

BEAVERCREEK CITY COUNCIL
REGULAR MEETING October 8, 2018 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

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

ABSENT: Council Member Litteral

Vice Mayor Garcia MOVED to excuse Council Member Litteral, seconded by Council Member Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources, Randy Burkett, City Planner, Jeff Fiorita, Captain BPD, Pete Landrum, City Manager; Jeff McGrath, Planning and Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director; Zack Wike, Assistant Superintendent

EXECUTIVE SESSION

Council Member Upton MOVED to enter into Executive Session at 6:02 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the purchase of property for public purposes and conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Vice Mayor Garcia. Motion PASSED by roll call vote of 6-0.

Council Member Vann MOVED to adjourn executive session at 6:25 p.m., seconded by Vice Mayor Garcia. Motion was PASSED by roll call vote of 6-0

Council Member Upton MOVED to reconvene the meeting, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

PLEDGE

Council Member Upton led the pledge and a prayer.

APPROVAL OF AGENDA

Vice Mayor Garcia MOVED to approve the agenda, seconded by Council Member Curran.

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the September 17, 2018 Work Session Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

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Vice Mayor Garcia MOVED to approve the September 24, 2018 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

PUBLIC HEARING – PUD 97-1 MOD 8/18 Neyer Office Building

Clerk Miscisin read an application filed by Al Neyer, 302 W. 3rd Street, Suite 800, Cincinnati, OH 45202. The application requests a major modification for 8.26 acres of land to allow for the construction of a medical office building. The property is located on the south side of Lakeview Drive approximately 200 feet east of North Fairfield Road further described as Book 4, Page 6, part of Parcel 116 on the Greene County Property Tax Atlas.

Applicant Presentation

David Marshall, 409 E. Monument Ave., Dayton, Ohio

Mr. Marshall is the architect with Design Group for the project. He has worked with staff to address all their concerns and agree with all 22 conditions. He said they were asking for a future alternative access point which would align with the access point across the street.

Staff Presentation

Mr. McGrath summarized the staff report dated October 4, 2018, which stated the request was for a major modification to allow for the construction of a medical office building. He said the property had some history to it explaining it was rezoned in 1997, the neighbors petitioned a referendum which overturned the zoning. In 2000, there was a settlement of a law suit taken by the property owners, settled by the city with heavy involvement with neighbors immediately to the east of this property. He said the zoning in 2000 had a layout for a big box power center. He said the goal for the department is to revisit some of these PUDs which may need to be changed. He said this change would be for a 46,000 square foot medical office building. He reviewed the existing conditions, access, parking building design, height conditions, landscaping and signage. He said the neighbors do not have a problem with the height of the building. Staff and Planning Commission recommend approval with 22 conditions.

Public Input

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

Council Input

Council Member Vann questioned access in the back of the property. Mr. McGrath said they did not know what was going to be there at this time. He said there were cross access easements.

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Motion

Council Member Vann for the purpose of taking administrative action, approval of a PUD Major Modification for the Neyer Office Building, PUD 97-1 MOD 8/18, 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. Council Member Vann further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. All conditions contained within PUD 92-1 and all subsequent modifications to PUD 92-1 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 "August 15, 2018" except as modified herein.
3. All roof top units are to be screened from all directions with architectural features (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 five foot sidewalk shall be installed along the entire length of the access road within the borders of the proposed property.
5. An additional sidewalk connection off of Lakeview drive shall be required to connect to the proposed sidewalk leading into the main entrance. A crosswalk shall be required where the sidewalk crosses through the parking lot.
6. The final site plan to be reviewed for permitting shall show 25 foot drive aisles and no greater than fifteen parking spaces between landscape islands.
7. The access road, within the proposed boundaries of this property shall be milled and repaved with the final course of asphalt prior to the opening of the facility and shall be perpetual maintained.
8. A PUD Agreement must be signed by the owner/occupant and a bond

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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.

9. 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.
10. 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.
11. 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.
12. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed prior to the release of a zoning permit.
13. The façade shall not be painted or altered without the express permission of the Planning Department and/or the Planning Commission.
14. A final landscape plan including 8 foot tall evergreens on the top of the mound 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. The landscape plan for the mound shall be reviewed and approved by the Planning Department prior to the release of a zoning permit. The applicant shall be responsible for their portion of the mound but the adjacent owner shall implement the same design as approved for the applicant's portion of the mound within 6-weeks of completion of the work by the applicant.
15. Impact fees shall be paid prior to the release of the commercial/industrial zoning permit.

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16. Within the confines of the proposed property, the mound shall be adequately maintained, free of noxious weeds and tall grass, in perpetuity.
17. A final subdivision must be reviewed and approved by the Planning Commission prior to the release of a zoning permit.
18. Ten handicap accessible parking spaces shall be required to be shown on the final plans, prior to the release of a zoning permit.
19. A maximum of two ground signs shall be permitted that can be up to 6 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.
20. Wall signage shall be limited to 350 square feet per elevation. Sign height shall be no taller than 7 feet. No signage shall be permitted on the east elevation.
21. The court settlement shall be amended to allow for the accent feature on the building to exceed the maximum 33-foot height requirement, prior to the zoning permit being released for the building.
22. A final photometric plan shall be reviewed and approved by the Planning and Development Department prior to the issuance of a zoning permit.

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

PUBLIC HEARING – PUD 08-1 SSP #2 YGIC (Youth Group for Indian Culture)
Clerk Miscisin read an application filed by Hiten A. Patel, 1032 Deercreek Drive, Fairborn, OH 45324. The application requests approval of a specific site plan to allow for the development of a 9,400 square foot religious education center on 3.002 acres of land. The property is located on the west side of Glenbrook Drive and north of Crestmont Court. The property is further described as Book 4, Page 4, Parcel 29 on the Greene County Property Tax Atlas.

Applicant Presentation

Hiten A. Patel, 1032 Deercreek Drive, Fairborn, OH 45324

Mr. Patel said they were excited for the project. He said the engineer was available for questions.

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Engineer Steven butler,
Stephen Butler, Engineer

Mr. Butler said this was a 9,400 square foot building with 15 parking spaces and a loop drop-off. He said they had addressed all the concerns with staff and the fire department.

Staff Presentation

Mr. Burkett summarized the staff report dated October 4, 2018 which stated the request was for approval of a specific site plan to construct a 9,400 square foot religious educational facility on three acres. He reviewed the locations, surrounding zoning, proposed site plan, access points, parking, architectural elevations, landscaping and signage. Staff and Planning Commission recommend approval with 22 conditions.

Public Input

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

Council Input

Council Member Upton asked what the property was currently zoned as. Mr. Burkett said it was part of PUD 08-1, commercial.

Council Member Vann asked how many class rooms there would be and how often the building would be utilized. Mr. Patel explained it would be used mainly on Sundays after prayers start and there would be about six classrooms. Council Member Vann was questioning if 15 parking spaces was enough. Mr. Patel said the parents would be dropping the students off and there would be minimal traffic. Council Member Vann asked if they would be landscaping the rear of the property. Mr. Patel said there would be no landscaping there. Mr. Butler said there was no intent for landscaping behind the building and would be mowed grass.

Council Member Rushing questioned if the elevation would be visible from North Fairfield. Mr. Burkett said it was a single story building and was 500-600 feet away.

Motion

Council Member Vann , for the purpose of taking administrative action, approval of a Specific Site Plan for the Youth Group for Indian Culture, 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 Specific Site Plan as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows.

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Council Member Vann , for further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site and landscape plans shall be the plans dated "Received August 30, 2018" except as modified herein.
2. The approved elevations for the 9,400 square foot building shall be the architectural drawing and the associated color renderings dated "Received August 6. 2018."
3. A PUD Agreement must be signed by the owner and a bond or letter of credit 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 Planning and Zoning Department.
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. 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 a zoning permit for the building.
6. Final cut sheet details and photometric plans for the lighting of the site shall be reviewed and approved by the Planning Department, prior to the issuance of a zoning permit.
7. Maximum mounting height for any parking lot fixture shall be 16 feet within 100 feet of any existing residential building. Light poles outside of this distance can be up to 20 feet tall. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within two hours after closing.
8. All pole-mounted lighting shall be located within a landscaped or concrete island and shall not be permitted to be located within any designated parking stall for the site. This shall be reflected on the photometric plan prior to the release of a zoning permit.

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9. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including storm drainage facilities. The City reserves the right to require more frequent collection as deemed necessary.
10. 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.
11. All man, service, loading dock and garage doors shall be painted to match the building per the approval of the Planning Department.
12. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. All ground mounted mechanical equipment shall be screened from view per the review and approval of the Planning Department.
13. 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 a permit for the project.
14. Impact fees must be paid for this project. The required impact fee will be reviewed and approved by the City Engineer and the impact fee must be paid prior to the release of the zoning permit.
15. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
16. The parking lot shall be kept in good condition. The City Engineer reserves the right to determine if the parking lot pavement condition is in disrepair and has not been maintained in a commercially acceptable condition, and that improvements are required. Those improvements shall be completed in a timely manner to the City Engineer's satisfaction.
17. No portion of this 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

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by a prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.

18. All split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
19. 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 and properly maintained.
20. No outdoor speakers shall be installed or used on this site.
21. There shall be a maximum of one ground sign for this project. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base and wrap, shall be a maximum of 5 feet tall and have a maximum 25 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
22. Prior to the release of the zoning permit, the applicant shall dedicate a construction and access easement from the proposed parking lot, to the northern property line, as shown in Exhibit A.

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

PUBLIC HEARING – PUD 18-3 Dollar General

Clerk Miscisin read an application filed by Franklin Land Associates, LLC, 9010 Overlook Boulevard, Brentwood, TN 37027. The application requests approval to rezone approximately 3.5 acres from R-1A One Family Residential District and B-2 Community Business District to C-PUD Commercial Planned Unit Development. The property is located at 3867 Dayton-Xenia Road further described as Book 2, Page 11, Parcels 140, 141, 144, 145 and 146 on the Greene County Property Tax Atlas.

Applicant Presentation

Bob Gage, GBT Realty, 9010 Overlook Blvd., Brentwood, TN

Mr. Gage said they were asking to join five properties into one and have zoned the same. He said they were proposing to build a 9,100 square foot Dollar General.

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Staff Presentation

Mr. Burkett summarized the staff report dated October 4, 2018 which stated the request was for approval to rezone five parcels totaling 3.5 acres from R-1/B2 to C-PUD to construct a general retail store. He reviewed the location of the property, surrounding zoning, Land Use Plan, the proposed zoning, access, concept plan and buffers and setbacks. Staff and Planning Commission recommend approval of the rezoning.

Public Input

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

Council Input

Council Member Rushing asked the potential density on the west side. Mr. Burkett said the density would be based on the number of parking spaces needed. He said there was already a 25% minimum open space requirement in the zoning code they have to adhere to.

Council Member Vann said when they develop she suggested a stop light because of the senior center across the street.

Mayor Stone said based on the concept plan there was potential for a building off to the west. He said we need to be careful of the density. He agreed with Council Member Vann about looking into a stop light for convenient access. He said this is an old town and do not want a pole barn building but something that is attractive to the community.

Mr. Gage said this property was for a Dollar General only and had no intentions of other buildings. He said that could be added as a condition if needed.

Ordinance 18-23 (First Reading)

Vice Mayor Garcia MOVED to approve Ordinance 18-23 and move to the second and third readings, seconded by Council Member Upton. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTION AND PUDS

Ordinance 18-18 Convey Easement to Jeff Schmitt (Third Reading)

Clerk Miscisin read an Ordinance to declare certain City owned property interests as surplus and to approve the conveyance of an access easement on City owned property generally known as the Creekside Trail Right-of-Way.

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

Ordinance 18-19 Update to Chapter 97 Trees, Weeds and Shrubs (Second Reading)

Clerk Miscisin read an Ordinance repealing current Chapter 97 "Trees, Weeds and Shrubs" of the City of Beavercreek Code of Ordinances, and adopting new Chapter 97 "Trees, Weeds and Shrubs" of the City of Beavercreek Code of Ordinances.

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

This Ordinance will move automatically to the Third Reading.

Ordinance 18-20 Small Cell Tower (Second Reading (Emergency on Third Reading)

Clerk Miscisin read an Ordinance adopting new section 96.38 "Small Cell Facilities & Wireless Support Structures" of the City of Beavercreek Code of Ordinances.

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

This Ordinance will move automatically to the Third Reading.

Ordinance 18-21 Repealing Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances (Second Reading)

Clerk Miscisin read an Ordinance repealing current Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances.

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

This Ordinance will move automatically to the Third Reading.

Ordinance 18-22 No Turn on Red Hanes Road at Dayton-Xenia Road (Second Reading)

Clerk Miscisin read an Ordinance to prohibit a right turn against a steady red signal for southbound traffic on Hanes Road at the intersection with Dayton-Xenia Road during school hours.

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

This Ordinance will move automatically to the Third Reading.

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Ordinance 18-24 Approval of Employee Manual Updates (First Reading)

Clerk Miscisin read an Ordinance repealing current personnel rules and regulations for the City of Beavercreek and adopting new personnel rules and regulations for the City of Beavercreek.

Ms. Bissinger said this Ordinance would provide Council to approve changes to the Employee Manual based on new policies, procedural clarifications and updates, including those associated with the new city-wide timekeeping system implementation.

Mayor Stone questioned the changing of the timing from a quarter of an hour to tenths. Ms. Bissinger said the new timekeeping system was based on one-tenth of an hour or every six minutes. Mr. Landrum said this was a preference of his to be more accurate. He said the police department has been using this method for years and this would make everyone on tenths.

Council Member Upton MOVED to approve Ordinance 18-24 and move to the second and third readings, seconded by Council Member Curran. Motion PASSED by majority voice vote.

LIQUOR PERMITS

Bliss Greene LLC DBA Bliss in a Bottle (New) (New)

Captain Fiorita said the Ohio Division of Liquor Control sent police notification referencing a new C1 and C2 liquor permit for Bliss Greene LLC DBA Bliss in a Bottle, 2727 Fairfield Commons Blvd, Space T21, Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended this application request move forward with no comment.

Council Member Upton MOVED to accept without comment, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

MAYOR'S REPORT

No report

COUNCIL TIME

Council Member Vann said the Beavercreek Women's League hosted a candidates' issues forum. A YouTube video was available to review the candidates and issues. The Homecoming Parade is on Thursday on Dayton-Xenia Road.

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Council Member Rushing invited everyone to the Hall of Fame induction being held at 10:00 a.m. on Saturday in the high school auditorium. He congratulated the five inductees.

Council Member Curran participated in the joint firefighter service event last week at WPAFB.

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

CITY MANAGER'S REPORT


Mr. Landrum gave an update on the Shakertown Project. The road would be closed for 14 days, weather permitting. The Indian Ripple Road resurfacing would begin tonight and continue until completed. Try-A-Truck would from 10:00 a.m. – 1:00 p.m. on Saturday, October 13th at the Municipal Maintenance Facility. Trick or Treat was scheduled for October 31st from 6:00 p.m. – 8:00 p.m.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

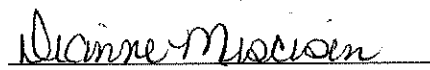
ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:21 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin100818