi. Restaurants – inside and accessory drive thru service only
3. There shall be a maximum density of 5.5 dwelling units per acre permitted in this PUD.
4. The maximum height of any standalone multi-family residential building shall be 35 feet.
5. All new buildings shall incorporate four-sided architecture and shall have no apparent rear. All dumpster enclosures shall incorporate three-sided architecture and an opaque front that is constructed of materials that match the new buildings. The buildings and dumpster enclosure shall be designed as required by the Planning Department, Planning Commission and City Council at the Specific Site Plan.
6. Setbacks, further illustrated in Exhibits A and B, shall be as follows:
  - i. A 40-foot building setback for all principal structures along the northern and western property lines. (Exhibit A)

- ii. A 20-foot pavement/parking lot setback along the northern and western property lines. (Exhibit B)
7. The access points and types of access shall be subject to the approval of the City Engineer, Planning Commission, and City Council at the Specific Site Plan.
8. There shall be no removal of any trees within this PUD until specific site plan approval has been obtained by City Council.

**PUD 18-2, Holiday Inn Express Rezoning**

Clerk Gillaugh read the notice of public hearing on an application filed by Mitchell W. Cosler, 545 Hilltop Road, Xenia, OH 45385. The application requests approval to rezone approximately 2.402 acres from C-PUD, Commercial Planned Unit Development to C-PUD Commercial Planned Unit Development. The property is located on the west side of Esquire Drive approximately 250 feet north of the intersection of Lakeview Drive and Esquire Drive further described as Book 4, Page 5, Parcel 104 on the Greene County Property Tax Atlas.

Mitch Cosler stated the existing zoning was antiquated, and did not address a lot of the current uses that are going on today in the development area for commercial. He explained one of the specific item, in addition to the setbacks and buffers, was the building height. Mr. Cosler said they are proposing to construct a Holiday Inn Express, and the height restrictions of the existing PUD was 35 feet. He stated they made a new application with the height of the building being 55 feet, which is similar to other hotels. Mr. Cosler discussed the location of the property, and was available to answer any questions.

Mr. Burkett summarized the staff report dated March 28, 2018, which stated the applicant is requesting to rezone 2.4 acres from an older PUD with B-3 underlying zoning to a new C-PUD Planned Unit Development, to allow for the construction of a hotel. He discussed the location of the property, the proposed building height, the Land Use Plan designation, the permitted uses, the proposed building setbacks, and a preliminary site plan. Staff recommended approval of the case with five conditions.

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

Ms. Akers asked what the height was of Mallard Landing. Mr. Burkett estimated the buildings being 30 feet high.

Mr. Self asked the Fire Department if they had any concerns with the height of the building or with the access shown on the preliminary plan. Mr. Grogan stated they do not have any concerns. Mr. Self questioned if the existing greenery that backs up to

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Mallard Landing could be saved. Mr. Burkett explained staff typically tries to do the grading limits at the specific site plan.

Mr. Shrider MOVED to approve PUD 18-2 with five conditions:

1. The concept plan dated "Received March 27, 2018" shall be adopted as the concept plan map for this C-PUD, except as modified herein.
2. The permitted uses within this PUD shall be those uses that are conditional and permitted in B-3 zoning districts, with the exception of the following:
  - a. Amphitheaters/pavilions (Conditional)
  - b. Banquet halls (Conditional)
  - c. Bar/tavern/night club
  - d. Billiard rooms
  - e. Bingo Halls
  - f. Brewery, micro (with retail sales) (Conditional)
  - g. Brew pub
  - h. Crematory service (Conditional)
  - i. Dance halls
  - j. Fraternal, social and civic associations, including food and beverage services
  - k. Funeral services and accessory crematory services
  - l. Heating, air conditioning and plumbing service and repair (excluding well drilling)
  - m. Hookah bar or Shisha bar
  - n. Lawn mower sales, service and repair
  - o. Meeting and party rooms
  - p. Party rooms (Conditional)
  - q. Pawn shops
  - r. Payday loan services
  - s. Tattoo and piercing parlor (Conditional)
  - t. Teen clubs
  - u. Television and radio stations (Conditional)
  - v. Towing Service (Conditional)
  - w. Vehicle paint and body shops (Conditional)
  - x. Vehicle parking garages and lots (commercial) (Conditional)
  - y. Car rental service
  - z. Moving trucks and trailers (Conditional)
  - aa. Vehicle repair stations (Major) (Conditional)
  - bb. Vehicle sales and service (new and used) (Conditional)

3. All new buildings shall incorporate four-sided architecture and shall have no apparent rear. All dumpster enclosures shall incorporate three-sided architecture and an opaque front that is constructed of materials that match the new buildings. The buildings and dumpster enclosure shall be designed as required by the Planning Department, Planning Commission and City Council at the Specific Site Plan.
4. There shall be a building setback of 50 feet from the western property line and a 40-foot building setback from the eastern property line.
5. The access points and types of access shall be subject to the approval of the City Engineer, Planning Commission, and City Council at the Specific Site Plan.

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

#### **DECISION ITEMS**

##### **PUD 17-2 MOD 2/18, Speedway Signage, Minor**

Ms. Pereira summarized the staff report dated March 29, 2018, on a request by Robert Sweet-McBride Dale Clarion (Agent for Owner), 5721 Dragon Way, Ste. 300, Cincinnati, OH 45227. The applicant, acting as an agent for the property owner, is requesting approval of a sign package for the recently approved Speedway at 3991 Indian Ripple Road. Staff recommended approval of the case with five conditions.

Mr. Shrider referred to Sign G on the west side of the property, and asked if the sign would be set back enough that it would not cause any line-of-sight issues. Ms. Pereira said it should not be a problem, but they will make sure before a permit is released.

Mr. Self was concerned about the Kettering Health Network sign with the Speedway sign because he did not believe the parking lots connected. Ms. Pereira said the parking lots do not connect, but thought when someone saw the sign they would turn into the correct access point that is attached to the parking lot. Rob Sweet stated there will be some arrows on that sign, and they are comfortable with the layout.

Mr. Shrider MOVED to approve PUD 17-2 MOD 2/18 with five conditions:

1. All conditions and restrictions of PUD 17-2, and any modifications shall remain in full force and effect.
2. The renderings and architectural elevations stamped "Received February 28, 2018" shall be the approved renderings for this modification.
3. The use of raceways or painting of letters on any wall shall be prohibited.
4. Zoning permits must be approved by the Planning and Development Department

prior to the installation of any signage.

5. No temporary signs of any kind shall be permitted within this PUD.

Motion was seconded by Ms. Akers. Motion PASSED by a roll call vote of 5-0.

**ADJOURNMENT**

Mr. Loftis MOVED adjournment at 7:16 p.m., seconded by Mr. Hight. Motion PASSED by majority voice vote.

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Melissa Gillaugh  
Deputy Clerk