

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING May 29, 2018 6:00 p.m.

PROCLAMATIONS

- ◆ Creek Classic, John Ankeney
- ◆ Scleroderma Awareness Month, Kelley Hill

**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; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning and Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council

**PLEDGE**

Council Member Litteral 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 Curran MOVED to approve the April 23, 2018 Regular Meeting Minutes, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Upton MOVED to approve the May 14, 2018 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**PUBLIC HEARING** – PC 17-4 (ASRA) Roddy Dentistry

Clerk Miscisin read an application filed by Dr. Ron and Tammy Roddy, 109 Castle Pines Court, Xenia, OH 45385. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.7 acres of land to construct a new medical office building. The property is located at 4090 Indian Ripple Road further described as Book 3, Page 10, Parcel 223 on the Greene County Property Tax Atlas.

May 29, 2018

#### Applicant Presentation

Dr. Ron Roddy, 109 Castle Pines Court, Xenia, OH 45385

Dr. Roddy expressed his thanks to the staff for their guidance through the process. He said his current practice was located at 2355 Lakeview Drive and would likely maintain the existing location. He reviewed his practice and patient relationship.

#### Staff Presentation

Mr. Burkett summarized the staff report dated May 24, 2018 stating the applicant was requesting approval of a detailed site plan for the construction of a professional dental office on 1.7 acres. He reviewed the location, surrounding zoning, the Land Use Plan, parking, landscaping, the proposed site plan and the easement. Planning Commission and staff recommended approval of the application.

#### Public Input

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

#### Council Input

Council Member Rushing commented on the posted signs on the property notifying the public of the application.

Council Member Vann asked for the history of the driveway. Mr. Burkett explained it had been part of a larger property which was split off due to an easement. He said there would never be a driveway on this easement.

Council Member Upton asked how close the trash receptacle was to the property to the north. Mr. Burkett explained said it was approximately 40 feet from the property line. He also said the building closest to the receptacle was a barn.

Vice Mayor Garcia asked the typical hours of the business. Mr. Burkett said it was typical business hours maybe with an occasional emergency.

Mayor Stone had problems with the timing of the trash pickup. He wanted a limit on the timing of the trash pickup.

Council Member Upton MOVED to add condition 19 stating the applicant work with trash hauler to restrict trash collection prior to 7:00 a.m., seconded by Council Member Curran. Motion PASSED by majority voice vote. (Litteral abstained)

#### Motion

Council Member Vann MOVED, for the purpose of taking administrative action,

May 29, 2018

approval of an ASRA Detailed Site Plan for the Roddy Dental Office, PC 17-4, 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 April 25, 2018", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received April 25, 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 match the building. The final design of the dumpster enclosure shall be

May 29, 2018

reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.

8. 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. The applicant may have two wall signs on the building, each of which shall be no greater than 25 square feet. 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.

May 29, 2018

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 an appropriate detention easement as approved by the City Engineer.
17. The exterior construction hours shall be limited to 7 a.m. to 7 p.m., Monday thru Saturday.
18. There shall be no driveway installed on the 20-foot wide strip leading to Apple Blossom Place.
19. Applicant shall work with waste hauler to restrict trash collection prior to 7:00 a.m.

Seconded by Council Member Upton. Motion PASSED by majority voice vote. (Litteral abstained.)

**PUBLIC HEARING** – PC 18-6 (ASRA) Piano Preparatory School

Clerk Miscisin read an application filed by Steve Butler, 2440 Dayton-Xenia Road, Ste. B, Beavercreek, OH 45434 The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.371 acres of land to construct a new music school. The property is located at the northwest corner of Indian Ripple Road and Grange Hall Road further described as Book 3, Page 20, Parcel 20 on the Greene County Property Tax Atlas.

Applicant Presentation

Jim Alt, Alt Architecture, 2440 Dayton-Xenia Rd., Ste. B, Beavercreek, OH 45434 Mr. Alt stated they were very pleased with the professional assistance receive by the staff. He was available for questions.

May 29, 2018

Tom Shoup, 3364 Arlington Place, Beavercreek, Ohio

Mr. Shoup said he was the father of the owner of the property. He said his daughter started the school in 2005 in the old Lofino Plaza on Dayton-Xenia Road and then moved the current Indian Ripple location. The school has taught over 10,000 students. He explained the parcel in the application was originally part of a large farm 200 years ago owned by Moses Shoup. In 1867, Moses Shoup donated 2.5 acres, which this parcel was part of, to the Beavercreek Schools. He said Concord #1 was built on this property as the first single room school house of the Beavercreek School system. In 1934, Beavercreek Schools sold the property to Russell Benham for a residence. Tom Shoup's parents bought the property back in 1953 and renovated the school house. In November, 1959 an aircraft from WPAFB crashed into the property, destroying the building. He said nothing had been built on the property since 1959. In 1992, it was sold for commercial development. He said his daughter has wanted this property to turn it back into a school. Mr. Shoup expressed his appreciation towards staff for working with them regarding the unusual lot.

#### Staff Presentation

Mr. Burkett summarized the staff report dated May 24, 2018 stating the applicant requesting approval of a Detailed Site Plan for the construction of a musical education facility on 1.37 acres. He reviewed the location, surrounding zoning, access, parking, water detention, landscaping, and conditions. Staff and Planning Commission recommend approval of this application.

#### Public Input

Mitch Cosler, 545 Hilltop Road, Beavercreek, Ohio

Mr. Cosler said the detention pond on Bern's property was his design. He said the pond was designed to take into account the development of the 1.4 acres.

#### Council Input

Council Member Curran wanted validation of the egress from the property going north on Grange Hall Road. Mr. Burkett said they had worked with applicant to widen Grange Hall slightly. He said they want to make sure cars could get around if they had to. He said there would not be a large volume of cars going in and out at any time.

Council Member Upton thanked the applicant for investing in Beavercreek and glad to have the history.

Council Member Litteral thanked the applicant for staying Beavercreek.

#### Motion

May 29, 2018

Council Member Upton MOVED, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for the Piano Preparatory School, PC 18-6, 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 April 5, 2018", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received April 5, 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 future dumpster enclosure shall be constructed of materials to match the building. The final design and location of any

May 29, 2018

future dumpster enclosure shall be reviewed and approved by the Planning and Development 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 O-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 brick 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.



May 29, 2018

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.
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 18-06** PUD 18-01 Lehmann Rezoning (Third Reading)

Clerk Miscisin read an Ordinance rezoning approximately 3.5 acres of land from R-1A, One Family Residential to MX-PUD Mixed Use Planned Unit Development, located at 1505 North Fairfield Road, further described as Book 5, Page 5, Parcel 126 on the Greene County Property Tax Atlas. (PUD 18-1).

Council Member Curran MOVED to approve Ordinance 18-06, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

##### **Ordinance 18-07** PUD 18-2 Holiday Inn Express (Third Reading)

Clerk Miscisin read an Ordinance rezoning 2.402 acres of land from Commercial Planned Unit Development 124-86 to Commercial Planned Unit Development 18-2, 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 14 on the Greene County Property Tax Atlas. (PUD 18-2).

May 29, 2018

Council Member Vann MOVED to approve Ordinance 18-07, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

**Ordinance 18-08** Repealing Current Section 94-07 and Adopting New Section 94.07 (Third Reading)

Clerk Miscisin read an Ordinance repealing current section 94.07 "Unsolicited Printed Materials" of the City of Beavercreek Code of Ordinances, and adopting new section 94.07 "Unsolicited Printed Materials" of the City of Beavercreek, Code of Ordinances.

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

**Resolution 18-21** Declaring Necessity of Levying a 4.5 Mills Renewal and Requesting County Auditor to Certify

Clerk Miscisin read a Resolution by Beavercreek City Council determining the necessity of levying a renewal tax in excess of the ten-mill limitation for providing and maintaining motor vehicles, communications, other equipment, buildings and site for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the revised code as authorized by the Ohio Revised Code which levy shall be four and five tenths mills (4.5) which is a renewal levy to run for a continuing period of time, pursuant to section 5705.19 and subsection 5705.1(J) as amended, of the Ohio Revised Code, and requesting the County Auditor to certify matters in connection therewith.

Mr. Kucera reviewed the current 4.5 mill police levy set to expire in tax year 2018. He said the renewal is set to be placed on the ballot on November 6, 2018. He said at the last work session council reviewed the existing levy and wished to continue the renewal of the 4.5 mill levy to fund police operations. He said this represents \$5.8 million or 62% of the police budget. He reviewed the process to place the levy on the ballot including sending this resolution to the county auditor for certification.

Council Member Vann said this was discussed at a prior work session and said this was needed.

Mayor Stone asked Mr. Kucera to comment on the rollback. Mr. Kucera reviewed the state rollback information. He also stated there was no increase in taxes with this renewal levy for a continuing period of time.

May 29, 2018

Council Member Curran asked how many police levys were permanent. Mr. Kucera said there were three passed in the 1980's

Vice Mayor Garcia MOVED to approve Resolution 18-21, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

**Resolution 18-22** Authorize Master Supply Agreement for Electric Governmental Aggregation Program

Clerk Miscisin read a Resolution to enter into a master supply agreement with AEP Energy Inc. for all services related to supplying the electric requirements for the city's electric governmental aggregation program.

Mr. Landrum explained the process of the aggregation program. He said they went through the bid process for pricing which the final results were received earlier in the day.

Daniel Deters of Energy Alliance explained on May 3<sup>rd</sup> Beaver Creek became certified. He reviewed the pricing received through the bid process and recommended AEP as the supplier with a price 0.05015 cents which will be a three year agreement. He said people would be able to opt out if they wish and there was no termination fees.

Mr. Landrum expressed concern of door-to-door representatives trying to sell their energy. He asked residents to be aware of the fine print.

Mr. Deters said there would be letters going out to residents who currently do not have a separate energy provider. Mr. Landrum said the website will have a separate page regarding information about electric aggregation along with a phone number for additional questions.

Council Member Vann MOVED to approve Resolution 18-22 with the name and address of the electric provider AEP, seconded by Council Member Upton. Motion PASSED by majority voice vote.

#### **CITY MANAGER'S REPORT**

Mr. Landrum reviewed the current road projects. Party in the Park will begin June 1<sup>st</sup> at the Saville Farm Estates Park and June 22<sup>nd</sup> at Stafford Park. He reviewed additional recreation events occurring in June. Party on the Patio at the Beaver Creek Golf Club will be June 1<sup>st</sup> from 6:00-9:00 p.m.

#### **MAYOR'S REPORT**

May 29, 2018

Mayor Stone thanked the Park and Recreation for the Memorial Day event and those who participated. He participated in an event at the Veterans Administration celebrating the 100<sup>th</sup> anniversary of the end of World War I.

**COUNCIL TIME**

Council Member Rushing was looking forward to judging the Beaver Creek Pageant.

Council Member Litteral thanked the Optimist Club for the flags over the holiday weekend.

Council Member Curran said he enjoyed the Memorial Day event.

**CITIZEN COMMENTS**

There being no citizen comments, citizen comments was closed.

**ADJOURNMENT**

Council Member Litteral MOVED to adjourn the meeting at 7:21 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.

  
\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

*Dianne Miscisin*  
Dianne Miscisin  
Clerk of Council  
Cmin052918