

BEAVERCREEK CITY COUNCIL
REGULAR MEETING April 9, 2018 6:00 p.m.

PROCLAMATIONS

◆ National Public Safety Telecommunicators' Week

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Pete Landrum, City Manager; Jeff McGrath, Planning and Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Scott Molnar, Beaver Creek Police Captain; Jeff Moorman, City Engineer; Nick Smith, Assistant City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Mayor Stone led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Council Member Curran. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the March 19, 2018 Work Session Minutes, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

PUBLIC HEARING – PUD 541 MOD 2/18 (Major) Raising Cane's Chicken Fingers Clerk Miscisin read an application filed by Drew Gatliff, 1062 Ridge Street, Columbus, OH 43215. The application requests a major modification for 1.17 acres of land to allow for the construction of a restaurant known as Raising Cane's Chicken Fingers located on the north side of Indian Ripple Road and west of the existing Waffle House restaurant further described as Book 3, Page 7, Parcel 3 on the Greene County Property Tax Atlas.

Applicant Presentation

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Drew Gatliff, 1062 Ridge St., Columbus, OH 43215

Mr. Gatliff said he was available to answer questions. He said they were very excited to be coming to the Beavercreek community

Staff Presentation

Mr. McGrath summarized the staff report dated March 8, 2018 stating the applicant was requesting approval of a major modification in order to construct an approximately 3,500 square foot restaurant to be located in the Greene Crossing Development on Indian Ripple Road. He reviewed the history of the PUD and its development. He reviewed the building design, parking, lighting, streetscaping, landscaping, elevations, signage, and access points. Planning Commission and staff recommend approval of the request.

Public Input

Marie Jenkins, 4101 Rushmore Place, Beavercreek, Ohio

Ms. Jenkins expressed her concerns regarding the farmers market and the traffic flow. She said there was so much traffic already with the car wash and Starbucks. She said the 5th 3rd money machine was very hard to use.

Maggie Pierce, 3911 E. Summit Ridge Drive, Beavercreek, Ohio

Ms. Pierce was concerned about the traffic flow. She was part of the grand opening of the facility in Centerville. She said it was really backed up. She said this location is already congested with the car wash and Starbucks. She said the entrance and exit seemed a little confusing. She would like that to be considered.

The public hearing was closed.

Council Input

Council Member Curran said this was a real improvement compared to the plan at the other location.

Council Member Vann appreciated the citizen's comments and would like staff to respond.

Vice Mayor Garcia echoed Council Member Vann's comments. She confirmed the traffic congestion concern was the internal side within the parking lot.

Mr. McGrath said the grand opening is crazy as it is a busy store. He said this site is much better for stacking, internal in the parking lot. They would have traffic control for the grand opening. He said this would better define traffic flow within the parking lot.

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Council Member Vann said she sometimes cuts across between Fifth Third and the Waffle House to go to meetings on the other side of the parking lot. She recommended to urge traffic to go beyond Waffle House and turn in. She said to use signage to encourage this. Mr. McGrath said that would be ideal.

Council Member Litteral said congestion on the weekends is horrendous and maybe engineering could look at the timing of the lights.

Council Member Vann questioned the future of the farmers market. Mr. McGrath said they have always been supportive of the event but it was not the city's call if they continue the farmers market. He said if they do come in for a permit they would make sure the location was not in the way. He said ultimately it was the property owner's discretion to permit the farmer's market.

Motion

Council Member Upton MOVED, for the purpose of taking administrative action, approval of a PUD Major Modification for Raising Cane's Chicken Fingers, PUD 541 MOD 2/18, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Major Modification as per §158.070 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plans for this development shall be the plans stamped "Received February 28, 2018", except as modified herein.
2. The approved architectural elevations for this development shall be the plans stamped "February 28, 2018", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project. The PUD Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release of a zo 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. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types,

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species and sizes as originally planted, within three months, weather permitting.

5. Signage shall be permitted on the south, west and east elevations and shall be limited to one sign, not to exceed 40 square feet, per elevation. The mural shall be additionally permitted on the west elevation and shall be limited to 84 square feet and must be removed if Raising Cane's vacates the building. The ground sign shall be limited to 30 square feet per sign face and 6.2 feet in height. An additional preview board and menu board shall also be permitted.
6. No temporary signs of any kind are permitted in this PUD.
7. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. No pole shall be located in the paved area of the parking field and all fixtures shall be full cutoff fixtures.
8. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials architecturally compatible with the building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
9. The building exteriors shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
10. Any proposed gutters and downspouts shall be internally mounted.
11. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
12. All service doors and man-doors shall be painted to match the surrounding materials of the building.

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13. 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. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits for this project.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of any zoning permits for the project.
15. The overnight parking of semi-trucks or semi-truck trailers shall be prohibited within this PUD

Seconded by Council Member Vann. Motion PASSED by majority voice vote.

PUBLIC HEARING – PC 18-4, ASRA Detailed Site Plan A.S. Properties
Clerk Miscisin read an application filed by Mark Plavac, 1942 River Ridge Drive, Spring Valley, OH 45370. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for one acre of land to construct a new medical office building. The property is located at 4016 Indian Ripple Road further described as Book 3, Page 10, Parcel 215 on the Greene County Property Tax Atlas.

Applicant Presentation

Stephen Butler, Civil Engineer, 2440 Dayton-Xenia Rd., Ste. 8, Beavercreek, Ohio
Mr. Butler explained this was a similar concept but they would not be keeping the house. He said they would work with city staff to address any concerns.

Staff Presentation

Mr. Burkett summarized the staff report dated April 5, 2018 stating the applicant was requesting approval of a detailed site plan for the construction of a 6,300 square foot medical office on one acre. He reviewed the location, existing conditions, the split zoning and surrounding zoning, land use plan, access point, parking, storm water, storm water, detention easement, elevations and landscaping. Planning Commission and staff recommend approval of the request.

Public Input

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

Council Input

Council Member Litteral questioned the parking lot in back, the two acres in the rear of the property and the access easement. Mr. Burkett said as part of the conditions they would be required to record an access easement.

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Council Member Rushing asked if there were restrictions for the hours of operation for the business. Mr. Burkett said there were no restrictions in the code stating a business could not be run after a certain time.

Council Member Upton questioned the location of the detention pond. Mr. Burkett reviewed the location.

Mayor Stone questioned why the property was being separated into two lots. Mr. Burkett explained the land use plan had highlighted the southern one acre as neighborhood community commercial and the rear 2.8 acres was classified as single family low density use. Mayor Stone said other than that there was no requirement to change it if there was one owner. Mr. Burkett said that was correct. Mayor Stone said when you do separate and create a new lot that is a non-conforming lot. Mr. Burkett said there would be an easement for utilities. Mayor Stone said he was concerned about creating a non-conforming lot which abuts residential lots. He would like to see this as one parcel but limit the development to the front and not have an easement. He said this could be green space or build a house there. Mr. McHugh said it would be referred to as a flag lot and the mayor had raised some valid concerns. Mayor Stone said the face of the building should resemble a residence. He said the south face resembles between a residence and a church. He said the use is good for this area. He asked if the applicant had any thoughts on breaking up the lot.

Mark Plavac, 4016 Indian Ripple Rd. Beaver creek, Ohio

Mr. Plavac said the city staff advised them to seek an R-O1 status for the one acre for the purpose of building a new medical office. He explained the architectural drawing was missing a lot of stonework that would warm the building frontage. He said he did not have any answers as to what would happen to the space beyond the first 130 feet of the driveway. He said it would have to be residential. Mayor Stone said his concern was for 10-15 years down the road. He questioned if they could zone a piece of a lot. Mr. McGrath explained the land use plan splits the parcel. Zoning is easier to implement on a parcel by parcel basis. The property should be defined by the zoning district in which it sits in. The reason it was required to be split was because the one acre was rezoned R-O1 in order to define the legal description of the zoning area. Mr. McHugh said if you were not to split the lot you would be providing a business use for the remaining portion. He said by the Planning Department recommending splitting it off it would be defining the one acre and would have a better position to argue should there be an attempt to put another business back there. Mr. McGrath explained the existing zoning is a level of protection to not guess what will happen in the future but be able to have that as the fallback if anything could happen on that property.

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Motion

Council Member Vann MOVED, for the purpose of taking administrative action, approval of a ASRA Detailed Site Plan for A. S. Properties, PC 18-4, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for an ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plans for this development shall be the plans stamped "Received February 22, 2018", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received February 8, 2018", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. 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 free of noxious weeds and construction debris and shall be properly maintained.
6. A Development Agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release 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. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials to

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match the building. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.

8. Wall and/or ground signage shall adhere to the regulations set forth in the Zoning Code for RO-1 districts. The final design and location shall be subject to review and approval by the Planning Department prior to a release of a permit for the sign. If constructed, the ground sign shall be set in a base that shall be constructed of the same stone as used to construct the new principal structure.
9. Any wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited
10. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 16 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
11. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
12. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
13. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed prior to the issuance of a permit for the project.

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14. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
15. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project. The City reserves the right to require more frequent collection as necessary.
16. A final subdivision for the entire property shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit for this project. The final record plan shall show cross access easements to the north and west as well as appropriate detention easement between the two newly created lots.
17. Prior to release of the record plan for recording, the applicant shall sign a Subdivider's Contract if required by the City Engineer, and submit a bond or letter of credit for all public improvements.
18. The exterior construction hours shall be limited to 7 a.m. to 7 p.m., Monday thru Saturday.

Seconded by Council Member Curran. Motion PASSED by majority voice vote

ORDINANCES, RESOLUTION AND PUDS

Ordinance 18-03 PUD 08-1 Amend 1/18 YGIC (Third Reading)

Clerk Miscisin read an Ordinance amending Ordinances 08-12 and 09-32 (C-PUD 08-1, Hindu Temple) and Ordinance 96-33 (R-PUD 96-1, Brookstone) to rezone 3.002 acres further described as Book 4, Page 4, Parcel 29 on the Greene County Property Tax Atlas to C-PUD 08-1 (PUD 08-1, Amendment 1/18)

Vice Mayor Garcia MOVED to approve Ordinance 18-03, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Resolution 18-18 Resurfacing Program Cooperation Agreement with County Engineer

Clerk Miscisin read a Resolution authorizing the City Manager to enter into an agreement with the Greene County Engineer for the project known as the Collective Paving for 2018.

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Mr. Smith explained this legislation was part of the annual resurfacing program through the Greene County Collective Bidding Program. He said several jurisdictions combine with the county for better asphalt prices by collective bid. He said the County Engineer opened bids on March 15th and have sent a request to enter into an agreement. Mr. Smith reviewed the resurfacing plan for this year which was available on the city website. He said the base program would cover 10.77 center line miles and there was an alternate program of 8.95 center line miles if money was available.

Council Member Litteral said it was a great opportunity for collaboration.

Council Member Upton was thankful to see an alternative plan if resources are available

Council Member Curran MOVED to approve Resolution 18-18, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Resolution 18-19 Necessity and Intent to Appropriate Property (Estate of Andrew E. Merritts) for Off-Street Parking Facility

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire fee simple interest in certain parcels or real estate and other property interests owned by the Estate of Andrew E. Merritts AKA Andrew Elmer Merritts, with interest by others, for the purpose of establishing off-street parking facility in the City of Beavercreek, Ohio.

Mr. McHugh explained Mr. Merritts passed away four years ago and the house has been abandoned. He said this is the first step along with the ordinance following.

Council Member Litteral MOVED to approve Resolution 18-19, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Ordinance 18-05 Appropriate the Right-of-Way (Estate of Andrew E. Merritts for Off-Street Parking Facility

Clerk Miscisin read an Ordinance to appropriate for public use, all right title and interest in a certain parcel of property located at 3870 Southview Street, Beavercreek, Ohio for the purpose of acquiring fee simple interest for an off-street parking facility in the City of Beavercreek, Ohio.

Council Member Vann MOVED to approve Ordinance 18-05 and move to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

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DECISION ITEMS

April 30, 2018 Mental Health & Recovery Board Event City Sponsorship

Mayor Stone said Council Member Vann has been working on this. He said the question was whether or not the city should be a sponsor of this event. He asked Council Member Vann to give a brief overview.

Council Member Vann said there was a tentative agenda. She said they have had a lot of citizens come forward who are anxious about the change that medical marijuana would place on the city. She said it would be better to be proactive rather than responding to a problem. She said it was the right thing for the city to help with as it is a complicated subject. She said this would be an information meeting for people to understand what it means for people to have medical marijuana. She said if the city would be a sponsor the logo would be included in the flyer. She reviewed what would be discussed at the meeting and who would be tentatively speaking. She recommended the city be sponsor and council be present to great people.

Mayor Stone said the issue he had was they did not know what the state was going to do. He said to try to give people answers to things that we have no control over gives false hope sometimes.

Council Member Vann said she thought it would be good for State Representative Perales to listen to the questions that we bring up so that he would know the issues that we need to be thinking about.

Mayor Stone thought it would be wise for Mr. Perales to hear all the input he could hear.

Council Member Vann said there was a new marijuana control board that has made many decisions that could be communicated. She said there have been a lot of laws that have been put in place.

Mayor Stone asked if the school board was supporting this. Council Member Vann said one school board member was planning to be there and there were speakers from the school.

Council Member Curran said he would prefer Greene County Public Health and Mental Health and Recovery Board of Clark, Green and Madison Counties symbols be at the top of the flyer. He said each one of them are a component of this issue. He said in terms of process, it seemed there was a lot of work put into this but he felt it should have been brought before Council as a concept and then if Council approved it, proceed per direction of the Council. Council Member Vann

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said the timing and availability was an issue. Council Member Curran said he did not want the focus on Beavercreek. Council Member Vann said it was a good idea to invite the Board of Health.

Vice Mayor Garcia confirmed this came about because of Council Member Vann's role with the Mental Health and Recovery Board. Council Member Vann said she was on that board. Vice Mayor Garcia said this scheduling and committing was part of her commitment to that board. She said Council was to be discussing whether or not Council wanted to be involved and the meeting would go forward even if Council chose not to participate.

Council Member Upton confirmed Council Member Vann was asking for an endorsement. Council Member Vann replied yes and thought Council would like to be there. She said the Council only be the convener to try to educate. The people who would be speaking will know Ohio law.

Mayor Stone was concerned about speculation because nobody knows.

Mr. Landrum said he would be speaking briefly as to where the city was on this topic. He said the room used for this event would depend on the sponsorship because one of the rooms was only used for city events.

Mayor Stone suggested using the verbiage of hosting instead of sponsoring.

Council Member Litteral MOVED to host the 2018 Mental Health & Recovery Board Event to have a location, seconded by Council Member Curran. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Landrum reviewed the resurfacing program. He reviewed a social media post regarding flooding. He reviewed upcoming Parks Department events.

MAYOR'S REPORT

Mayor Stone said UES made another contribution to the Fourth of July. Thank you for your support. The Beavercreek All-District Band Concert will be held Tuesday night at the Nutter Center. He thanked Vice Mayor Garcia for filling in after his surgery.

COUNCIL TIME

Vice Mayor Garcia said that she along with the City Manager will be attending the Fly-in in Washington D.C. next week.

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Council Member Vann attended the Greene CATS meeting. She said it was National Appreciation Week for First Responders on Front Lines of Opioid Epidemic and thanked all our first responders. The Beaver Creek Women's League showed the Free To Ride movie which would be available until April 18th on the Beaver Creek Women's League website to view.

Council Member Rushing attended a Round Table regarding the Opioid project.

Council Member Litteral would be attending the Beaver Creek Women's League scholarship function this weekend at the Hilton Garden Inn.

Council Member Upton reviewed the employee anniversaries. Congratulations to everyone.


Council Member Curran congratulated the mayor for the 1st Thursday event.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 7:45 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:


Dianne Miscisin
Clerk of Council
Cmin040918