

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, June 6, 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. Loftis MOVED approval of the agenda. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

Mr. Shrider MOVED approval of the May 2, 2018 minutes. Motion was seconded by Mr. Hight and PASSED by majority voice vote.

PUBLIC HEARINGS

PUD 17-2 SSP #2, Cedarbrook Farms

Clerk Gillaugh read the notice of public hearing on an application filed by NVR, Inc., 884 Pleasant Valley Drive, Springboro, OH 45066. The application requests approval of a specific site plan to allow development of 70 single-family residential homes on 28.583 acres of land located at 3240 Shakertown Road further described as Book 6, Page 3, Parcel 63 on the Greene County Property Tax Atlas.

Steve Lisle, Reinke Group, stated he was fortunate enough to come back with a different client so he understood a lot of the issues the citizens and the Commission were concerned with previously so they tried to address those with this plan. He discussed the location of the property and stated they are proposing 70 single-family homes. Mr. Lisle explained with the proposed plan Newton Drive will not be cut straight through to Shakertown Road. He discussed the proposed site plan, the Land Use Plan requirements, the Shakertown Road improvement, the price range for the proposed houses in the development, several color renderings of the houses, the traffic concerns, the flood management, and the storm water runoff calculations.

Mr. Burkett summarized the staff report dated May 31, 2018, which stated the applicant is requesting approval of a site plan to allow for the construction of 70 single-family homes on 28.6 acres. He discussed the location of the property, the zoning classifications of the surrounding lots, the access and transportation of the site, the lot sizes, the street tree requirements, the proposed landscaping, the tributary, the stormwater improvements to the site, and several of the conditions in the proposed resolution. Staff recommended approval of the site with 20 conditions.

In public input, Matt Feeser, 755 Newton Drive, was concerned with the retention pond on the northwest side of the property because the Ballymeade pond is five feet higher and the sewer is already overwhelmed. He suggested running another pipe so the back pressure doesn't fill the pond up during the heavy rains. Mr. Feeser said he has been opposed to Newton Drive connecting, and he sees it as a safety risk for those walking on the old portion of the road. He explained he had read on the Next Door App, lots of

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complaints about speeding throughout neighborhoods. Mr. Feeser asked the Commission to consider adding a speed table where old Newton Drive and new Newton Drive will meet. He expressed his concern about all their well water being diverted down to the creek because Ballymeade hit an artesian well during construction. He was worried the same thing would happen, and their wells will be affected. Mr. Feeser asked if any studies have been done to eliminate the risk of something like that happening. He discussed several issues he found in the Zoning Code with the proposed development regarding the land use density, and asked who was going to monitor it.

James Rainey, 777 High Oaks Circle, donated his three minutes to Matt Feeser.

Mr. Feeser discussed the calculations he had done regarding the land use density, and referenced the lot width requirement and asked how it is calculated on cul-de-sac lots. He stated he wasn't against the development, but he is against the population. Mr. Feeser was concerned about the 5-foot side yard setbacks and 15-foot distance between houses. He asked what the timeline was for construction.

Robert Wiese, 3351 Leawood Drive, stated him and his wife like to walk Newton Drive and with all the additional cars and lack of walking space it is going to make it a bit of a hazard for them. He was concerned with speeding in the neighborhood. Mr. Wiese questioned if this would affect the City water's pressure and if the homes in Tara would be impacted. Mr. Wiese was afraid they were going to expose another natural spring and if so it is possible they are going to affect the wells. He asked how this was going to impact the schools. Mr. Wiese said the lot sizes were not the same size as the existing plat, and he was concerned how the road narrows from approximately 23 feet to 17 feet between the new Newton Drive and the old Newton Drive.

Lisa Witt, 570 Rustic Trail, said her property is located in the flood zone, and her property floods with every rain. She asked if the water would not be reduced with all the construction that would be occurring. Ms. Witt was concerned about the traffic congestion, and felt it was already an issue. She questioned what the square foot range was of the biggest and smallest house.

Sandra Hawker, 3411 Leawood Drive, stated she was concerned with the traffic and felt that was way too many houses. She asked what the effect will be on her well because she will be fairly close to the development. Ms. Hawker said she was pleased with a lot of what she saw, but was concerned with the traffic since it is already so difficult to get out on North Fairfield Road from Newton Drive.

Helen Morrow, 3435 Hickory Court, said she would like to see a speed bump constructed because there are a lot of children in the neighborhood. She was concerned about her well because she heard when they built Ballymeade they hit three springs at that time and the water in her well has diminished greatly and is much poorer quality than it was years ago. Ms. Morrow said the rain runoff is an issue, and she still

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gets geese in her back yard because of the water. She explained sometimes she does have to wait a few minutes to turn off Newton Drive onto North Fairfield Road.

Sandy Woodruff, 541 Rustic Trail, stated no one that lives in Coy Homestead Estates is thrilled with having a street come out opposite theirs. She said a few nice houses will be constructed where they can be seen from Shakertown Road except for the long strip on Newton Drive. Ms. Woodruff stated there has been no effort to curve Newton Drive to look less ugly than a row of boxes. She explained she was not thrilled with having construction going on at 7:00 AM.

Matthew Birdsall, 276 Ashley Court, stated he was against the project. He read several messages that were on the Next Door app. Mr. Birdsall said he does not want Ryan Homes there because they own a Ryan Homes and use it as a rental property. He stated it is a nightmare and he could not begin to tell the Commission the amount of work they have had to put into the property. Mr. Birdsall believed they were going to cram an absurd amount of tiny homes that he knew would be built poorly, and said if a person would peel back the drywall they will see there is PVC where there should be copper. He agreed with everyone else the flooding is an issue, and it doesn't seem to help anything they are doing here. Mr. Birdsall didn't understand why greenspace is continuing to be used as lining pockets instead of being used for the aesthetic appeal for the community and a boost in some way. He felt like this project was going to be an eyesore.

Karen Engman, 3184 Willowbend, stated it floods when they have rain. She thought the creek needed to be dredged and explained there are trees down in it. Ms. Engman said she was concerned about where the big pond was going to drain into the creek.

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

Mr. Hight shared some of the same concerns as the citizens.

Mr. Loftis referred to the temporary signage the applicant was proposing, and asked how long these type of signs are allowed to be up. Mr. Burkett said they are used to advertise the neighborhood and homes for sale, and said when there is no temporary sign restrictions that is normally for commercial developments. Mr. Loftis said they are not aesthetically pleasing. Mr. Burkett explained the Commission could put a condition in the resolution to modify those. Mr. Loftis asked if there was a time restriction on how long the signs are allowed to be up. Mr. Burkett said there is not any on these type of developments, and they are typically up as long as there is a lot for sale. Mr. Loftis asked if there was going to be any fencing or safety feature around the detention pond in the northwest corner of the lot. Mr. Burkett explained that is going to be a dry pond, and staff typically does not like to see fences installed around them. Mr. Loftis stated a speed table came up before, and thought because of the concerns expressed it would be something to consider.

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Mr. Loftis asked how the spring and well issues are handled. Mr. Burkett explained all the new houses constructed will be on County water and sewer. Mr. Moorman stated some testing could be done to determine what is underneath where they are going to be building, and he would be happy to work with the developer to do a study.

Mr. Loftis questioned how many individual models there would be in this development. Mr. Locke explained typically they offer between five and nine home types. Mr. Loftis asked what the average square footage was of the homes. Mr. Locke said they range from 1,900 square feet to 2,200 square feet. Mr. Loftis questioned if the applicant was willing to do some type of study to see what is below the area. Mr. Locke stated he would be willing to discuss that further, and asked what was required by the developer when the condominiums were constructed. Mr. Moorman stated it happened when they were constructed the site, and they hit several wells and a bunch of water. He explained he was out there today and there is still a good flow of water coming from those springs. Mr. Locke said knowing that, they would be 100% willing to work with the City on that and would not have an issue if a condition was added.

Ms. Akers asked if the Commission was comfortable moving forward with a plan not knowing what the site conditions are before it moves any further. Mr. McGrath said the site conditions are part of the Engineering of the actual site, and if they find something there are provisions in place that would take care of it. Ms. Akers questioned what provisions are in place if the springs get hit. Mr. McGrath explained they would do a study and would have to reroute the water. Ms. Akers stated they have people tonight that have said their wells have been impacted by that. Mr. McGrath said he wasn't sure that was true, and thought they were more concerned they could be impacted with this development. Mr. Lisle explained this issue came up before and they do have soil studies in the area and have not found any springs. Ms. Akers asked what the time schedule was of construction. Mr. Locke said their goal would be to break ground in 2019 and sales would start in late spring, early summer of 2019. He explained at this point they are not sure if all 70 homes will be construction in one section or if it will be split into two sections.

Ms. Akers asked if the applicant would be opposed to a speed table. Mr. Locke said from a builder's standpoint he did not have anything against a speed table, and stated it will be in the public right-of-way so after the complete construction of it the City would be responsible to maintain it. He said he was not a big fan of them either, but if the City believes that is going to serve the purpose it is designed for, that is not a big issue.

Mr. Shrider asked if there have been any studies done on the surrounding areas were the water may end up. Mr. Lisle explained this plan will not affect the stream, but they looked into it before and said there is going to be less water going into the stream during storm events and it will help big time. He stated they are regrading this because of the issues around the northern perimeter and taking a lot of the water through grading and routing it down to the pond and holding it in the pond so it does not go out any faster than what it is flowing right now. Mr. Lisle said the pond is large enough that it

is going to significantly reduce the amount of water going out into the stream. Mr. Shrider asked how it is handled during construction. Mr. Lisle stated the pond is one of the first things to be installed in the sequence of construction. Mr. Shrider asked how the developer came up with the average price of the homes being \$370,000. Mr. Locke explained all the products they are offering in this community will fit on all the lots designed. He said they had to make the lots a little bit larger than the previous plan so all the lots could accommodate the products they are offering. Mr. Locke explained what their process is to determine if a development is going to be economically feasible.

Mr. Shrider asked what the maximum square footage footprint would be allowed to be built on an 8,000 to 10,000 square foot lot. Mr. Burkett discussed the setbacks that were required and said several 1,000 square foot houses could fit. Mr. Shrider said if there are five to nine different floor plans that are going to be offered in this area, he thought only a couple would be to fit on those small lots. Mr. Burkett stated the largest house they are proposing could fit on every lot within the development. Mr. Shrider referenced Condition #10, and ask if the trees would be required to be there forever. Mr. Burkett said yes, and it would be the homeowner's responsibility to maintain the trees. Mr. Shrider stated sheds and outbuildings were brought up, and he assumed that followed typical zoning code requirements. Mr. Burkett said yes. Mr. Locke said the trees will be a requirement of the City, but it will also be in the HOA documents. He stated they have already discussed accessory structures, and the HOA will strictly prohibit sheds and accessory structures in the rear yards. Mr. Shrider questioned if the houses along the western portion of Newton Drive would be staggered or if they would all be at the front yard setback line. Mr. Locke explained the houses are typically constructed at the front setback line, but the houses do have different front facades so they will not be in a straight line.

Mr. Shrider referred to the Shakertown Road improvement and asked if it went all the way to the North Fairfield Road and Shakertown Road intersection. Mr. Burkett explained it would be along the frontage of their property. Mr. Shrider stated he was concerned about the increase in traffic. Mr. Burkett said there is already a turn lane onto Rustic Trail so they would be able to utilize the extra pavement to have a turn lane into the development. Mr. Shrider questioned if there were any plans in the future to change the intersection of North Fairfield Road and Shakertown Road. Mr. Burkett said yes, but not with this project. Mr. Moorman explained the Shakertown Road project, and what improvements will take place.

Mr. Self explained he lived in the Apple Valley plat, but he is not within the 500 feet so he was not recusing himself from the case. He discussed the requirements for water run-off, and believed this project will most likely improve the situation and they are not able to make it worse. Mr. Self made a comment about side yard requirements, and he discussed the setback requirements in different zoning districts. He said as a Planning Commission they are not able to take into consideration the impact on schools on a development. Mr. Self stated one of the questions from a citizen was the percentage of impervious surface coverage, and questioned if they were in compliance. Mr. Burkett

said yes. Mr. Self said another concern was the 60-foot width on the lots, and asked if that was met. Mr. Burkett stated yes because on the pie shape lots the width is measured at the building setback line not at the road. Mr. Self questioned if there was an issue between the Ballymeade detention pond and the proposed pond. Mr. Moorman said the capacity of the pipe would need to be looked at because there is a pretty good flow of water from those springs, so he would want to make sure the pipe was not going to be overloaded. Mr. Self asked if the Ballymeade pond will drain into the proposed pond or if it would bypass it completely. Mr. Moorman said the way the ordinance reads is they have to comply with what is being discharged from this site. Mr. Self questioned if the water coming off Ballymeade would go into the pond. Mr. Moorman said no, and that it would go around the pond.

Mr. Hight asked how they come to determine the cost of their homes. Mr. Locke explained what reviews they do on the area before determining to submit an application, and stated they intent to market this as a development targeted for people from approximately 45 year olds to 65 year olds. Mr. Locke said they are going to build quite a few homes in the Dayton area this year, and stated they know the markets they enter and what people are willing to pay for the homes they build. Mr. Hight questioned if there were different qualities of the homes they build. Mr. Locke stated they are the third largest home builder in the country and they will do between 18,000 and 19,000 homes in 2018. He said they operate under four or five different trade names depending upon what part of the country they are in. Mr. Locke said they made an investment three or four years ago in a plant in the City of Dayton, so for every single home that is built in the surrounding area, the raw lumber comes into that facility and is then sent out to those five different markets. Mr. Hight and Mr. Burkett discussed the superstreet on U.S. 35 and the impacts this development would have on it.

Ms. Akers asked what the park fees were. Mr. Burkett explained how the calculation of park fees is done instead of them donating park land to the City. Ms. Akers asked who decides if they want park land or a fee in lieu of park land. Mr. Burkett stated our Parks Director requested park fees in lieu of park land. Ms. Akers said she was concerned with the number of houses proposed into this development, and questioned how many homes were in the previously submitted plan. Mr. Burkett said it was 59 homes, but they also had five acres of assisted living. He stated they are allowed up to three units an acre, and the calculation would allow them 85 homes.

Mr. Self said a concern that was brought up was the Fairbrook Tributary was clogged up with trees, and asked if they could add a condition to have that cleaned or if that was going to be done when they installed the retention pond. Mr. Burkett stated Mr. Moorman went out and walked the stream and he did not see any issues. Mr. Self stated the pond will slow down flow to a controlled level. Mr. Burkett said that is the intent. Mr. Self thought that people that don't live in the old plat will cut through their plat, but they will be short-cutting through the new plat so they don't have to wait to make a left turn onto North Fairfield Road. He proposed the City do a traffic study once

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this is built-out, and if there is a need then, a speed table could be constructed. Mr. Burkett discussed the traffic study findings they did previously.

Mr. Loftis MOVED to approve PUD 17-3 SSP #2, seconded by Mr. Shrider.

Mr. Loftis proposed to add a Condition #21 that would require a speed table between the old Newton Drive and the proposed Newton Drive, seconded by Mr. Shrider. Motion PASSED by a hand vote of 4-1. (Self)

Mr. Loftis felt the condition regarding the temporary signage needed to be modified. Mr. Burkett stated they could require the maximum size be a 4-foot by 8-foot sign with the maximum height of 6 feet. He said a small removal bond could be required, and they would have to renew the sign permit every two years so staff knows the sign is in good condition. Mr. Locke stated that is their standard sign sizes that they have used for 20 years, and said they could reduce the height to 6 feet. Mr. Loftis proposed to modify Condition #14 to reduce to reduce the height to 6 feet, and to require the permit be renewed every two years, seconded by Ms. Akers. Motion PASSED by a hand vote of 5-0.

Ms. Akers proposed to limit the number of lots. Counsel Blankenship explained they have the zoning in place and through those steps that specified the dimensional requirements and what could and could not fit onto this piece of land, so limiting the number of houses at this point is going to be difficult if not impossible. Counsel Akers withdrew her proposal. Mr. Hight asked if that also included offsets between houses. Mrs. Blankenship said yes.

Motion PASSED by a roll call of 3-2 (Hight, Akers) with 21 conditions:

1. The approved site and landscape plans shall be the plans dated "Received June 1, 2018" except as modified herein.
2. Hours of construction for any grading and exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.
3. Construction traffic shall not be permitted on the existing portion of Newton Drive.
4. Prior to issuance of any zoning permits for the project, the applicant shall submit a subdivision record plat for City approval.
5. Prior to the release of the subdivision for recording, the applicant shall sign a Subdivider's Contract on forms provided by the City and provide a bond or letter of credit for the required public improvements.
6. Prior to the release of the subdivision, the applicant shall submit a copy of the covenants, restrictions, and Homeowner's Association documents to the City of

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Beavercreek for this subdivision, which shall, among other items, provide provisions for maintenance and landscaping of common areas, including the maintenance of communal mail facilities and the stormwater ponds. The covenants, restrictions and Homeowner's Association documents, shall be reviewed and approved by the City Attorney and be recorded with Greene County along with the subdivision for the development.

7. All concerns of the Beavercreek Fire Department and Sanitary Engineer must be addressed prior to the release of a record plat. All concerns of the City Engineer, including but not limited to road improvements, land dedication, grading, stormwater management, and erosion control must be addressed prior to the release of the record plat.
8. A PUD Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit must be submitted prior to issuance of the required subdivision 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.
9. Perpetual maintenance of landscaping planted in all common areas shall be provided and any dead or diseased materials shall be removed and replaced by the Homeowner's Association with similar types, species and sizes as originally planted within three months of their removal, weather permitting.
10. There shall be one tree provided for each individual buildable lot, which shall be planted between the sidewalk and the front of the house. These trees shall be maintained by the respective property owner, and replaced if dead or dying.
11. Final landscape plans are subject to final review and approval by the Planning Department prior to the release of a record plat for recording.
12. The approved homes constructed within this development shall be generally consistent with the example homes shown in the attached Exhibit A, pages 1 thru 6. If needed any disagreement between the Planning Department and the home builder as to what is considered "generally consistent" shall be decided by the Planning Commission.
13. The homes constructed with this development must consist of brick, stone, Hardie plank/cement board siding, and/or acrylic siding on all four sides of the building. The use of metal or vinyl sidings, including aluminum siding shall not be permitted except on fascia and soffit areas.
14. Entrance signs and the landscape plans for the entry features shall be approved by the Planning Department staff prior to any zoning permits being issued for the signs. The maximum height for the entry sign face shall be five feet in height, and the base

of the sign shall be constructed of a brick or stone base. Temporary sales and lot designation signage shall be similar in size and design as the signs shown in Exhibit B pages 1 thru 5 except as described below. The final location of the temporary signage shall be reviewed and approved by the Planning Department prior to the release of a permit for those signs. The maximum size of the sign shall be 4-foot by 8-foot, and shall not be taller than 6 feet in height. The overall height of the sign shall not exceed 8 feet. The sign permit shall be renewed every two years up until all the lots are sold.

15. Aeration and water circulation devices and/or fountains are required to be installed in any retention pond and shall be maintained by the Homeowners Association in perpetuity.
16. Any existing wells on the site that will be closed off shall be closed under appropriate ODNR methods.
17. The final design and placement of any common mailbox(es) shall be reviewed and approved by the Planning Department prior to their placement.
18. One photoelectric light fixture shall be required for every lot with a residential structure. 2. The developer to pay for the installation of appropriate street lights at intersection of Shakertown Road and Dewmar Drive.
19. The trees and vegetation within the Fairbrook Elementary Tributary shall not be removed or cut, without prior permission from the Planning Department.
20. The applicant shall improve Shakertown Road along the frontage of the development as required by the City of Beavercreek thoroughfare plan and as directed by the City Engineer. The applicant may submit a special assessment petition to Beavercreek City Council requesting these improvements be constructed by the City, with the improvement costs to be assessed.
21. There shall be a speed table constructed on Newton Drive near the point where new Newton Drive meets the existing.

PC 11-2 MOD 4/18, Major, Inspire Center for Learning Addition

Clerk Gillaugh read the notice of public hearing on an application filed by James D. Connell, 3650 Somerset Drive, Beavercreek, OH 45431. The application requests a major modification for 3.326 acres of land to allow for the construction of a 3,500 sq. ft. gymnasium addition to the existing child care facility located at 1481 N. Fairfield Road. The property is further described as Book 5, Page 5, Parcel 183 on the Greene County Property Tax Atlas.

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Jim Connell, agent for Inspire Center for Learning, stated they wanted to make some modifications to their building. He explained they are proposing to add a gymnasium and one classroom.

Mr. Burkett summarized the staff report dated June 1, 2018, which stated the applicant is requesting approval to allow for a 3,500 square foot addition to the 11,200 square foot daycare. He discussed the location of the property, what currently exists on the site, the site plan, the proposed elevations, and the additional parking spaces proposed. Staff recommended approval of the case with seven conditions.

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

Ms. Akers MOVED to approve PC 11-2 MOD 4/18 with seven conditions:

1. All conditions contained within PC 11-2 ASRA are incorporated herein by reference to the extent they are not specifically amended or altered by any plans and conditions with this Major Modification.
2. The approved architectural plans shall be the plans dated "Received April 25, 2018" except as modified herein.
3. All building mechanical equipment is to be completely screened from all directions with architectural features (roof forms or parapet walls) on each building. 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. The final screening design and materials shall be reviewed and approved by the Planning Department, prior to the release of a zoning permit for the project.
4. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
5. All man-doors and service doors shall be painted to match the color of the building as to blend in with the proposed facade.
6. Downspouts shall be painted to match the adjacent architectural materials.
7. Six additional off-street parking spaces shall be added to the parking lot.

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

PUD 93-4 MOD 4/18, Beaver Creek Ground-Up Outlot (Tabled at the May PC Meeting.)

Clerk Gillaugh read the notice of public hearing on an application filed by Quinn Gadow, 11501 Northlake Drive, Cincinnati, OH 45249. The application requests a major modification to the specific site plan to allow for the construction of a four tenant building located on the southeast side of Centre Drive and Crossing Boulevard. The property is further described as Book 4, Page 2, Parcel 21 on the Greene County Property Tax Atlas.

Ms. Akers MOVED to untable PUD 93-4 MOD 4/18. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

Zach Freshner, CESO, stated they are proposing to construct a multi-tenant building that would be 5,300 square feet on the outparcel that is currently used as a parking lot. He said it is unutilized space, and believed this would be a better use for the land.

Ms. Pereira summarized the staff report dated May 14, 2018, which stated the applicant is requesting approval to modify the existing site plan to allow for the construction of approximately 5,300 square foot multi-tenant building. She discussed the location of the property, the square footage requirements that the PUD had, the reason why this was a major modification, the site plan, the crosswalk over to the other parking area, the building elevations, and several conditions listed in the resolution. Staff recommended approval of the case with 25 conditions.

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

Mr. Self stated when they originally approved this PUD, this area was shown as an outlot. He said they have maxed out the amount of square footage allowed for the PUD, so approving this case would give them more square footage to build the proposed structure. Mr. Self and Ms. Pereira discussed the four-sided architecture on the building. Mr. Self asked if they do not have to have cross-access easements since it is all one lot. Ms. Pereira stated that was correct.

Mr. Loftis MOVED to approve PUD 93-4 MOD 4/18 with 15 conditions:

1. All conditions contained within PUD 93-4, SSP #1 and all subsequent modifications to PUD 93-4 are incorporated herein by reference to the extent they are not specifically amended or altered by any plans and conditions with this Major Modification.
2. The approved site plan, architectural elevations and landscape plan shall be those plans dated "May 09, 2018" except as modified herein.
3. All roof top units are to be screened from all directions with architectural features

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(roof forms or parapet walls) on each building. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.

4. A PUD Agreement must be signed by the owner/occupant and a bond or letter of credit for the required site 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.
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. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with the same materials used to construct the building. The dumpster enclosure's gate shall be constructed of a vinyl or composite material, or other material, to be approved by the Planning Department.
7. Temporary signs shall not be permitted within this development with the exception of a construction sign that will be allowed during construction of the project.
8. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
9. The façade shall not be painted or altered without the express permission of the Planning Department and/or the Planning Commission.
10. A final landscape plan and final photometric plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit for the building.
11. Impact fees shall be paid prior to the release of the commercial/industrial zoning permit.
12. The proposed light fixtures must match, in height and design, those of the adjacent development. No light poles may be located outside of any landscape area.
13. This outlot shall be allowed one ground sign that can be up to 5 feet tall with 40 square feet per sign face. The design of the ground sign shall include a masonry base and sides that shall be constructed of similar material to those on the proposed building.

14. This outlot shall be allowed two square feet of wall signage for each linear foot of building frontage not to exceed 250 square feet with a maximum letter height of 48”.
15. The proposed cooler shall require approval via a Commercial/Industrial zoning permit prior to its construction.

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

DECISION ITEMS

PUD 88-21 MOD 5/18, Minor, Black Rock Bar and Grill

Ms. Pereira summarized the staff report dated May 30, 2018, on a request by MTB Partners, 255 E. Brown Street, Suite 105, Birmingham, MI 48009. The applicant is requesting approval to modify the existing site plan for PUD 88-21, in order to allow for the demolition of the former Don Pablo’s restaurant and the construction of an approximately 8,00 square foot restaurant. Staff recommended approval of the case with seven conditions.

Mr. Self asked about adding a crosswalk across the ring road to the mall parking area. Ms. Pereira explained the reason staff didn’t require one was because they need 70 parking spaces and they are proposing 118 parking spaces, and felt the difference did not deem a crosswalk necessary.

Ms. Akers MOVED to approve PUD 88-21 MOD 5/18 with seven conditions:

1. The approved site plans for this development shall be the plans stamped “Received May 3, 2018”, except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped “Received May 16, 2018”, except as modified herein.
3. A final landscape plan will be reviewed and approved by the Planning Department and a survey of the remaining landscaping must be performed by staff prior to the release of a zoning permit. 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.
4. 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 future dumpster enclosure shall be reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.

5. Wall signage shall be limited to 120 square feet per elevation, totaling no more than 360 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
6. One ground sign shall be permitted for this development, no taller than five feet in height and 40 square feet per sign face. The design and location of all signage shall be reviewed and approved via zoning permits by the Planning and Development Department and shall have a base and wrap consisting of materials that match the building.
7. The building shall not be altered or painted without prior approval from Planning Commission or the Planning and Development Department.

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

ADJOURNMENT

Mr. Loftis MOVED adjournment at 8:14 p.m., seconded by Mr. Hight. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk