

BEAVERCREEK PLANNING COMMISSION
WORK SESSION, July 18, 2018

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

ABSENT: Mr. Hight

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

Mr. Loftis MOVED to excuse Mr. Hight from the meeting. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

Mr. Loftis MOVED approval of the agenda. Motion was seconded by Ms. Akers and PASSED by majority voice vote.

DISCUSSION ITEMS

Conditional Use Process

Amy Blankenship, Legal Counsel, explained the purpose of tonight's work session was to discuss the conditional use process, and to review the language in the City of Beavercreek Zoning Code about conditional use cases. Counsel Blankenship stated when the Commission is hearing a conditional use case they are acting in an administrative capacity also know under Ohio law as quasi-judicial. She said during a conditional use case the Commission is no longer making policy, but they are interpreting the law and are expected to weigh evidence the way a judge would. Counsel Blankenship explained they need to consider everything in front of them as evidence and all of it is part of the record. She stated they need to stick to the reliable probative evidence, and they need to avoid anything that is not relevant.

The procedure for public input was discussed. Counsel Blankenship explained everyone is able to speak at the hearing, and not just citizens that live within 500 feet of the property. She recommended the chair request that the citizens state their name and their address before giving their input. It was also determined that persons speaking for a conditional use case should be sworn in before speaking.

Counsel Blankenship explained there was an error in Chapter 158.171(6) "Burden of Proof". She said it reads "...evidence that the standards set forth in subsection (6)(d) of this section", but (6)(d) is incorrect and it should be (4).

There was a discussion about what kind of conditions could be added to a conditional use case, and Counsel Blankenship advised the Commission on conditions that would not be appropriate. The Commission and Counsel Blankenship also reviewed the process of an appeal.

ADJOURNMENT

Ms. Akers MOVED adjournment at 7:35 p.m., seconded by Mr. Loftis. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk