



CITY COUNCIL
Regular Meeting – January 13, 2020 6:00 p.m.
Council Chambers

*1368 Research Park Dr
Beaver Creek, Ohio*

INTRODUCTIONS

- ◆ New Officer – Officer Warren Edmondson

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. November 23, 2019 Regular Meeting
 - B. December 14, 2019 Regular Meeting

- VI. PUBLIC HEARING A-19-1 Monica S. Donohoo and William D. Schieman Appeal (CU-19-1) (continued from the December 9, 2019 Regular Meeting)
 - A. Appellant Presentation
 - B. Applicant Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion

- VII. PUBLIC HEARING – Z-19-2 Henkle Rezoning
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 20-01 (First Reading)

- VIII. PUBLIC HEARING – PUD 19-1 SSP #1 IH Credit Union
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion

- IX. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 20-01 Authorize Finance Director to Request the Auditor of Greene County for Advance of Real Estate and Public Utility Taxes
 - B. Resolution 20-02 Authorize Contract for Debris Removal Services

- X. LIQUOR PERMITS
 - A. Dolgen Midwest LLC DBA Dollar General Store 20435 (New)
 - B. Harbor Beaver Creek Management LLC DBA Harbor Chase of Beaver Creek (New)

- XI. DECISION ITEM
 - A. Council Member Appointment Committee
 - B. Approval of Council Member Attending Ohio Parks and Recreation Association Annual Conference
 - C. Authorize Mayor to Communicate with Greene County Commissioners and Administrator Regarding Greene Town Center Restructuring Debt Project

- XII. COUNCIL TIME
- XIII. MAYOR'S REPORT
- XIV. CITY MANAGER'S REPORT
- XV. CITIZEN COMMENTS
- XVI. EXECUTIVE SESSION

BEAVERCREEK CITY COUNCIL
REGULAR MEETING November 25, 2019 6:00 p.m.

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

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

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Nick Smith, Assistant City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Litteral led the pledge and a moment of silence.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Litteral MOVED to approve the October 28, 2019 Regular Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Rushing MOVED to approve the November 11, 2019 Regular Meeting Minutes, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Upton MOVED to approve the November 18, 2019 Budget Work Session Minutes, seconded by Council Member Vann. Motion PASSED by majority voice vote. Abstain – Council Member Litteral

Council Member Vann MOVED to approve the November 20, 2019 Budget Work Session Minutes, seconded by Council Member Upton. Motion PASSED by majority voice vote. Abstain – Council Member Litteral

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Council Member Vann MOVED to approve the November 20, 2019 Special Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote. Abstain – Council Member Litteral

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-22 PUD 17-4 AMEND 9/19 Rock Drive MOB (Third Reading)
Clerk Miscisin read an Ordinance amending Ordinance #17-30 (PUD 17-4) Rock Drive Development) to add 2.94 acres to the existing 6.4 acres PUD.

Council Member Upton MOVED to approve Ordinance 19-22, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-23 Beaver Creek Development Corporation (BDC) Articles of Incorporation (Third Reading)
Clerk Miscisin read an Ordinance authorizing the filing of the Articles of Incorporation of the Beaver Creek Development Corporation, adopting the Articles of Incorporation of the Beaver Creek Development Corporation and approving the designation of the Beaver Creek Development Corporation as the designated development agency for the City of Beaver Creek.

Council Member Curran MOVED to approve Ordinance 19-23, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-24 Beaver Creek Development Corporation (BDC) Code of Regulations (Third Reading)
Clerk Miscisin read an Ordinance approving and adopting the Code of Regulations of the Beaver Creek Development Corporation and approving the designation of the Beaver Creek Development Corporation as the designated development agency for the City of Beaver Creek.

Council Member Litteral MOVED to approve Ordinance 19-24, seconded by Council Member Upton. Motion PASSED by a majority voice vote.

Ordinance 19-28 Additional Appropriations (Single Reading)
Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinances 18-28, 19-01, 19-03, 19-12, 19-17, 19-18, 19-19 and 19-21.

Mr. Kucera reviewed the end of year appropriations. There were adjustments to the Debt Service Fund and the Energy Special Improvement District Fund.

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Council Member Litteral MOVED to approve Ordinance 19-28, seconded by Council Member Vann. Motion PASSED by a roll call vote of 6-0.

Resolution 19-69 Necessity and Intent to Appropriate Property (Primary Properties, Ltd) for the Dayton-Xenia Road Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Primary Properties, LTD with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Smith explained the appropriation was for Murphy's Auto. He said they had been in negotiations throughout the year on a resolution to purchase right-of-way and easements needed for the Dayton-Xenia Road Widening Project. He said they have come to a standstill and there had been no further communication from them. He said they would continue to try to come to an agreement. Mr. Smith reviewed the right-of-way and easement locations.

Council Member Vann MOVED to approve Resolution 19-69, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-29 Appropriate the Right-of-Way (Primary Properties, Ltd.) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Primary Properties, Ltd for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Mr. Smith said this is the companion legislation to Resolution 19-69.

Council Member Vann MOVED approve Ordinance 19-29 as an emergency, seconded by Council Member Upton. Motion PASSED by a roll call vote of 6-0.

LIQUOR PERMITS

Mam & Eve LLC DAB House of Tai (Transfer)

Chief Evers said they received notification from the Ohio Division of Liquor control requesting a transfer of a D5 liquor permit from Thai Treasures LLC DBA House of Thai, 3230 Seajay Drive, Beavercreek, Ohio 45430 to Mam & Eve LLC, DBA House of Thai, 3230 Seajay Drive, Beavercreek, Ohio 45430. The background checks required by the Department of Commerce-Division of Liquor Control were conducted on the business officers(s)/shareholders(s) for this application request. Staff recommended this application request move forward without comment.

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Council Member Litteral MOVED to accept without comment, seconded by Council Member Vann. Motion PASSED by a majority voice vote.

DECISION ITEMS

Great Dayton Transit Authority Stop Proposal

Mr. McHugh recused himself from the presentation.

Mr. Thonnerieux explained the transit stop application for Chestnut St. He said the application was guided by the regulations and Ordinance 14-04. Applications are submitted to the Public Administrative Services Director who reviews and make recommendations to the City Manager who then brings the application before Council for approval. He reviewed the location of the stop and the route to be followed. He said once the stop is in place the stop at Stroop would be eliminated. He said the bus stop did meet the design criteria. Staff recommends approval of the Chestnut Street bus stop application without comment.

Mayor Stone confirmed the criteria has been met. Mr. Thonnerieux replied yes.

Council Member Curran questioned the turning at the corner. Mr. Thonnerieux said the modifications should meet the requirements for the turn radius.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Vann. Motion PASSED by a majority voice vote.

Mr. McHugh returned to the meeting.

COUNCIL TIME

Council Member Litteral hoped everyone have a blessed holiday.

Council Member Upton thanked Creek Safe who was having locks installed at Ankeney Middle School. He said the County Commissioners have had two public hearings regarding an increase to the sales tax.

Council Member Curran wished everyone a happy Thanksgiving.

MAYOR'S REPORT

Mayor Stone congratulated Council Member Litteral for being elected to the Beaver Creek Chamber Board. Mayors and Managers met last week at the base and he would be the president of the organization next year. .

CITY MANAGERS REPORT

November 25, 2019

Mr. Landrum said the City of Beavercreek has joined 488 communities in 50 states as the newest certified Bronze Bicycle Friendly Community. Beavercreek is one of 20 communities in the state to be designated a Bike Friendly Community. City offices would be closed November 28th and 29th in observance of Thanksgiving.

CITIZEN COMMENTS

Rich Weaver, 2886 Bahns Drive Beavercreek, Ohio
Mr. Weaver donated his three minutes to Ms. Keggan.

Jonathan Graham, 3102 Maginn Drive, Beavercreek, Ohio
Mr. Graham donated his three minutes to Ms. Keggan.

Cheryl Keggan, 2086 Red Rock Drive, Beavercreek, Ohio
Ms. Keggan gave a rebuttal to the City Manager's statement regarding the logo from the November 11th Council meeting.

Vice Mayor Garcia arrived at 6:36 p.m.

She discussed the logo not saying the verbiage City of Beavercreek and the numerous variations of the logo.

She discussed the adoption of the logo and how the community was not aware of the new logo design. She said this should have been adopted by resolution or ordinance. She said the Council had improperly adopted this logo and requested Council to invalidate their vote of 28 October 2019 and proceed in accordance with the City Charter of this community.

Paula Baker, 2608 Brown Bark, Beavercreek, Ohio
Ms. Baker said her daughter said the new logo looked like a Tide pod and she said that is looked like a Cascade detergent pod because of the colors. Ms. Baker said this could have been a better use of money. She said it was callous the way this was handled and was concerned about the cost of changing all the signs. Mr. Baker gave Council Tide pods.

Gary Zembo, 3061 Lantz Road, Beavercreek, Ohio
Mr. Zembo asked who's idea it was to change the logo.

Mayor Stone said they would stay around after the meeting to answer his questions. At this time in the meeting there was no discussion back and forth.

Mr. Zembo said it was a simple question and someone had to come up with the idea to change the logo and why couldn't they be identified.

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Vice Mayor Garcia said this wasn't an issue of answering the question. This was not what this portion of the meeting was for. She said Mayor Stone stated they would be happy to stay after the meeting. This portion of the meeting is not a question and answer. It's for people to bring concerns to Council to be addressed after or in due course if it requires research.

Mr. Baker asked if this idea was brought up in the work session. He said during work sessions the citizens have no idea what goes on.

Judy Patak, 2917 Crone Road, Beaver creek, Ohio

Ms. Patak agreed with the others who spoke. She was surprised about the new logo and why was the money spent. She said a lot of citizens are not educated about what's going on. She thought they should go back to the way it was. She liked it when this was a township and now everyone wants to take away all the greenspace except for parks. She said they like the trees and the community that they used to have.

Citizen Comments was closed.

EXECUTIVE SESSION

Council Member Upton MOVED to enter into Executive Session at 6:51 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, seconded by Vice Mayor Garcia. Motion PASSED by roll call vote of 7-0.

Council Member Litteral MOVED to adjourn executive session at 7:02 p.m., seconded by Vice Mayor Garcia MOVED Motion was PASSED by roll call vote of 7-0

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

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:03 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

November 25, 2019

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin112519

BEAVERCREEK CITY COUNCIL
REGULAR MEETING December 9, 2019 6:00 p.m.

PRESENTATIONS TO OUTGOING COUNCIL MEMBERS

- ◆ Melissa Litteral
- ◆ Zach Upton
- ◆ Julie Vann

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, Mayor Stone

ABSENT: Vice Mayor Garcia

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

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Theresa Hathaway, Assistant Finance Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer;

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 Upton. Motion PASSED by majority voice vote.

PUBLIC HEARING - A-19-1 Monica S. Donohoo and William D. Schieman Appeal (CU-19-1)

Clerk Miscisin read an application filed by Monica S. Donohoo and William D. Schieman, 3971 La Bonne Rd., Beaver creek, OH 45431, appealing a decision of the Beaver creek Board of Zoning Appeals in Case CU-19-1 approving permission to construct a new wireless telecommunication tower and adjacent equipment building as required per Chapter 158.130(B) of the City of Beaver creek, Zoning Code in an A-1 District. This is a replacement of the wireless telecommunication facility that was destroyed in the Memorial Day tornado. The property is located at the western end of Graham Drive further described as Book 1, Page 6, Parcel 9 on the Greene County Property Tax Atlas.

Mayor Stone explained the appellant could not be present due to a family emergency out of state.

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Council Member Curran MOVED to continue the public hearing to the next Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

STATE OF THE CITY/BUDGET MESSAGE (City Manager)

Mr. Landrum presented the State of the City/Budget Message. He explained the State of the City address is provided annually to update citizens on current fiscal accountability and operational and capital accomplishments of the city and to present the upcoming municipal budget and future plans for city improvements to maintain or enhance infrastructure and service delivery. (State of the City document attached to back of minutes.)

ORDINANCES, RESOLUTIONS AND PUDS

Resolution 19-70 Accepting the 2020 Budget

Clerk Miscisin read a Resolution accepting the 2020 City Budget as presented by the City Manager.

Council Member Upton said they have reviewed the budget line by line and will be on the website for everyone to see. He said this is a budget which means it's an up to amount.

Council Member Curran MOVED approve Resolution 19-70, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

Ordinance 19-30 Annual Appropriations (Single Reading)

Clerk Miscisin read an Ordinance approving the annual appropriations for the City of Beavercreek, State of Ohio, for the fiscal year beginning January 1, 2020 and ending December 31, 2020 and authorizing the transfer of monies.

Council Member Litteral MOVED approve Ordinance 19-30, seconded by Council Member Curran. Motion PASSED by a roll call vote of 6-0.

Resolution 19-71 Wage Adjustments

Clerk Miscisin read a Resolution adopting pay schedules for non-union full-time classified and unclassified positions and part-time, seasonal and intermittent positions.

Ms. Bissinger explained the Resolution provides for Council to set and approve the 2020 Pay Schedules for non-union full-time positions and part-time, seasonal and intermittent positions. Ohio's minimum wage will be adjusted effective January 1, 2020, which reflects an increase in the Consumer Price Index. The minimum wage

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will increase from \$8.55 to \$8.70 for non-tipped employees, and from \$4.30 to \$4.35 for tipped employees. Minor adjustments have been made to Grade 902 and Grades 607 through 617 to reduce compression between grades. The adjustments recommended have been reflected in the 2020 budget that was adopted as part of Resolution 19-70 accepting the 2020 budget. The Pay Schedules are proposed to become effective with adoption of a resolution by Council establishing the Pay Schedules effective January 1, 2020

Council Member Curran MOVED approve Resolution 19-71, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 19-72 City Manager and Clerk of Council Wage Adjustment
Clerk Miscisin read a Resolution to set and approve the 2020 wage for City Manager and Clerk of Council

Ms. Bissinger said this resolution provides for Council to set and approve the 2020 wage for the City Manager and the Clerk of Council.

Council Member Litteral MOVED to approve Resolution 19-72, seconded by Council Member Rushing. Motion PASSED by a majority voice vote.

Resolution 19-73 Accepting Amounts and Rates and Certifying Them to the County Auditor
Clerk Miscisin read a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Ms. Hathaway said the original Resolution accepting the amounts and rates and certifying them to the County Auditor was adopted September 23, 2019. At that time the County Auditor had not set the rates for the General Bond Retirement Fund for the Public Service building debt service. Each year the rate is determined by the County Auditor based on the fund balance and the debt service payment for the upcoming fiscal year. For fiscal year 2019, payable in 2020, the Auditor established the rate to be .25 mills which is .03 mills less than 2018 which represents a reduction in property taxes of one dollar and five cents per \$100,000 of value. This reduction in value will be reflected in the 2019 tax duplicate which will be paid by the residents in 2020.

Council Member Upton MOVED to approve Resolution 19-73, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

COUNCIL TIME

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Council Member Litteral thanked the citizens for electing her for the last two terms. She said it has been a tremendous honor. She said Beavercreek has one of the best staffs she has ever worked with. She said they are some of the most professional and amazing employees who give 100%. She said Beavercreek excels in their volunteer programs.

Council Member Rushing congratulated Council Member Litteral, Council Member Upton and Council Member Vann for their service. He said leaders don't create followers, leaders create leaders. He thanked Wright State University Athletics who recognized first responders for their work with the tornado. He wished everyone a safe and happy holidays.

Council Member Vann said it's been 23 years and she loved Beavercreek. It's been an honor to serve Beavercreek. She was thankful for the opportunity. She expressed her best wishes to the future Council.

Council Member Curran congratulated Council Members Litteral, Vann and Upton for their outstanding leadership. He said Beavercreek is better because of their leadership. He was looking forward to his next four years on Council.

Council Member Upton said it has been an honor to serve the community for the past eight years. He was proud of the accomplishments of the entire organization over these years which speaks to the quality of the people on staff. He reviewed the recognitions of the staff. He enjoyed the opportunity to listen and talk with the residents. He's been honored to work with great Council members and staff. He said it's been a privilege to work with everyone.

MAYOR'S REPORT

Mayor Stone said it's been a real pleasure to work with the retiring council members. You become a team and friends. It's sad when term limits cause you to leave, but new council members are coming forward. He thanked them for their service.

He said the newly elected Council had their swearing-in ceremony last week. He's looking forward to working with the new Council.

He said it's been a year; a tough year but rewarding year. The staff, neighbors and first responders were very professional during the tornado event. It's beyond description as to how well it went. It was planning but also luck. He was glad staff was wise enough to have the tree contract.

He wished everyone a safe and joyous holiday.

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CITIZEN COMMENTS

Cheryl Keggan, 2086 Red Rock Dr., Beavercreek, Ohio

Ms. Keggan said she was very impressed with the City Manager's presentation. She said it does remind us that we were Beavercreek strong and have had a tough year. In referencing the parks budget, she hoped they do not just put up a roof instead of replacing the barn at Wartinger Park. She said they need a place for children to see the history of this community. She questioned massage parlors and said they need to be stopped. She said her original purpose was to speak about the Tide pods. She said people have been asking her about the colors. She researched the colors and said it's trendy.

Lyric Rillera, 2906-6 Forestlawn, Beavercreek, Ohio

Ms. Rillera said she was from California and they have great ideas on how to prepare for emergency situations like tornados. She said they have training events for volunteers along with what to have in your home when having to deal with emergencies.

Ron Folkerth, 2906-6 Forestlawn, Beavercreek

Mr. Folkerth said they have lived outside this region for many years. He said he is proud of Beavercreek and has been associated with Beavercreek off and on for many years. He was proud of the members of the Council and thanked them along with the staff.

Chad Whilding, 2428 Brown Bark Drive, Beavercreek, Ohio

Mr. Whilding congratulated and thanked the outgoing Council members for their years of service. He wished the new Council well.

Judy Padak, 2917 Crone Road, Beavercreek, Ohio

Ms. Padak said at the last meeting she addressed a couple of issues. She said there was going to be a lot of money spent on changing signs. She said so many people don't like the logo. She thought it should be stopped before all the money was spent. She didn't think a lot of people are informed of what it going on with the city. She wanted to know if there could be more communication with the citizens. She was also told that Beavercreek doesn't have a lot of money and couldn't help the people with the tornado. She asked if the golf course produced enough money to pay for itself. She asked about greenspaces and how the city wants to take up all the greenspace. She wants agriculture to stay agriculture.

Citizen Comments was closed.

ADJOURNMENT

December 9, 2019

Council Member Litteral MOVED to adjourn the meeting at 7:35 p.m., seconded by Council Member Upton. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin120919

**CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT**

Meeting Date: December 9, 2019	Reference Topic: A-19-1 Donohoo/Schieman Appeal of BZA Case Cu-19-1
Agenda Reference No.: V. A-E.	Motion

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Other <u>Motion</u>

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The attached are records from the BZA case approving the rebuilding of a 164-foot high wireless telecommunications self-supporting cell tower that was damaged during the Memorial Day tornado and the appeal of the decision. This case was originally heard at the September 11, 2019 BZA meeting and was continued to the November 13, 2019 meeting due to a lack of a majority at the October meeting due to only three members of the BZA in attendance. At the November meeting the motion to approve was passed 3 - 1.

The information includes all documents received by the Board of Zoning Appeals along with the approved minutes of the September 11, 2019 Board of Zoning Appeals meeting. Upon receipt of the appeal, Council was instructed to review the November 13, 2019 BAZ meeting video recording.

The application for Administrative Appeal to City Council for this case was received on November 21, 2019. Once the application is received City Council must hold a public hearing within 30 days. Procedures taken from the City Charter for public hearing appeals is attached for your review.

Council must decide by motion to confirm, reverse, or modify the decision of the Board of Zoning Appeals to the extent that the decision was supported by substantial and reliable evidence on the record.

STAFF RECOMMENDATION:

§ 31.11 PUBLIC HEARINGS.

(C) *Appeals to Council.* When an appeal is made to the Council from a decision of the Planning Commission, the Board of Zoning Appeals, or from any other body as to which there is a right of appeal, the following steps shall be taken:

(1) A notarized petition stating the facts of the case shall be filed with the Clerk of Council within 15 days from the date of the decision. A separate document stating the grounds of the appeal shall be filed with the petition. The fee for such an appeal, as established by the City Manager, shall be deposited with the City Clerk at the time of filing.

(Ord. 90-24, passed 8-13-90)

(2) Upon perfection of a petition of appeal, the Clerk shall immediately notify the Mayor, Council, legal counsel, and the City Manager. A transcript of the board or commission's public hearing (which shall be reproduced from that board or commission's tape recordings) and/or a copy of the video tape along with all other information pertinent to the case shall be provided to the Mayor, Council, legal counsel, and City Manager.

(3) The Clerk will arrange a public hearing with the Council on such appeal to be held not later than 30 days after such appeal has been filed with the Clerk.

(4) (a) At the time of the appeals hearing before Council, the appellant or his representative will be given 15 minutes to explain the appeal and the reasons for requesting such appeal. The applicant, if a person other than the appellant, will also be given 15 minutes if expressing an opposing viewpoint.

(b) Since it is a public hearing, members of the public will be given the opportunity to express their opinion as to the decision Council is to make. No new testimony will be given nor will any witness be called, neither will any new written information or data be accepted at this hearing. Those who speak will not be required to be sworn. The only issues to be discussed are those issues listed on the notarized petition of appeal which was filed. The form for the petition of appeal shall be provided by the Clerk of Council. Rules of conduct and procedure shall be as set forth in division (A) of this section.

(5) After the public has been heard and the hearing has been declared closed by the presiding officer, Council shall enter into discussion which will result in one of the following:

(a) A decision to confirm, reverse, or modify the decision of the board or commission to the extent that the decision was supported by substantial and reliable evidence on the record.

(b) A decision to remand the case to the board or commission for further deliberation.

(c) A continuance of the hearing which shall require proper notification of such to all parties. In the event the Council moves to continue the hearing, the rules of procedure for appeals to Council will begin with Step 3. An exception to the procedure will be that the appellant or applicant will not have an additional 15 minutes to present the appeal. The decision of the Council shall be the final administrative determination. The decision of Council shall be given in writing to the applicant and/or appellant, by the Clerk, within seven days of the decision and a copy filed in the case folder.

(Ord. 91-9, § 111.02, passed 4-8-91)

APPLICATION FOR ADMINISTRATIVE APPEAL TO CITY COUNCIL
PART A: DOCUMENT STATING GROUNDS OF APPEAL

City of Beavercreek, Ohio

Application #: _____

Name of Applicant: MONICA S. DONOHOO AND WILLIAM D. SCHIEMAN

Mailing Address: 3971 LA BONNE RD. BEAVERCREEK, OH 45431

Phone Number: (937) 546-7409 Alternate: (937) 344 4204

1. Location Description: BZA CU-19-1

Subdivision Name: 4040 GRAHAM DR. Section: _____ Lot #: _____

Book: _____ Page: _____ Parcel: _____ Zoning District: _____

2. Grounds and Basis of the Appeal: (Describe precisely what decision or act the applicant is appealing.)

Basis:

1. During the BZA hearing on November 13, 2019, the Applicant provided false and/or misleading information to the BZA Board members.

2. The applicant has not provided any detailed written cost estimates, site and pad inspection reports, or other suitable documentation that could assist the City in determining American Tower Corporation's real out-of-pocket cost to replace the old self-supporting tower with a monopole tower.

3. The replacement of a destroyed self-supporting tower with a like-for-like self-supporting tower is not consistent with the general spirit, intent and purpose of the City's Zoning Code.

FOR OFFICIAL USE ONLY

Date Filed: _____ Application Fee: _____

Hearing Date: _____ Received by: _____

APPLICATION FOR ADMINISTRATIVE APPEAL TO CITY COUNCIL
PART B: PETITION STATING THE FACTS OF THE CASE

Case # (if applicable): BZA CU-19-1

Board or official whose action is appealed: BZA

Date of decision or action being appealed: 11-13-19

The facts of the case are: (This section is to explain the facts that were discussed at the meeting. Only information discussed at the meeting is allowed to be submitted with this appeal.)

Facts:

1. During the BZA hearing, under questioning from Board members, the Applicant stated that American Tower would receive "zero dollars" from their insurance company if the City required them to replace the old tower with a monopole. This is not true and the Applicant's answers under questioning were misleading.

2. At the hearing, when a citizen pointed out that American Tower didn't provide any written documents detailing the incremental cost of constructing a monopole tower, he was told the single page letter received from American Tower on November 5, 2019 stating "a monopole is estimated to add a minimum of \$100,000 in construction related costs" is considered adequate documentation in this case.

3. Notwithstanding exceptions for practical difficulties, the City Zoning states: "The granting of the variance will be in harmony with the general spirit, intent and purpose of this Zoning Code."

I certify that the information contained in this application and its supplements is true and correct.

Date: Nov. 21, 2019 Signature: Monica A. Douglas

STATE OF OHIO)
) SS:
COUNTY OF GREENE)

Monica A. Douglas
Monica A. Douglas

Before me, a Notary Public, in and for said County and State, personally appeared the above named Monica Douglas + William Schieman who acknowledged that he/she did sign the foregoing petition.

In Testimony Whereof, I have hereunto subscribed my name and affixed by seal this 21st day of November 2019.



TAYLOR PPOOL
Notary Public, State of Ohio
My Commission Expires 03-04-2024

Taylor PPool
NOTARY PUBLIC

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, September 11, 2019, 6:00 PM

PRESENT: Mr. Archibald, Mr. Duerr, Mr. Hung

ABSENT: Mr. Bhatla

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

Mr. Archibald MOVED to excuse Mr. Bhatla from the meeting, seconded by Mr. Duerr. Motion PASSED by majority voice vote.

Mr. Duerr MOVED approval of the agenda, seconded by Mr. Archibald. Motion PASSED by majority voice vote.

Mr. Archibald MOVED approval of the June 12, 2019 minutes, seconded by Mr. Duerr. Motion PASSED by majority voice vote.

PUBLIC HEARING

CU-19-1, American Tower, 4040 Graham Drive

Clerk Gillaugh read the notice of public hearing on an application filed by Anthony Amine, 200 E. Big Beaver, Troy, MI 48083, requesting permission to construct a new wireless telecommunication tower and adjacent equipment building as required per Chapter 158.130 (B) of the City of Beavercreek Zoning Code in an A-1 District. This is a replacement of the wireless telecommunication facility that was destroyed in the Memorial Day tornado. The property is located at the western end of Graham Drive further described as Book 1, Page 6, Parcel 9 on the Greene County Property Tax Atlas.

Anthony Amine, representing American Tower, explained the existing tower was damaged due to the tornado that hit on Memorial Day. He said he is here tonight for permission to obtain approval to construct a like for like tower, which is a self-support 164-foot tower at the exact location. Mr. Amine explained the new ordinance requires it to be a monopole, and said with the location it makes the most sense to go back with the existing style tower since the residents are familiar with that style tower.

Mr. Burkett summarized the staff report dated September 6, 2019, which stated the applicant is requesting approval of the reconstruction of a 164-foot self-supporting wireless telecommunication tower. He discussed the location of the property, and explained the tower was there for over 20 years. Mr. Burkett explained the tower was destroyed in the tornado. He said since they are requesting to replace it with a self-supporting tower and not a monopole it requires a conditional use approval. Mr. Burkett reviewed the setbacks from the property lines and said the infrastructure is in place as it was before. Staff did not see an issue with the proposal, and recommended approval of the case with two conditions.

In public input, Randy Bryan, 2423 Rollingview Drive, stated the base of the tower is able to be seen now and if a person goes down La Bonne Drive there is a tower visible that was never visible before. He disagreed with the replacement because the trees are

BEAVERCREEK BOARD OF ZONING APPEALS, 9/11/19

all gone, and it would take years for the trees to grow back. Mr. Bryan did not feel like the tower does anything for the area, and thought the monopole would look better.

Bill Schieman, 3971 La Bonne Street, stated he was against granting the conditional use. He believed the monopole would be more aesthetically pleasing than what existed before. Mr. Schieman explained they see more of the tower now than they ever did before. He believed the Zoning Code was probably upgraded to specify monopole because they are aesthetically more pleasing. Mr. Schieman assumed because the applicant is asking for conditional use approval there was not an exclusion in the Zoning Code that grandfathered existing cell towers. He stated the only thing that could be reused is the base of the tower and probably the foundation and was sure that was a motivation of the cell tower company to want to replace like for like. Mr. Schieman stated the neighborhood in the area were devastated and they want a break. He said they want the cell tower, but they are requesting something that will be less negatively impacting.

Monica Donohoo, 3971 La Bonne Street, stated she is opposed to the conditional use. She stated she is in favor of monopole because of the aesthetics and that it could be painted green. Ms. Donohoo felt the change in the style of tower was made for a reason and that the City should be compliant with the new Zoning Code requirement.

In written input, Janet Gum, 2555 Grange Hall Road, stating she was in support of the conditional use.

Randy Bryan said on the letter that was sent out, it talked about replacing the tower and not what the Code is currently. He thought were she was coming from was the cell tower needed to be replaced because of the signal. Mr. Bryan stated the letter was not in-depth as far as what was going on.

Bill Schieman stated he did not know about the monopole until he came down into the Zoning Department to find out more information about it. He said for those of them who have made the decision to reconstruct and continue to live there they need the Board's support and to give them the best cell tower they can. Mr. Schieman believed other people would have been here if it had been clear what was at issue.

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

Mr. Archibald asked if a conditional use would be required if the applicant were to construct a monopole at the site. Mr. Burkett stated no, a permit would have been issued. Mr. Archibald said they have heard residents from the area and asked if there was any substantial benefit to reconstructing a similar type tower that was there before instead of replacing it with a monopole. Mr. Amine explained the preference is to replace it like for like because there is an existing foundation for a self-support tower. He stated the area is a very limited area because of elevation changes, and explained the difference with the footing requirements. Mr. Archibald said they had heard from the residents that they would like a more aesthetically pleasing tower, and asked if there was anything that could be done other than installing a monopole tower. Mr. Amine stated no, and it was the engineering dynamics of taking out the old and putting up a new one.

Mr. Duerr thanked those that spoke, and said from what he could see there are two existing structures and asked if this would be a third. Mr. Amine said there are two temporary towers up right now. Mr. Duerr asked if they went through insurance for replacing any of trees, and understood it would not be perfect now but could block the view in the years to come. Mr. Amine explained he did not have the information for that and said if there were any landscaping requirements they would comply with those. Mr. Duerr stated the neighborhood is completely different from what it was, and Mr. Amine agreed it was very sad to see the devastation that occurred. Mr. Duerr questioned if there was a way the applicant and the citizens could come together such as adding a condition that trees be planted or to make the pole more aesthetically pleasing. Mr. Amine stated it was something that could be discussed, but also believed beauty is in the eye of the beholder because everyone has their own opinion.

Mr. Hung echoed a lot of the concerns of the residents, and was concerned because of the drastic change of the neighborhood. Mr. Hung asked if there was any technical reasons it would need to be a replacement tower as opposed to a new monopole. Mr. Amine said that in respect to the operation of the tower there is none, and stated it is purely an Engineering decision. He explained it would be more challenging to do a monopole but it was not impossible. Mr. Hung asked if they would install a monopole if it would have the same technical ability as the self-sustaining tower they intent to rebuild. Mr. Amine said yes. Mr. Hung asked if a monopole is a more advanced version of a self-supporting tower. Mr. Amine explained they are the same and can provide the wireless carriers the structures they need to operate appropriately. Mr. Hung questioned if the application was denied tonight if American Tower would build a monopole because that is what they are required to do or would they look for other tracts of land. Mr. Amine stated if they had to move the tower they would be required to put up a monopole. Mr. Hung questioned if it would take the same amount of time to reconstruct a new tower verses installing a monopole. Mr. Amine said it would take longer because it would be a completely new design.

Mr. Hung said he read the staff report, and questioned why the Board should grant the conditional use request. Mr. Burkett said from a technology standpoint he did not have an answer, but in the process of citizen's rebuilding their structures, the City has allowed some slight nonconformities and they are here to extent the same to this commercial business. Mr. Hung asked why the City hasn't looked at the tower as simply a non-conforming use of the property and asked why they were here today on a permit. Mr. Burkett explained he was erring on the side of caution and wanted the Board to hear the case rather than just okaying it departmentally. Mr. Hung asked if it was Mr. Burkett's opinion that the tower reconstruction would fall under a nonconforming use. Mr. Burkett explained the Code states that all new structures are to be created as a monopole so technically it would be nonconforming because it is not built as a monopole. Mr. Hung said there has been no change in use though. Mr. Burkett agreed the use is conforming the structure would not be because it is not a monopole.

Mr. Duerr asked if there was a place, the members in the audience could come together with the applicant and support the application. Mr. Bryan did not feel the trees would be sufficient. He stated the temporary towers have been in place for three months, and did not feel time was an issue. Mr. Duerr said they still have the opportunity to install a

BEAVERCREEK BOARD OF ZONING APPEALS, 9/11/19

monopole there. Mr. Bryan said it would look a lot better. Mr. Duerr explained now was the time for them to add conditions and he was giving the citizens an opportunity to speak. Mr. Bryan said he didn't know of any conditions that could be added and asked what could be done because it is a visual thing and it could not be hidden. He questioned why not have the best they could have there so it looks the best it could in the neighborhood.

Mr. Archibald thought they had an opportunity to get into Code compliance and replace the existing tower with a monopole tower.

Mr. Hung called for a motion to approve with the two conditions. No motion was made.

Mr. Archibald MOVED to deny CU-19-1. Motion was seconded by Mr. Duerr, and had a roll call vote of 2-1. (Hung)

Due to lack of having three members concur, the case was continued to the October meeting.

V-19-4, Michael Krouse, 4212 Golden Eagle Court

Clerk Gillaugh read the notice of public hearing on an application filed by Michael Krouse, 4212 Golden Eagle Court, Beavercreek, OH 45430, requesting a variance from Chapter 158.105(C) of the City of Beavercreek Zoning Code, requesting permission to construct a six-foot high fence that would encroach into the required front yard along Golden Eagle Court. The property is located at the northeast corner of the intersection of Golden Eagle Court and Willow Run Drive further described as Book 3, Page 4, Parcel 14 on the Greene County Auditor's Property Tax Atlas.

Michael Krouse, 4212 Golden Eagle Court, stated when he initially applied for his permit all of his paperwork said the closest his fence would be located from the curb was 35 feet. He explained that permit was originally approved, and when the inspection was done he had it marked at 33 feet. Mr. Krouse explained at that point he was notified there was an error on the permit and it was corrected. He stated all of his planning and purchasing was done with what was originally approved at the 35 feet from the curb. Mr. Krouse referred to the Code requirement, and believed the purpose was to protect against visual impedance of the stop sign. He showed several photos he had taken that showed there would be no visual impedance from either direction.

Ms. Pereira summarized the staff report dated September 6, 2019, which stated the applicant is requesting a variance to allow a 6-foot fence that would encroach into the required front yard by approximately seven feet. She discussed the zoning district and the setback requirements for the plat. Ms. Pereira explained the Code requirements for six-foot high fences, and showed a drawing where the Code allows a fence to be located and where the applicant is proposing the fence location. She stated in order to approve a variance the applicant has to show they cannot meet the requirements of the Code, and in this request, that is not the case. Ms. Pereira explained the applicant could set the fence seven feet further back and the fact that there was an error on the original permit is not justification for approval of the variance. Staff recommended denial of the application.

November 6, 2019

STAFF REPORT
CONDITIONAL USE
REQUEST CASE NO. CU 19-1

I. CONDITIONAL USE REQUESTED BY:

Anthony Amine
200 E. Big Beaver
Troy, Michigan 48083

II. NOVEMBER UPDATE

As the Board of Zoning Appeals may recall, this case was heard at the September regularly scheduled meeting. As motion to deny the applicant's request was moved and seconded. The vote was 2-1 on the motion. Since a majority (of the 5-person Board) was not achieved with the vote, it is considered a "no vote". The applicant is bringing the request again, this time with photo simulations (see attached) and a letter from the project manager, explaining the undue hardship brought on by the Memorial Day tornado. Specifically, their insurance will only cover the cost to rebuild the tower as it was, and the foundation work for a monopole would be substantially more in cost than using the existing foundation. See also a letter of explanation from the City's Attorney, attached to this Staff Report.

III. NATURE OF REQUEST:

The applicant is requesting conditional use approval to rebuild a 164-foot high wireless telecommunications self-supporting cell tower that was damaged during the Memorial Day tornado, as required per §158.130 (B) of the City of Beavercreek Zoning Code in an A-1 Zoning District.

Normally the replacement of an existing structure/use due to acts of nature would not require a re-approval of a conditional use, however, the existing structure is a self-supported style tower rather than a monopole. The Zoning Code states that all cell towers need to be constructed as a monopole unless otherwise approved by the Board of Zoning appeals for aesthetic or technical reasons (§158.130 (B) 5).

IV. EXISTING CONDITIONS:

Zoning

The parcel under discussion is the 25.5-acre parcel located at the western terminus of Graham Drive, and is over 1800 feet north of Kemp Road. The property is zoned A-1 Agricultural. A cell tower is permitted within this zoning district as a conditional use.

Surrounding Zoning

A-1 Agricultural zoning exists to the west and south. To the north and to the east is R-1A Single Family Residential

Existing Land Use

The property currently has a private residential structure (heavily damaged by the tornado), an accessory structure (also damaged), a damaged cell tower and related ground equipment. The cell tower base sits 150 feet from the southern property line, 300 feet to the eastern property line, 500 feet from the northern property line, and over 1000 feet to the western property line.

Surrounding Land Use

The parcels to the west and south are large lot residential. The properties to the north and east are single family residential neighborhoods.

Availability of Utilities



The site is currently served by DP&L. These sites typically do not need sanitary sewer, water or natural gas in order to operate.

Floodplain

No portion of the property under review is located within a federally regulated floodplain or floodway.

V. ANALYSIS:

Discussion of Proposed Request

As stated above, the applicant is requesting conditional use approval to rebuild a 164-foot high wireless telecommunications tower and utilize the existing ground equipment as required per §158.130 B of the City of Beavercreek Zoning Code in an A-1 Zoning District. Because they are proposing to reconstruct as a self-supporting tower, rather than a monopole, they need to get conditional use approval, rather than just being grandfathered in as an existing use. There has been a self-supporting cell tower at this location, and this height for at least 25 years without issue. They propose to rebuild the tower the same size, design and location as the previous tower.

VI. RECOMMENDATION:

Staff finds that this conditional use proposal is in line with criteria for approval as established per §158.172 (H)(6)(d) 2. Further, staff recommends that the Board of Zoning Appeals adopt the attached resolution approving this conditional use application.





**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. CU 19-1**

WHEREAS, OH Anthony Amine, Agent for ATC Towers Services, LLC has made application for conditional use approval for the construction of a wireless telecommunication tower and related ground equipment, to be located on 4040 Graham Drive, Beavercreek Ohio 45431.; and

WHEREAS, the applicant is requesting permission to rebuild a self-supporting wireless telecommunication tower and related ground that was destroyed by the 2019 Memorial Day Tornado; and

WHEREAS, public hearing was held on September 11, 2019 and November 13, 2019, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that \$158,130 has been fully satisfied, as allowed by state and federal laws.

NOW therefore the Board of Zoning Appeals orders that:

1. The conditional use application to allow construction of a wireless telecommunication tower and related ground equipment on 4040 Graham Drive, Beavercreek Ohio 45431, is hereby approved.
2. Conditions of approval shall be as follows:
 - a. The approved plans for this application shall be those stamped "Received August 12, 2019, except as modified herein.
 - b. The height of the pole shall be limited to 164 feet from adjacent grade.
 - c. Prior to the installation of the tower and associated equipment, the applicant shall apply for and receive approval of a zoning permit from the Planning and Development Department.
 - d. Should the use of the facility be discontinued (meaning the structure is not properly maintained, has been abandoned, become obsolete, has been unused or has ceased daily activities or operation for a period of 12 months) the applicants or its successors shall be responsible for its removal.

ACTION BY BOARD OF ZONING APPEALS _____

(Date)

Chairman

MEMORANDUM

TO: RANDY BURKETT, CITY PLANNER
FROM: STEPHEN M. MCHUGH, LAW DIRECTOR 
DATE: NOVEMBER 8, 2019
RE: CONTINUATION OF A NON-CONFORMING USE ABSENT INTENTIONAL ABANDONMENT

City of Beavercreek Ordinance §158.172(H)(4)(C) grants the Board of Zoning Appeals (“BZA”) the authority to permit the reconstruction of a nonconforming structure that is greater than 60% destroyed due to an act of God or nature

City of Beavercreek Ordinance §158.172(H)(4)(C) governs BZA appeals. Subsection (H) in particular sets forth the powers and duties of the BZA. Subsection (H)(4)(c) provides that the Board shall have the power to grant exceptions to the zoning code in the following instance, one of which is specifically to “[p]ermit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60% of the structure is destroyed where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the principle purpose of continuing the nonconforming use will not adversely affect the health, safety or morals of the surrounding area.”

Pursuant to Ordinance §158.172(H)(4)(C) the Board shall have the power to grant exceptions to the zoning code, in this case the reconstruction of the self-support tower as opposed to a monopole pursuant to Ordinance §158.130(B)(5), due to the fact that more than 60% the pre-existing self-support tower was destroyed by an act of nature and through no fault of the Applicant. There is no evidence to suggest that the nonconforming use will adversely affect

the health, safety or morals of the surrounding area. As noted in the Staff Report and by the Applicant, a self-support tower of the same height as that proposed now was at the same location for over twenty-five years prior to the Memorial Day tornadoes without any issues. At the time the self-support tower was constructed, the self-support tower design was compliant with the zoning code.

Ordinance §158.130(B)(5) requires “all wireless telecommunication towers shall be designed and constructed as monopole structures unless otherwise allowed by the Board of Zoning Appeals for aesthetic or technical reasons.” An exception should be granted to this zoning requirement pursuant to Ordinance §158.172(H)(4)(C). Ordinance §158.172(H)(4)(C) permits an exception to this zoning ordinance under precisely these circumstances.

Further consistent with Ordinance §158.172(H)(6)(d)2, the Board shall hear and decide applications for wireless telecommunications systems and pursuant to (d) after consideration of the nature and condition of all adjacent and surrounding uses and buildings a review of the conditional use application and any administrative reports, the Board shall, by resolution make the following findings in deciding on the conditional use application:

(d)2 The proposed conditional use will not have a substantial or material detrimental effect on surrounding properties and will not have a substantially negative impact on or substantially conflict with surrounding properties. Pursuant to the Duncan Standards, the construction of a like for like tower, which is identical to the same self-support tower that previously existed, will not have a substantial or material detrimental effect on surrounding properties, as this tower existed in the same fashion prior to the Memorial Day of 2019. The Applicant has indicated that from a financial standpoint, rebuilding as a monopole will add an estimated \$100,000 in construction related costs due to the challenges associated with not being

able to utilize the existing foundation. Additionally, constructing a new foundation to accommodate a monopole would require tree clearing and grading outside the existing compound due to the topography in the lease area. The substantial costs associated with constructing a new foundation, tree clearing and grading outside of the existing compound place an unnecessary burden on the Applicant.

CONCLUSION

I am in agreement with you that the Board can find for the Applicant pursuant to Ordinance §158.172(H)(4)(C) and grant the Applicant's request. Compelling reason exists pursuant to §158.172(H)(4)(C) to grant the Application for the construction of a like for like self-support tower, replicating the structure as it existed for over twenty-five years at the same height and location, as the pre-existing structure was more than 60% destroyed through no fault of the Applicant during the Memorial Day tornadoes.

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AMERICAN TOWER®
CORPORATION

November 5, 2019

Zoning Board of Appeals
City of Beavercreek
City Hall
1368 Research Park Drive
Beavercreek, OH 45432

*RE: Beavercreek Board of Zoning Appeals Public Hearing Case No. CU-19-1
Chapter 158.130 (B) Requesting Permission to construct a new wireless
telecommunications tower on 4040 Graham Drive*

To Whom it May Concern:

In response to the outcome of Hearing Case No. CU-19-1 held on September 11, 2019, American Tower Corporation has fully investigated the possibility to rebuild the fallen tower due to a tornado on or about May 29, 2019 as a monopole. For the forgoing reasons, American Tower Corporation has determined a rebuild as a monopole is infeasible:

- (A) From a constructability standpoint the existing foundation is a Pad and Pier type. If we must change to a monopole, we will need to expand the compound to allow for the new foundation and tower as we will no longer be able to utilize the existing self-support foundation as desired. A monopole would pose significant challenges as it would require tree clearing and grading outside the existing compound due to the topography of the lease area.
- (B) From a financial standpoint, rebuilding as a monopole is estimated to add a minimum of \$100,000 in construction related costs due to the challenges referenced in section (A) above.
- (C) American Tower's insurance policy will cover only up to the value of the asset that was lost, resulting in a substantial out of pocket expense for American Tower in order to build a monopole as the asset lost was a self-support. Rebuilding as a self-support is covered by American Tower's insurance policy.

In summary, American Tower respectfully requests that this Board grant the requested variance to rebuild a like-for-like replacement of the self-support tower that was lost due to the tornado.

Respectfully Yours,

Sarah Snell
American Tower Corporation
Real Estate Solutions Project Manager

RECEIVED

NOV 09 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

American Tower
Site Number: 205596
Site Name: Beavercreek
Lattice Tower

Photo Simulations
11/04/2019

RECEIVED

NOV 04 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



American Tower – #205596
Beavercreek – Lattice Tower
North View – Before

RECEIVED

APR 03 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

WESTCHESTER SERVICES L.L.C. ♦ 604 FOX GLEN ♦ BARRINGTON, ILLINOIS 60010
847/277-0070 Main ♦ 847/277-0080 Facsimile ♦ e-mail: ae@westchesterservices.com



American Tower – #205596
Beavercreek – Lattice Tower
North View – After

RECEIVED

MAY 09 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

WESTCHESTER SERVICES L.L.C. ♦ 604 FOX GLEN ♦ BARRINGTON, ILLINOIS 60010
847/277-0070 Main ♦ 847/277-0080 Facsimile ♦ e-mail: ae@westchesterservices.com



American Tower – #205596
Beavercreek – Lattice Tower
East View – Before

RECEIVED

NOV 09 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

WESTCHESTER SERVICES L.L.C. ♦ 604 FOX GLEN ♦ BARRINGTON, ILLINOIS 60010
847/277-0070 Main ♦ 847/277-0080 Facsimile ♦ e-mail: ae@westchesterservices.com



American Tower – #205596
Beavercreek – Lattice Tower
East View – After

RECEIVED

NOV 09 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

WESTCHESTER SERVICES L.L.C. ♦ 604 FOX GLEN ♦ BARRINGTON, ILLINOIS 60010
847/277-0070 Main ♦ 847/277-0080 Facsimile ♦ e-mail: ae@westchesterservices.com

American Tower
Site Number: 205596
Site Name: Beavercreek
Monopole

Photo Simulations
11/04/2019

RECEIVED

NOV 05 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



American Tower – #205596
Beavercreek – Monopole
North View – Before

RECEIVED

NOV 03 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



American Tower – #205596
Beavercreek – Monopole
North View – After

RECEIVED

NOV 05 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



American Tower – #205596
Beavercreek – Monopole
East View – Before

RECEIVED

NOV 05 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT

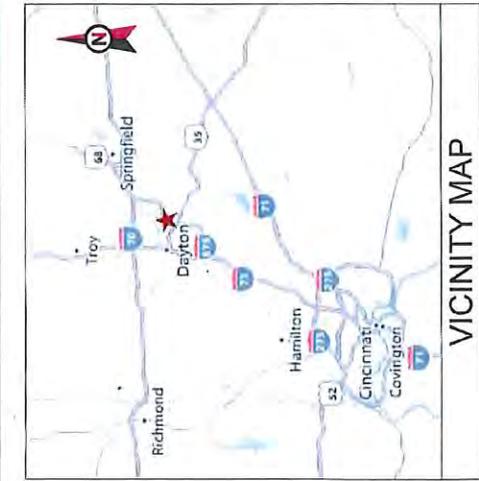


American Tower – #205596
Beavercreek – Monopole
East View – After

RECEIVED

8/17/09 2019

CITY OF BEAVERCREEK
PLANNING DEPARTMENT



VICINITY MAP



LOCATION MAP



AMERICAN TOWER®

SITE NAME: REBUILD BEAVERCREEK OH
SITE NUMBER: 205596
SITE ADDRESS: 4040 GRAHAM DR
DAYTON, OH 45431

**DROP AND SWAP
 CONSTRUCTION DRAWINGS**

AMERICAN TOWER®
 ATC TOWER SERVICES, LLC
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-7112
 COA: FIM-02841

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER. THESE DRAWINGS AND/OR SPECIFICATIONS SHALL BE USED ONLY FOR THE PROJECT AND SITE IDENTIFIED HEREIN. ANY OTHER USE OF THESE DRAWINGS AND/OR SPECIFICATIONS WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER IS STRICTLY PROHIBITED. ANY USER WHOSE AMERICAN TOWER OF ANY DISCONTINUED PRODUCT CONTRACTORS MUST VERIFY ALL DIMENSIONS AND SPECIFICATIONS WITH AMERICAN TOWER. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. AMERICAN TOWER SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR DAMAGES CAUSED BY THE USER.

REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NW	07/16/19

ATC SITE NUMBER:
205596
 ATC SITE NAME:
**REBUILD BEAVERCREEK
 OH**
 SITE ADDRESS:
 4040 GRAHAM DR
 DAYTON, OH 45431
 SEAL:



Authorized by "EOR"
 Jul 18 2019 5:36 PM
 cosign

DRAWN BY:	NW
APPROVED BY:	KRF
DATE DRAWN:	07/16/19
ATC JOB NO.:	12879921
ATC LEGACY #:	307018

TITLE SHEET	
SHEET NUMBER:	G-001
REVISION:	0

COMPLIANCE CODE		PROJECT SUMMARY		PROJECT DESCRIPTION		SHEET INDEX			
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL AUTHORITIES. ANY WORK NOT CONFORMING TO THESE CODES: 1. INTERNATIONAL BUILDING CODE (IBC) 2. NATIONAL ELECTRICAL CODE (NEC) 3. LOCAL BUILDING CODE 4. CITY/COUNTY ORDINANCES 5. FEDERAL COMMUNICATIONS COMMISSION (FCC) 6. FEDERAL AVIATION ADMINISTRATION (FAA)		SITE ADDRESS: 4040 GRAHAM DR DAYTON, OH 45431 COUNTY: GREENE GEOGRAPHIC COORDINATES: LATITUDE: 39° 46' 45.72" N LONGITUDE: 84° 04' 54.80" W GROUND ELEVATION: 952' AMSL ZONING INFORMATION: JURISDICTION: GREENE COUNTY PARCEL NUMBER: B42-0001-0006-0-0009-00		PROJECT NOTES 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. FACILITY WILL MEET OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. NO SANITARY SEWER, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED. 5. HANDICAP ACCESS IS NOT REQUIRED. 6. THE FACILITY WILL NOT GENERATE NOISE IN EXCESS OF 65 DBA AT THE PROPERTY LINES.		SHEET NO.: G-001 G-002 V-101 C-101 C-401 C-501 E-401 E-501		DESCRIPTION: TITLE SHEET GENERAL NOTES AS-BUILT SURVEY OVERALL SITE PLAN COMPOUND PLAN TOWER ELEVATION SIGNAGE GROUNDING LAYOUT ELECTRICAL DETAILS	
SURVEY INFORMATION TOPOGRAPHY AND BOUNDARY INFORMATION WAS OBTAINED FROM THE LOCAL SURVEYING AND ENGINEERING COMPANY. UTILITY COMPANIES POWER COMPANY: DAYTON POWER AND LIGHT PHONE: (615) 331-3900 TELEPHONE COMPANY: AMERITECH PHONE: (603) 877-7748		PROJECT TEAM TOWER OWNER: AMERICAN TOWER ASSET SUB II, LLC 10 PRESIDENTIAL WAY VOBURN, MA 01861 PROPERTY OWNER: MARIANNE JOYCE BACHMAN 4040 GRAHAM DRIVE BEAVERCREEK, OH 45431 ENGINEER: ATC TOWER SERVICES 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518		PROJECT LOCATION DIRECTIONS TAKE 672 S TO EXIT 16. TURN LEFT TO GRANCE HALL RD. SOUTH GO TO GRAHAM DR. AND TURN RIGHT. FOLLOW GRAHAM DR. TO THE END. TURN LEFT BEAVERCREEK DR. TO A HOUSE. FOLLOW IT BACK TO THE SITE.		RECEIVED AUG 12 2019 CITY OF BEAVERCREEK PLANNING DEPARTMENT			



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 ATC TOWER SERVICES, LLC
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 CARY, NC 27513
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REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NW	07/18/19

ATC SITE NUMBER:
205596
 ATC SITE NAME:
REBUILD BEAVERCREEK
 OH

SEAL:
 STATE OF OHIO
 PROFESSIONAL ENGINEER
 KYLER FAUST
 74883

Authorized by "EOR"
 Jul 18 2019 5:36 PM
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DRAWN BY:	NW
APPROVED BY:	KRF
DATE DRAWN:	07/16/19
ATC JOB NO.:	13070021
ATC LEGACY #:	307819

GENERAL NOTES

SHEET NUMBER:
G-002

REVISION:
0

CONCRETE AND REINFORCING STEEL NOTES:

- DESIGN AND CONSTRUCTION OF ALL CONCRETE ELEMENTS SHALL CONFORM TO THE LATEST EDITIONS OF ALL APPLICABLE CODES INCLUDING ACI 308.1R SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS, AND ACI 318 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE.
- MIN DESIGN SHALL BE PROVIDED BY OWNER'S REPRESENTATIVE AND SUBMITTED TO ENGINEER PRIOR TO PLACING CONCRETE. REEFIT 6 IN AIR EXPOSED (4-1/2 IN) WITH A MAXIMUM 4" SLUMP AND HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 PSI UNLESS OTHERWISE NOTED.
- THE FOLLOWING MATERIALS SHALL BE USED:
 PORTLAND CEMENT: ASTM C-150, TYPE 1 OR 2
 REINFORCEMENT: ASTM A-185, PLAIN STEEL, WELDED WIRE FABRIC
 NORMAL WEIGHT AGGREGATE: ASTM C-33
 WATER: POTABLE WATER
 AIR ENTRAINMENT: CONCRETE CONTAINING MINIMUM CONCRETE COVER FOR REINFORCING STEEL SHALL BE AS FOLLOWS (UNLESS OTHERWISE NOTED):
 A. CONCRETE CAST AGAINST EARTH 3"
 B. ALL OTHER CONCRETE 2"
 C. 3/4" CHAIRS SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE IN ACCORDANCE WITH ACI 308 SECTION 4.2.4, UNLESS NOTED OTHERWISE.
 ALL REINFORCING STEEL SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ATC OR APPROVAL WHEN DRILLING HOLES IN CONCRETE.
 ADMIXTURES SHALL CONFORM TO THE APPROPRIATE ASTM STANDARD AS REFERENCED IN ACI 308.
 DO NOT WELD OR TACK WELD REINFORCING STEEL.
 ALL DONNELS, ANCHOR BOLTS, EMBEDDED STEEL, ELECTRICAL CONDUITS, PIPE SLEEVES, GROUNDS AND ALL OTHER EMBEDDED ITEMS AND FORMED DETAILS SHALL BE IN PLACE BEFORE START OF CONCRETE PLACEMENT.
 REINFORCEMENT SHALL BE COULD BENT WHENEVER BENDING IS REQUIRED.
 DO NOT PLACE CONCRETE IN WATER, ICE, OR ON FROZEN GROUND.
 CURING AND SETTING SHOULD BE FOR A MINIMUM OF 3 DAYS AFTER PLACEMENT FOR COLD-WEATHER AND HOT-WEATHER CONCRETE PLACEMENT. CONFORM TO APPLICABLE ACI CODES AND RECOMMENDATIONS. IN EITHER CASE, MATERIALS CONTAINING CHLORIDE, CALCIUM, SALTS, ETC. SHALL NOT BE USED. PROTECT FRESH CONCRETE FROM WEATHER FOR 7 DAYS MINIMUM.
 UNLESS OTHERWISE NOTED, REBAR SHALL BE SEALED BY STEEL TROWEL.
 UNLESS OTHERWISE NOTED:
 A. ALL REINFORCING STEEL SHALL BE DEFORMED BARS CONFORMING TO ASTM A615, GRADE 60.
 B. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185.
 C. SPLICING OF REINFORCEMENT SHALL BE PERMITTED ONLY AT LOCATIONS SHOWN IN THE CONTRACT DRAWINGS. UNLESS OTHERWISE NOTED, ALL REINFORCING STEEL SHALL BE SPLICED TO DEVELOP ITS FULL TENSILE CAPACITY (CLASS A) IN ACCORDANCE WITH ACI 318.
 REINFORCING BAR DEVELOPMENT LENGTHS, AS COMPUTED IN ACCORDANCE WITH ACI 318, FORM THE BASIS FOR BAR EMBEDMENT LENGTHS AND BAR SPLICED LENGTHS SHOWN IN THE DRAWINGS. THE LIKE APPROPRIATE MODIFICATION FACTORS FOR TOP STEEL BAR SPACING, DETAILING OF REINFORCED CONCRETE STRUCTURES (ACI 318).
 ALL SLAB CONSTRUCTION SHALL BE CAST MONOLITHICALLY WITHOUT HORIZONTAL CONSTRUCTION JOINTS, UNLESS SHOWN IN THE CONTRACT DRAWINGS.
 LOCATION OF ALL CONSTRUCTION JOINTS ARE SUBJECT TO THE REQUIREMENTS OF THE CONTRACT DRAWINGS SHOWING LOCATION OF DETAILS OF THE PROPOSED CONSTRUCTION JOINTS SHALL BE SUBMITTED WITH REINFORCING STEEL PLACEMENT DRAWINGS.
 SPLICING OF W/F AT ALL SPLICED EDGES SHALL BE SUCH THAT THE OVERLAP MEASURED BETWEEN OUTERMOST CROSS WIRES OF EACH FABRIC SHEET IS NOT LESS THAN THE SPACING OF THE CROSS WIRES PLUS 2 INCHES, AND SHALL BE MADE WITH PLASTIC TIPS.
 ALL REINFORCEMENT SHALL BE SECURELY TIED IN PLACE TO PREVENT DISPLACEMENT BY CONSTRUCTION TRAFFIC OR CONCRETE. THE WIRE SHALL BE IN GAUGE CONFORMING TO ASTM A82.
 SLAB ON GROUND
 A. COMPACT STRUCTURAL FILL TO 98% DENSITY AND THEN PLACE 6" GRAVEL BENEATH SLAB.
 B. WELDED WIRE FABRIC BARRIER BENEATH SLAB ON GROUND.

GENERAL FOUNDATION NOTES:

- APPLICABLE FOR FOUNDATION SHELTER ONLY.
 THOROUGHLY COMPACT BOTTOM OF EXCAVATIONS PRIOR TO PLACING RIGID INSULATION BARRIER. BACKFILL AND COMPACTION PROCEDURES SHALL BE DONE PER INDUSTRY STANDARDS.
- ALL REINFORCING STEEL SHALL BE ASTM A615 - GRADE 60. SECURE REINFORCING IN PLACE TO PREVENT MOVEMENT DURING CONCRETE PLACEMENT.
- DESIRE PACKS AND DIMENSIONS WITH SHELTER DRAWINGS. NOTIFY ATC OR ANY MANUFACTURER SPECIFICATIONS.
- INSULATION BARRIER BEING IS FOR FROST PROTECTION IN LIEU OF STANDARD FOUNDATIONS WITH BEARING AT CODE REQUIRED FROST DEPTH.
- FOUNDATION MUST BE ANCHORED TO ITS FOUNDATION. ANCHOR IN ACCORDANCE WITH SHELTER MANUFACTURER SPECIFICATIONS.

GENERAL CONSTRUCTION NOTES:

- ALL WORK SHALL CONFORM TO ALL CURRENT APPLICABLE FEDERAL, STATE, AND LOCAL CODES, INCLUDING THE CITY OF DAYTON, OH, AND COMPLY WITH ATC CONSTRUCTION SPECIFICATIONS FOR WELDED TOWER STEEL.
- CONTRACTOR SHALL CONTACT LOCAL 811 FOR IDENTIFICATION OF UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL REQUIRED INSPECTIONS AND APPROVALS TO, OF, AND ON EXISTING BUILDINGS, DRAINAGE STRUCTURES, AND SITE IMPROVEMENTS SHALL BE VERIFIED IN FIELD BY CONTRACTOR WITH ALL DISCREPANCIES REPORTED IMMEDIATELY TO THE ENGINEER.
- DETAILS SHOW ARE TYPICAL; SIMILAR DETAILS APPLY TO SIMILAR CONDITIONS UNLESS OTHERWISE NOTED.
- THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY WHICH IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL BRACE STRUCTURES UNTIL ALL STRUCTURAL ELEMENTS NEEDED FOR ERECTION ARE INSTALLED. THESE ELEMENTS ARE AS FOLLOWS: LATERAL BRACINGS, ANCHOR BOLTS, ETC.
- CONTRACTOR SHALL DETERMINE EXACT LOCATION OF EXISTING UTILITIES, GROUNDS DRAINS, DRAIN PIPES, VENTS, ETC. BEFORE COMMENCING WORK.
- CONTRACTOR SHALL DETERMINE EXACT LOCATION OF EXISTING UTILITIES, GROUNDS DRAINS, DRAIN PIPES, VENTS, ETC. BEFORE COMMENCING WORK.
- CONTRACTOR SHALL DETERMINE EXACT LOCATION OF EXISTING UTILITIES, GROUNDS DRAINS, DRAIN PIPES, VENTS, ETC. BEFORE COMMENCING WORK.
- CONTRACTOR SHALL COOPERATE WITH THE ATC CM, AND COORDINATE HIS WORK WITH THE WORK OF OTHERS.
- CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED BY CONSTRUCTION OF THIS PROJECT TO MATCH EXISTING CONSTRUCTION CONDITIONS TO THE SATISFACTION OF THE ATC CM.
- ALL CABLE JOINTS AND ENTRY PORTS SHALL BE WEATHERPROOFED DURING INSTALLATION USING A SILICONE SEALANT.
- WHERE EXISTING CONDITIONS DO NOT MATCH THOSE SHOWN IN THIS PLAN SET, CONTRACTOR WILL NOTIFY THE ATC CONSTRUCTION MANAGER IMMEDIATELY.
- CONTRACTOR SHALL ENSURE ALL SUBCONTRACTORS ARE PROVIDED WITH A COMPLETE AND CLEAR WORK SHALL BE DONE BY A QUALIFIED AND EXPERIENCED ROOFING CONTRACTOR IN COORDINATION WITH ANY CONTRACTOR WARRANTING THE ROOF TO ENSURE THAT THE WARRANTY IS MAINTAINED.
- CONTRACTOR SHALL REMOVE ALL RUBBISH AND DEBRIS FROM THE SITE AT THE END OF EACH DAY.
- CONTRACTOR SHALL COORDINATE WORK SCHEDULE WITH LANDLORD AND TAKE PRECAUTIONS TO AVOID IMPACT AND DISRUPTION OF OTHER OCCUPANTS OF THE FACILITY.
- CONTRACTOR SHALL FURNISH ATC WITH THREE AS-BUILT SETS OF DRAWINGS UPON COMPLETION OF WORK.
- PRIOR TO SUBMISSION OF BID, CONTRACTOR SHALL COORDINATE WITH ATC CM TO DETERMINE WHAT, IF ANY, ITEMS WILL BE PROVIDED. ALL ITEMS NOT PROVIDED SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR. CONTRACTOR SHALL COORDINATE WITH ATC CONSTRUCTION MANAGER TO DETERMINE IF ANY PERMITS WILL BE OBTAINED BY ATC. ALL REQUIRED PERMITS NOT OBTAINED BY ATC MUST BE OBTAINED AND PAID FOR, BY THE CONTRACTOR.
- CONTRACTOR SHALL SUBMIT ALL SHOP DRAWINGS TO ATC FOR REVIEW AND APPROVAL PRIOR TO FABRICATION.
- ALL EQUIPMENT SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND ALL EQUIPMENT SHALL BE INSTALLED ACCORDING TO THE PROJECT DRAWINGS.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- CONTRACTOR SHALL NOTIFY ATC CM A MINIMUM OF 48 HOURS IN ADVANCE OF FINISHING WALL, FLOOR OR ROOF PENETRATIONS FOR ENGINEERING REVIEW AND APPROVAL.

CONSTRUCTION SEQUENCE:

- REMOVE EXISTING FENCE AS NECESSARY FOR CONSTRUCTION.
- REMOVE DAMAGED TOWER FROM SITE AND DISPOSE OF APPROPRIATELY.
- CONSTRUCT PROPOSED TOWER PER TOWER MANUFACTURER'S SPECIFICATIONS ON EXISTING TOWER FOUNDATION.
- RE-INSTALL ANY REMOVED OR BRACES PER ATC CONSTRUCTION SPECIFICATIONS.
- IF CONSTRUCTION IS TERMINATED OR SUSPENDED PRIOR TO CONSTRUCTION COMPLETION, ALL EXPOSED SOIL AREAS SHALL BE SEEDED WITH TEMPORARY SEEDING AND MULCHED IMMEDIATELY.

EROSION AND SEDIMENTATION CONTROL PLAN NOTES:

- THIS PLAN HAS BEEN DEVELOPED TO PROVIDE A STRATEGY FOR CONTROLLING SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION OF THE PROPOSED FACILITY. THE EQUIPMENT ANTICIPATED TO BE USED FOR THE CONSTRUCTION INCLUDES THE FOLLOWING: BACKHOES, BULLDOZERS, LOADERS, TRUCKS, CRANES, COMPACTORS, AND GRADERS. THE FOLLOWING MEASURES WILL BE UNDERTAKEN TO PROVIDE MAXIMUM PROTECTION TO THE SOIL, WATER, AND AIR FROM DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE PROVIDED ON THE PLAN DRAWINGS. DEVIATION FROM THAT SEQUENCE MUST BE APPROVED IN WRITING FROM AMERICAN TOWER PRIOR TO IMPLEMENTATION.
- THE LIMITS OF DISTURBANCE (LOD) SHOULD BE MARKED PRIOR TO DISTURBANCE ACTIVITIES (I.E. SURVEY STAKES, POSTS & ROPE, CONSTRUCTION FENCE, ETC.).
- A COPY OF THE SEDIMENT AND EROSION CONTROL PLAN SHALL BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES. THE PLAN SHALL BE STABILIZED AS APPLICABLE.
- PRIOR TO GRUBBING OR ANY EARTH-MOVING OPERATION, SLOPE PROTECTION SHALL BE INSTALLED ACROSS THE SLOPE ON THE OUTLINE OF THE DOWNHILL LIMIT OF THE WORK AS PROTECTION AGAINST CONSTRUCTION RELATED EROSION. (CONSULT ATC CM AS REQUIRED).
- STONE CHECK DAMS WILL BE INSTALLED IN THE DRAINAGE DITCHES TO PREVENT EROSION PRIOR TO THE STABILIZATION OF THE DISTURBED AREAS. EROSION CONTROL BARRIERS WILL ALSO BE INSTALLED TO PREVENT EROSION.
- PERMANENT SOIL EROSION CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, OR ANY UNDISTURBED LAND AREA WILL BE COMPLETED WITHIN FIFTEEN CALENDAR DAYS AFTER FINAL GRADING HAS BEEN COMPLETED. WHEN IT IS NOT POSSIBLE OR PRACTICAL TO PERMANENTLY STABILIZE DISTURBED LAND, TEMPORARY EROSION CONTROL MEASURES WILL BE INSTALLED TO MAINTAIN EROSION CONTROL UPON COMPLETION OF ROUGH GRADING. AREAS WILL BE MAINTAINED FOR EROSION CONTROL UPON COMPLETION OF ROUGH GRADING. ALL SLOPES IN COMPETED BEDROCK AND ROCK FILLS NEED NOT BE STABILIZED.
- ANY EXPOSED SLOPES GREATER THAN 2:1 AND NEWLY CONSTRUCTED DRAINAGE DITCHES WILL

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 ATC TOWER SERVICES, LLC
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 SUITE 200
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 CDA: FTM-02041

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REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NW	07/18/19

ATC SITE NUMBER:
205596

ATC SITE NAME:
**REBUILD BEAVERCREEK
 OH**

SITE ADDRESS:
 4640 GRAHAM DR
 DAYTON, OH 45421



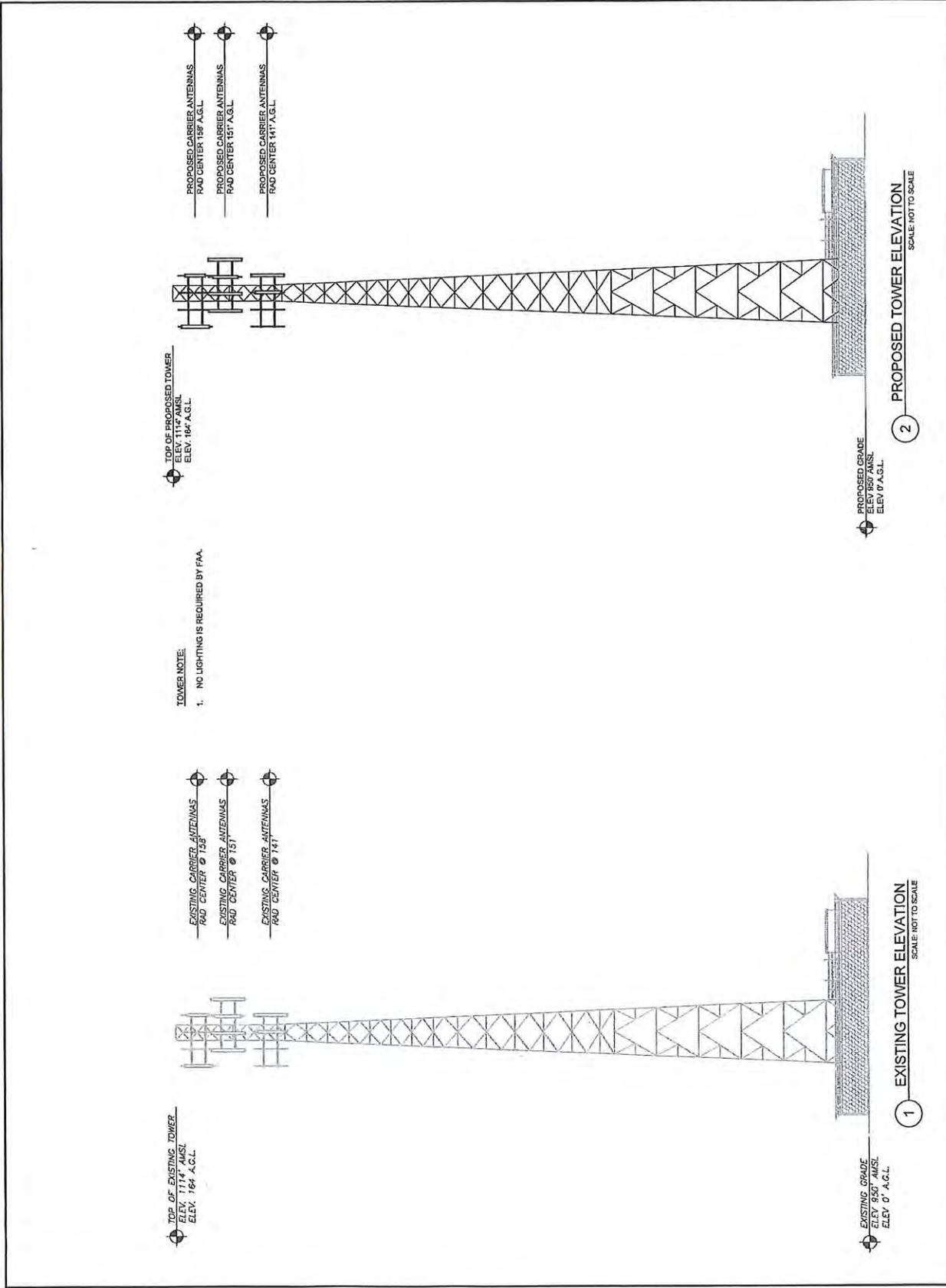
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DRAWN BY:	NW
APPROVED BY:	KRF
DATE DRAWN:	07/16/19
ATC JOB NO.:	12070021
ATC LEGACY #:	307018

TOWER ELEVATION

SHEET NUMBER:
C-402

REVISION:
0



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REV.	DESCRIPTION	BY	DATE
01	FOR CONSTRUCTION	NW	07/16/19

ATC SITE NUMBER:
205596

ATC SITE NAME:
REBUILD BEAVERCREEK OH

SITE ADDRESS:
 4040 GRAHAM DR
 DAYTON, OH 45431



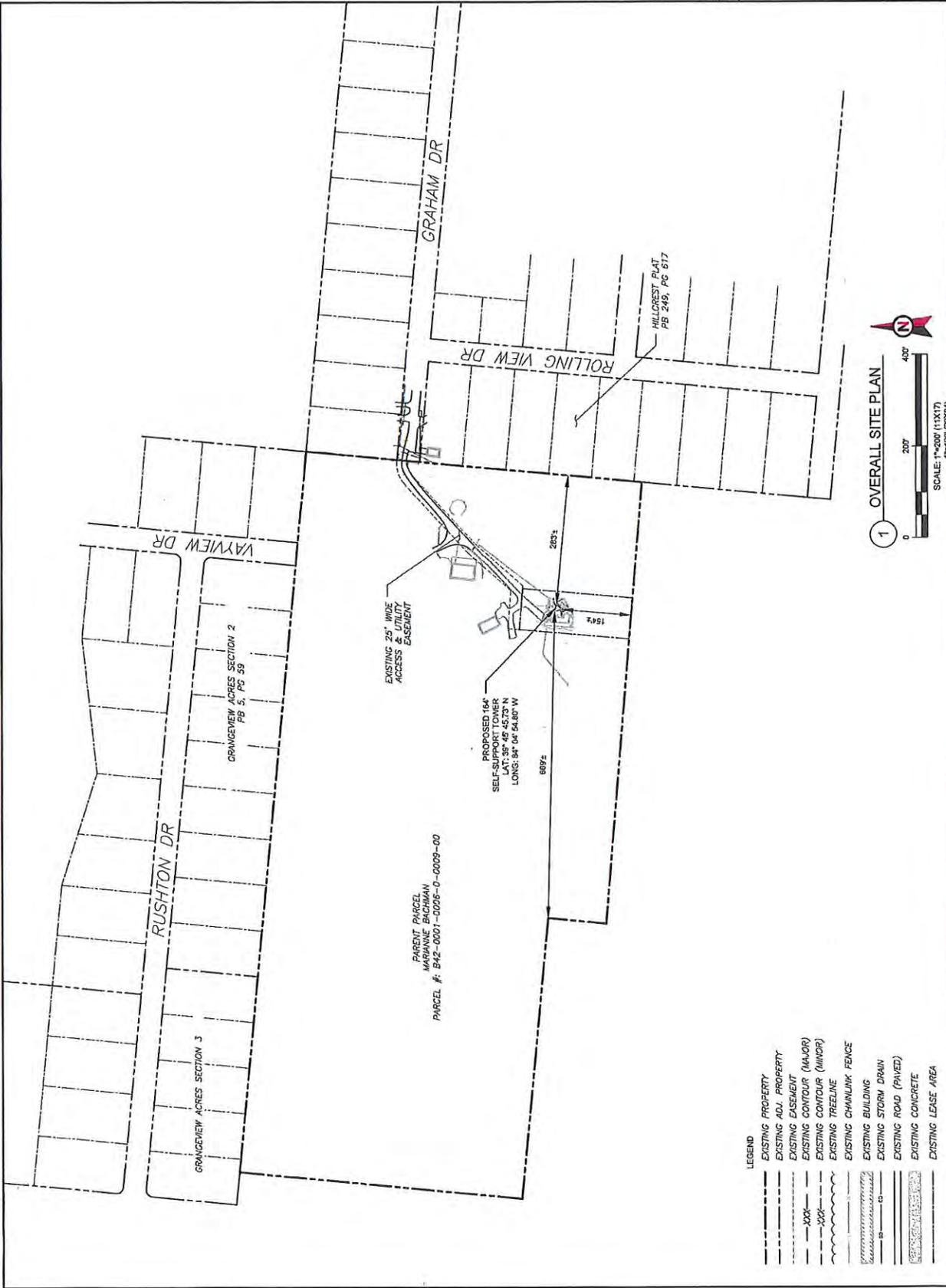
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DRAWN BY:	NW
APPROVED BY:	KSF
DATE DRAWN:	07/16/19
ATC JOB NO.:	13070021
ATC LEGACY #:	307018

OVERALL SITE PLAN

SHEET NUMBER:
C-101

REVISION:
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REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NW	07/18/19

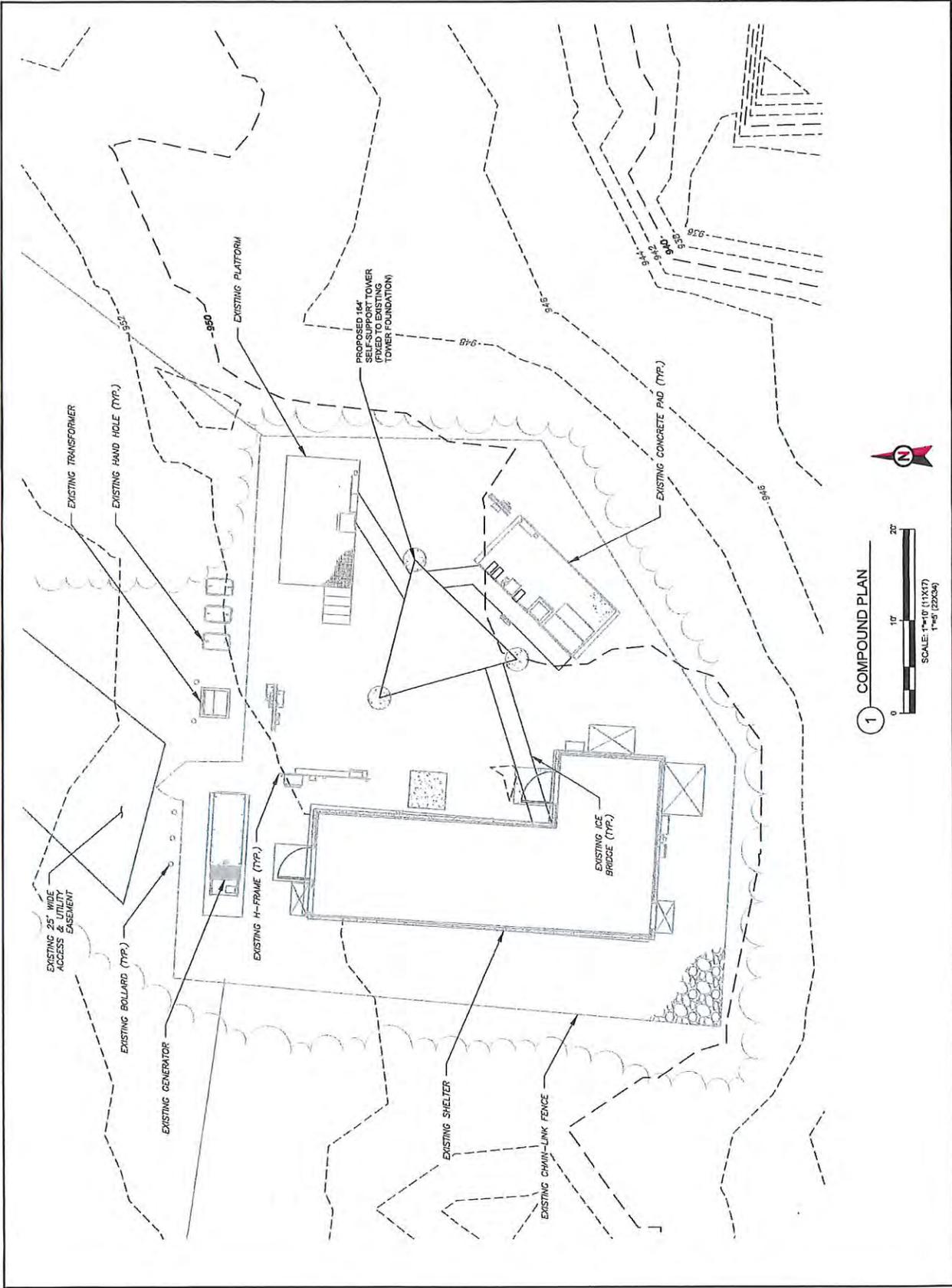
ATC SITE NUMBER:
205596
 ATC SITE NAME:
REBUILD BEAVERCREEK
 OH
 SITE ADDRESS:
 490 GRAHAM DR
 DAYTON, OH 45431



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DRAWN BY:	NW
APPROVED BY:	KCF
DATE DRAWN:	07/18/19
ATC JOB NO.:	12970921
ATC LEGACY #:	307018

COMPOUND PLAN	
SHEET NUMBER:	C-401
REVISION:	0



CAUTION



Beyond this point:
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission, 47 CFR, 1.1310(a)
Consultation Note on radio frequency emissions of CPN 1310(a)

NO TRESPASSING

WARNING



Beyond this point:
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission, 47 CFR, 1.1310(a)
Consultation Note on radio frequency emissions of CPN 1310(a)

FCC TOWER REGISTRATION #

Posting of sign required by law

ATC STAND-ALONE FCC TOWER REGISTRATION SIGN

NOTICE

GUIDELINES FOR WORKING IN RADIOFREQUENCY ENVIRONMENTS (EME)

All personnel should have electromagnetic energy (EME) awareness training.

- All personnel entering this site must be authorized.
- Obey all posted signs.
- Assume all antennas are active.
- Before working on antennas, notify owners and disable appropriate transmitters.
- Maintain minimum 3 feet clearance from all antennas.
- Do not stop in front of antennas.
- Use personal RF monitors while working near antennas.
- Never operate transmitters without shields during normal operation.
- Do not operate base station antennas in equipment room.



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REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NW	07/16/19

ATC SITE NUMBER:
2055596

ATC SITE NAME:
REBUILD BEAVERCREEK OH

SITE ADDRESS:
4940 GRAHAM DR
DAYTON, OH 45451



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DRAWN BY:	NW
APPROVED BY:	KCF
DATE DRAWN:	07/16/19
ATC JOB NO.:	12970921
ATC LEGACY #:	307816

SIGNAGE

SHEET NUMBER:
C-501

REVISION:
0

11' ATC REF PROGRAM NOTICE SIGN



SITE NAME : REBUILD BEAVERCREEK
SITE NUMBER : 2055596
FCC REGISTRATION # :

FOR LEASING INFORMATION: FOR EMERGENCIES CALL:
877-282-7483 877-518-6937
877-ATC-SITE 877-51-TOWER

NO TRESPASSING
www.americantower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

THERE MUST BE AN ATC SIGN WITH SITE INFORMATION AND FCC REGISTRATION INFORMATION POSTED AT THE BASE OF THE TOWER. THE SIGN MUST BE PLACED AT THE GATE OF MAIN ROAD, IF APPLICABLE, AND COMPOUND FENCE (IF NO COMPOUND FENCE, THEN IN A CONSPICUOUS PLACE UPON DRIVE UP). IN ADDITION, PLEASE LOOK FOR SIGNAGE FOR ALL ADDITIONAL SIGNS REQUIRED.

OPTION 1 MAY BE USED TO POST TOWER REGISTRATION NUMBERS AT THE BASE OF THE TOWER. THE SIGN MUST BE PLACED AT THE GATE OF MAIN ROAD, IF APPLICABLE, AND HAVE SPACE FOR THE TOWER REGISTRATION NUMBER.

IMPORTANT: FOR ANY ATC SIGN THAT DOES NOT MEET THE ATC SPECIFICATION FOR SIGNAGE (I.E. SHARP-POINTED PEN, WORK LABELS, ETC.), BRING IT INTO COMPLIANCE (RE-WRITE IF WORK) AND FLAG FOR REPLACEMENT SIGN (YOU CAN ORDER THESE THROUGH THE WAREHOUSE).

ONLY LABELS PRINTED BY A ZEBRA LABEL PRINTER WILL BE ACCEPTED.

ATC SITE SIGN

REPLACEMENT OF SIGNAGE

AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 90 DAYS OF ACQUISITION. THE SIGNAGE MUST BE ATC SIGNS. SIGNAGE MUST BE PLACED AT THE GATE OF MAIN ROAD, UNLESS OTHERWISE SPECIFIED. ALL FCC OR REGULATORY SIGNAGE MUST BE INSTALLED OR REPLACED AS REQUIRED TO MEET OUR STANDARD. SIGNS SHOULD BE REPLACED ON NORMAL QUARTERLY MAINTENANCE VISITS BY CONTRACTORS OR SITE MANAGERS, UNLESS OTHERWISE REQUIRED ON A CASE-BY-CASE BASIS.

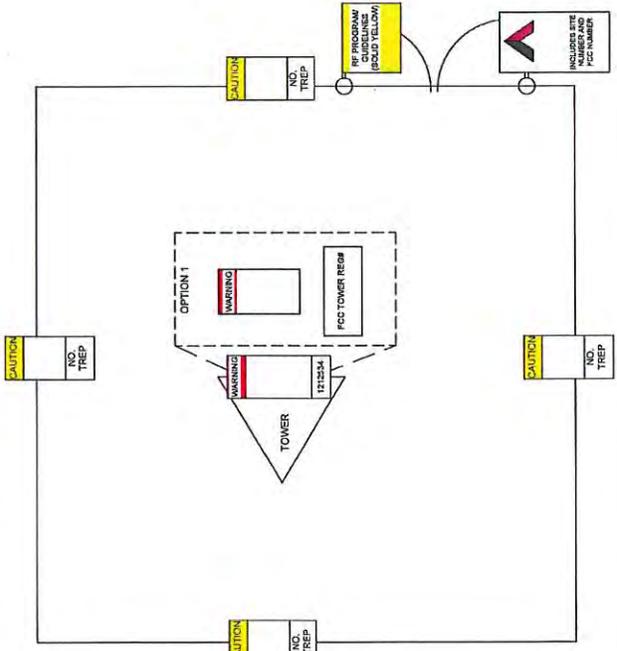
NOTE:

EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE APPLICABLE LOCAL ORDINANCES. ALL SIGNS MUST BE COMPLIANT WITH STATUTE 164.43.4 NO HIGH-VOLTAGE SIGNAGE IS NECESSARY, NO HIGH-VOLTAGE EQUIPMENT PRESENT.

ATC REF WARNING AND FCC NUMBER SIGN

A "NO TRESPASSING" SIGN MUST BE POSTED A MINIMUM OF EVERY 50'

ATC CAUTION AND NO TRESPASSING SIGN





THESE DRAWINGS SHOW THE ACCOMPANYING SPECIFICATIONS AND INSTRUCTIONS OR SERVICE ARE THE BASIS FOR THE CONTRACTOR'S OBLIGATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OF DISCREPANCY SHALL BE STRICTLY PROHIBITED. TITLE TO THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. AMERICAN TOWER WHETHER OR NOT THE PROJECT IS FOR THE CONSTRUCTION OF A TOWER SHALL BE WELL ADVISED THAT THE CONTRACTOR'S OBLIGATION TO THIS PROJECT CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO THE INSTALLATION OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
1	FOR CONSTRUCTION	NV	07/16/19

ATC SITE NUMBER: 205596
 ATC SITE NAME: REBUILD BEAVERCREEK
 OH
 SITE ADDRESS: 480 GRAHAM DR DAYTON, OH 45451



Authorized by "EOR"
 Jul 18 2019 5:37 PM
 cosort

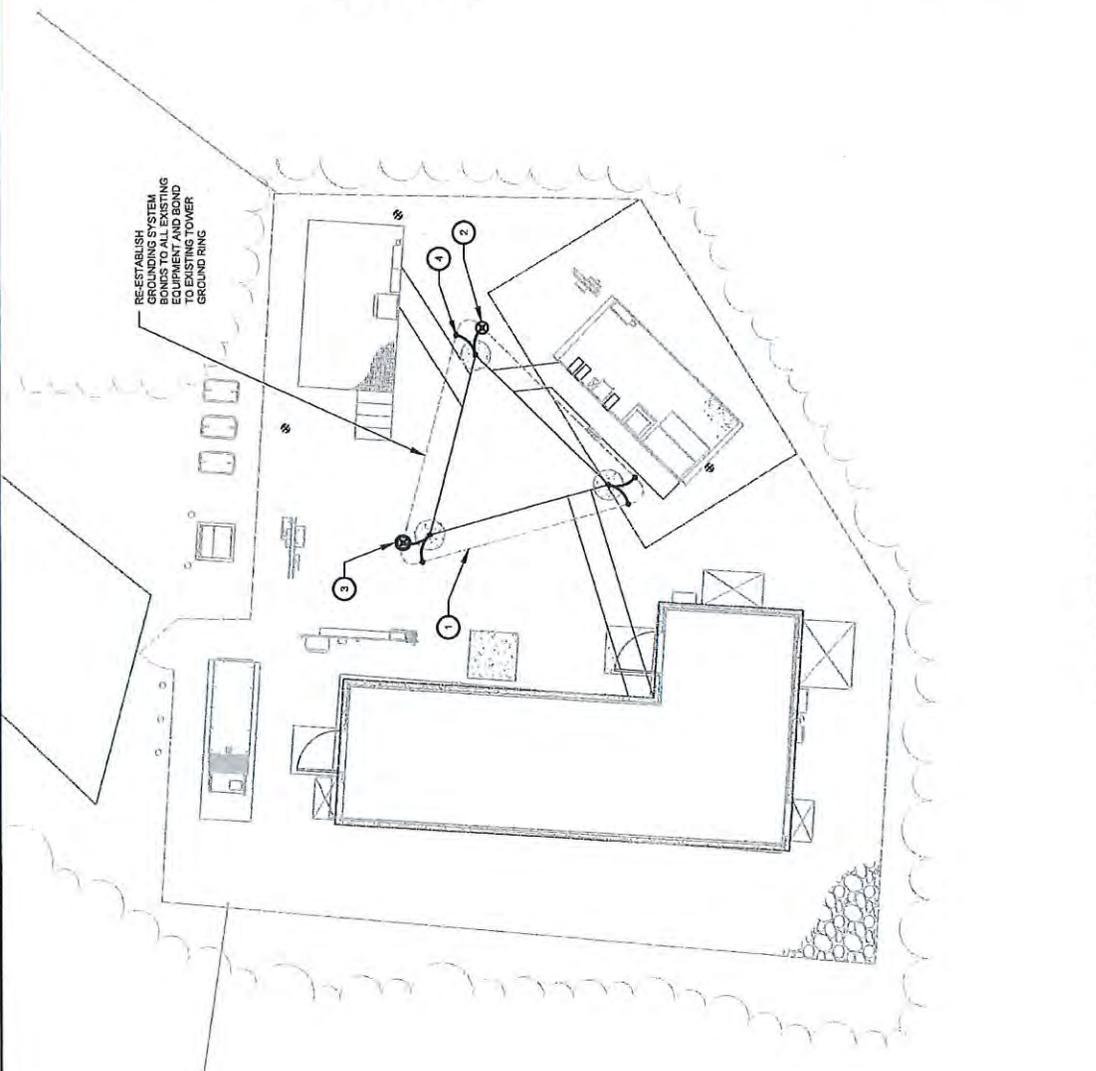
DRAWN BY:	NW
APPROVED BY:	KRF
DATE DRAWN:	07/16/19
ATC JOB NO.:	12370921
ATC LEGACY #:	307016

GROUNDING LAYOUT	
SHEET NUMBER:	E-401
REVISION:	0

- GROUNDING PLAN NOTES:**
- ALL DETAILS ARE SHOWN IN GENERAL TERMS. ACTUAL INSTALLATION AND CONSTRUCTION MAY VARY DUE TO SITE SPECIFIC CONDITIONS.
 - ALL GROUNDING SYSTEMS SHALL BE EXOTHERMIC WELDED. ALL WELDS SHALL BE COPPER.
 - CONTRACTOR TO VERIFY AND TEST GROUND TO SOURCE. GROUNDING AND OTHER OPERATIONAL TESTING WILL BE WITNESSED BY OWNER REPRESENTATIVE.
 - REQUIREMENTS OF GROUNDING STANDARDS SHALL BE COMPLY WITH ALL ELECTRICAL CONTRACTOR TO PROVIDE DETAILED DESIGN OF GROUNDING SYSTEM, AND RECEIVE APPROVAL OF DESIGN BY THE PROJECT ENGINEER PRIOR TO CONSTRUCTION.
 - SYSTEM PERFORMANCES, ALL CONNECTIONS AND GROUND RINGS NOTIFY CONSTRUCTION MANAGER IF THERE ARE ANY DIFFICULTIES.
 - INSTALLING GROUNDING SYSTEM DUE TO SITE SOIL CONDITIONS. TO AVOID TOWER FOUNDATION, GROUND RODS MAY BE INSTALLED AT ANGLE ON TOWER GROUND RING MAY BE EXTENDED AS NEEDED.

- REVISED NOTES:**
- #2 AWG BATIC TOWER GROUND RING. (MIN 2 FT FROM FOUNDATION)
 - 3/4" X 10 FT GROUND ROD (TYP), SEE DETAIL 2 ON SHEET E-501
 - 3/4" X 10 FT GROUND ROD WITH TEST WELL (MIN. ONE PER SITE ON TOWER GROUND RING), SEE DETAIL 5 ON SHEET E-501.
 - TOWER TO GROUND RING BONDS. SEE DETAIL 3 ON SHEET E-501.

- INSTALLATION NOTES:**
- INSTALL STANDARD LEVEL DESIGN (BASE BID) WHICH INCLUDES:
 - TOWER RING, 4 GROUND ROD PER LEG, SERVICE GROUND ROD AT H-FRAME, 4 RADIALS TO CORNERS, ADDITIONAL WORK NECESSARY BELOW SHALL BE CONSIDERED AN ALLOWANCE.
 - MEASUREMENTS SHALL BE TAKEN FROM THE CENTER OF THE TOWER TO GROUND RING AND PRIOR TO CONNECTION OF UTILITY POWER NEUTRAL TO THE SYSTEM.
 - IF GROUNDING SYSTEM RESISTANCE (STEP 2) IS GREATER THAN 10 OHMS, INSTALL LEVEL II GROUNDING RING.
 - IF GROUNDING SYSTEM RESISTANCE (STEP 3) IS GREATER THAN 10 OHMS, INSTALL LEVEL III GROUNDING RING AND PRIOR TO CONNECTION OF UTILITY POWER NEUTRAL TO THE SYSTEM.
 - IF GROUNDING SYSTEM RESISTANCE (STEP 4) IS GREATER THAN 10 OHMS, INSTALL LEVEL IV GROUNDING RING AND PRIOR TO CONNECTION OF UTILITY POWER NEUTRAL TO THE SYSTEM.



GROUNDING PLAN LEGEND:

—	GROUND WIRE (LEVEL I)	⊗	COPPER GROUND ROD
■	EXOTHERMIC WELD	⊗	TEST WELL
●	MECHANICAL WELD		



1 GROUNDING PLAN
 SCALE: 1"=10' (1:1217)
 1"=5' (22:34)

AMERICAN TOWER®
ATC TOWER SERVICES, LLC
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 464-9112
 COA: FIRM 02841

THIS DRAWING AND THE ACCOMPANYING SPECIFICATIONS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER. THEIR USE AND REPRODUCTION FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER IS STRICTLY PROHIBITED. THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER. ANY REVISIONS TO THIS DRAWING SHALL BE INDICATED BY A REVISION CIRCLE AND A NUMBER. PROJECT CONTRACTORS MUST VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT FOR THE PROJECT. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT FOR THE PROJECT. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT FOR THE PROJECT. CONTRACTORS MUST VERIFY ALL DIMENSIONS AND MATERIALS WITH THE ARCHITECT FOR THE PROJECT.

REV.	DESCRIPTION	BY	DATE
Δ	FOR CONSTRUCTION	NW	07/18/19

ATC SITE NUMBER: 205596
 ATC SITE NAME: REBUILD BEAVERCREEK OH
 SITE ADDRESS: 4940 GRAHAM DR DAYTON, OH 45421

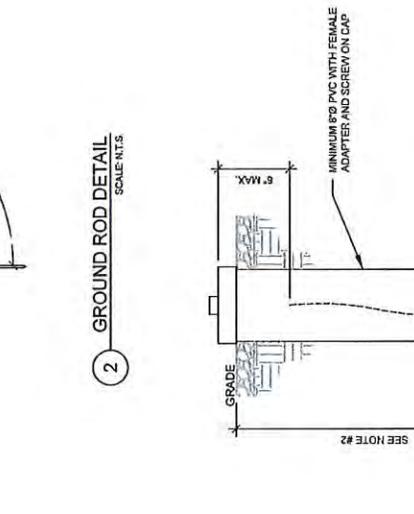
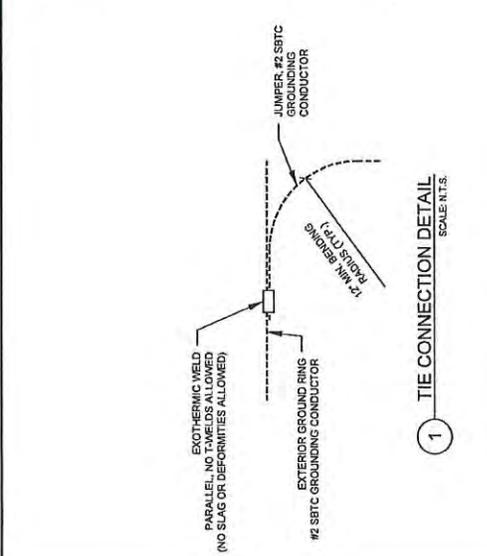
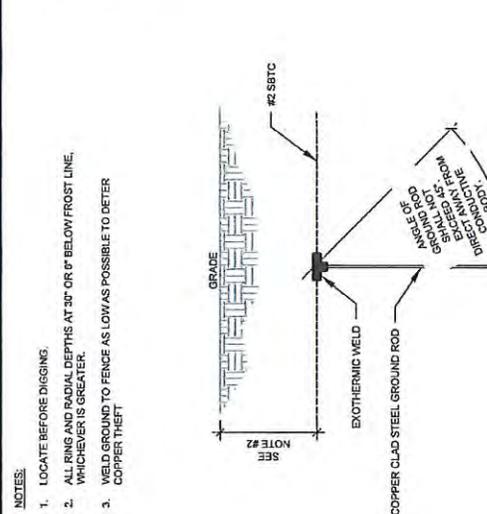
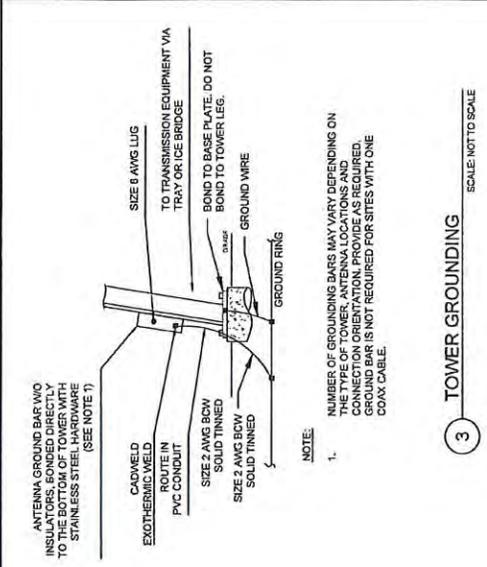


Authorized by "EOR"
 Jul 18 2019 5:37 PM
 cosign

DRAWN BY:	NW
APPROVED BY:	RSF
DATE DRAWN:	07/18/19
ATC JOB NO.:	13076921
ATC LEGACY #:	307919

ELECTRICAL DETAILS

SHEET NUMBER: **E-501**
 REVISION: **0**



NOTES:

- LOCATE BEFORE DIGGING.
- ALL RINGS AND BARIAL DEPTHS AT 30" OR 6" BELOW FROST LINE, WHICHEVER IS GREATER.
- WELD GROUND TO FENCE AS LOW AS POSSIBLE TO DETER COPPER THEFT

NOTE #2: SEE REF

NOTE: NUMBER OF GROUNDING BARS MAY VARY DEPENDING ON THE TYPE OF TOWER, ANTENNA LOCATIONS AND CONDUIT ORIENTATION. PROVIDE AS REQUIRED. GROUNDING BAR IS NOT REQUIRED FOR SITES WITH ONE COAX CABLE.

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: January 13, 2020 Agenda Reference No. VII. A-E	Reference Topic Z 19-2 Henkle Rezoning Ordinance 20-01
---	---

ACTION REQUESTED		
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Disapproval	<input type="checkbox"/> Table
<input type="checkbox"/> Review and Comment	<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Other

REQUEST BY APPLICANT:

The applicant is requesting approval to rezone approximately 6.29 acres of vacant land from I-1, Light Industry to ORP-1, Research Park, within Apple Valley Business Park.

STAFF RECOMMENDATION:

Planning Commission and Staff are recommending approval of this rezoning request, as outlined in the attached Ordinance.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, or table the attached application for further review.

ORDINANCE NO.

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____
ON THE _____ DAY OF _____, 2020.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 6.29 ACRES OF LAND DESCRIBED AS BOOK 6, PAGE 6, PARCEL 22 FROM I-1, LIGHT INDUSTRIAL TO ORP-1, OFFICE RESEARCH PARK.

Whereas, Brooke Fornes, Agent for the Owner, 2080 Byers Road, Dayton, Ohio 45342, has requested the rezoning; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 6.29 acres of land, , known as B42000600060002200 and as further described in the attached "Exhibit A" be rezoned to ORP-1, Office Research Park.

SECTION II

This Ordinance shall take effect from and after the earliest period allowed by law.

SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this _____ day of _____, 2020.

Mayor

ATTEST:

Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 6.29 acres of land from I-1, Light Industrial to ORP-1, Office Research Park.

This is not an emergency ordinance and will become effective 30 days after passage.

EXHIBIT "A"

Greene County
Ohio

TRANSFERRED
PER 319.20 O.R.C.

022261

10 DEC -2 AM 10:51

2010 DEC -3 AM 8:00

FEE _____ EXEMPT
LAWANNA A. DELANEY
GREENE COUNTY AUDITOR

ERIC C. SEARS
GREENE CO. RECORDER
XENIA, OH.

4243

GENERAL WARRANTY DEED (Ohio Statutory Form)

GRH HOLDINGS, LLC, an Ohio limited liability company, for valuable consideration paid, grants, with general warranty covenants, to PATSIE HENKLE EVANS and LCNB, NATIONAL BANK, CO-TRUSTEES under the George R. Henkle and Lois I. Henkle Family Trust Agreement for the benefit of Patsie Henkle Evans dated May 19, 1997, whose tax mailing address is c/o LCNB, P.O. Box 59, 2 North Broadway, Lebanon, Ohio 45036, an Undivided One Third (1/3) interest in the following described real property:

Located in Section 8, Town 2, Range 7 MRs, City of Beavercreek, County of Greene and State of Ohio and being all of Lot Numbered FOUR (4) of Section Three of Apple Valley Business Park as recorded in Plat Book 23, Pages 81 and 82 of the Plat Records of Greene County, Ohio, now found in Plat Cabinet 33, Pages 908A and 908B.

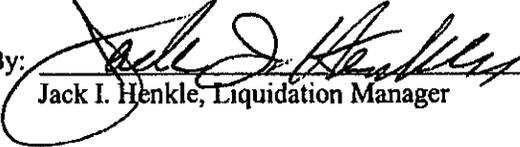
Parcel No. B42-2-6-22
Property Address: Executive Drive, Beavercreek, Ohio

Subject to all legal highways; building and zoning ordinances; easements, conditions and restrictions of record; and real estate taxes and assessments due and payable in December, 2010, and thereafter.

PRIOR DEED REFERENCE: Volume ³⁰⁸⁷, Page 61 of the Greene County, Ohio Deed Records.

Executed this ^{24th} day of November, 2010.

GRH HOLDINGS, LLC
an Ohio limited liability company

By: 
Jack I. Henkle, Liquidation Manager

Description Check
Greene County Engineers Tax Map Dept.
 Legally Sufficient As Described
 Legally Sufficient With Corrections Noted
 Legally Insufficient. New Survey Required
By: 
Date: 12/10
Parcel: 1st B42 BK 2 PG 6 PAR 22

Greene County
Ohio

VOL 3087 PG 063

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this 24th day of November, 2010, by Jack I. Henkle, Liquidation Manager of GRH Holdings, LLC, an Ohio limited liability company, on behalf of said company.



ERICA L. GLASS, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03 O. R. C.

Erica L. Glass
Notary Public

This Instrument Prepared By:
Erica L. Glass
Attorney at Law
Coolidge Wall Co., L.P.A.
33 West First Street, Suite 600
Dayton, Ohio 45402

w:\wdox\client\010302\00100\00505068.doc

VOL 3087 PG 064

City of Beavercreek Staff Report

January 6, 2020

PROJECT: Henkle Rezoning
CASE #: Z 19-2
APPLICANT: Brooke Fornes, Agent for the Owner
2080 Byers Road
Dayton OH 45432

REQUEST

The applicant is requesting to rezone approximately 6.29 acres of vacant land from I-1, Light Industry to O-RP1, Research Park, within the Apple Valley Business Park.

SUMMARY

As shown in the attached zoning map, the property is currently zoned for light industry. This zoning designation allows the most intense uses within the code, including animal daycares, assembly plants, and junk yards. As the business park has developed over time, it has become apparent that many of the uses permitted in an I-1 district would not be compatible with the existing surrounding uses. The owners have taken it upon themselves to request to rezone the property in order to protect the integrity of the park.



Land Use

The land use plan calls for this area to be designated as Research and Development and High Tech Manufacturing. The uses outlined with the ORP-1 zoning designation are consistent with the current land use plan. The entire business park also has a Planned Development Area

(PDA) overlay, which requires that any new buildings constructed within the park go through the Administrative Site Plan Review and Approval process (ASRA), requiring a hearing at Planning Commission and City Council.

Surrounding Zoning

All of the properties along the northern side of Executive Drive, with the exception of the property in this request, are zoned ORP-1. The properties on the south side of Executive Drive are zoned RP-1. The zoning surrounding the property is as follows:

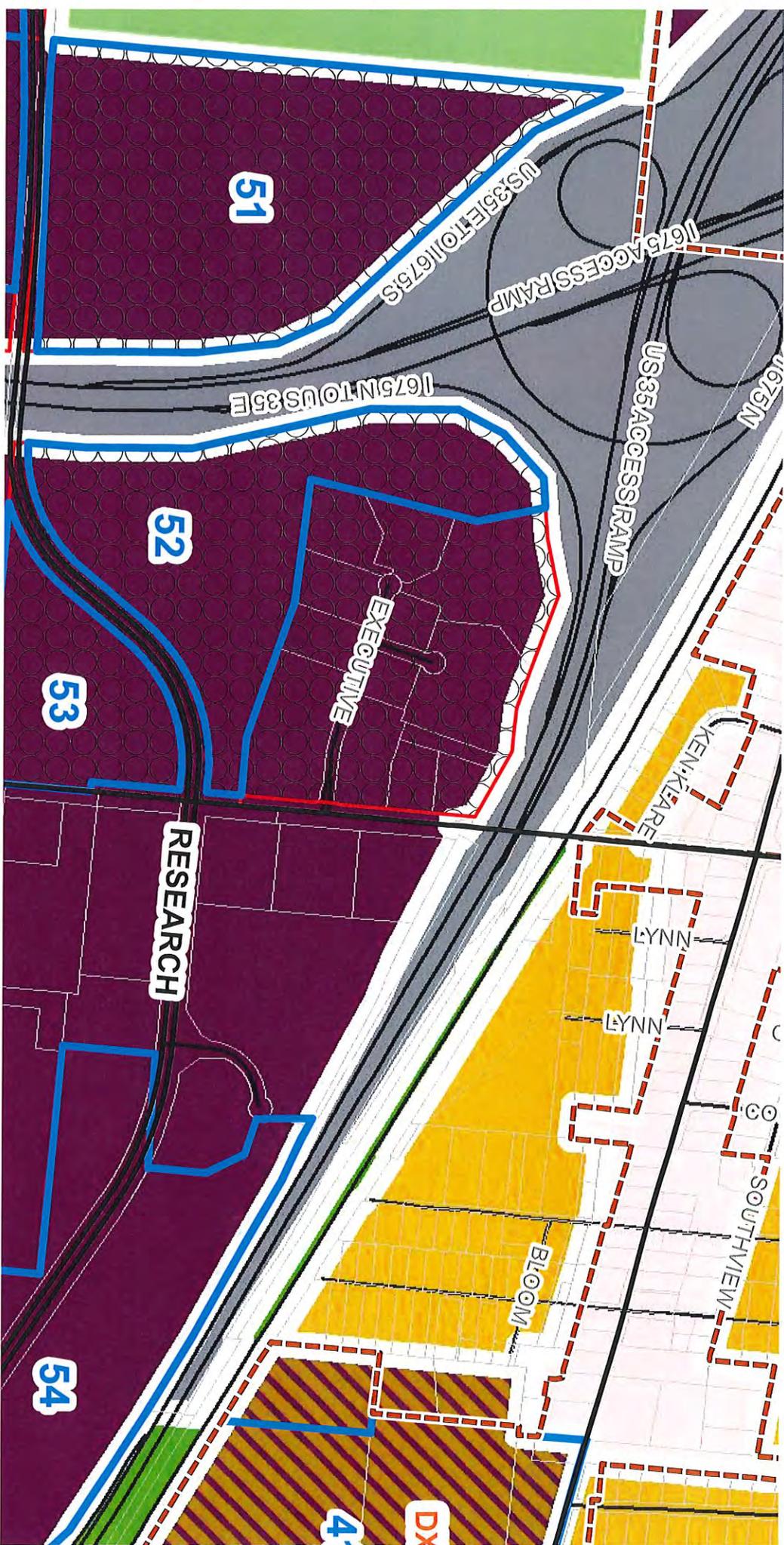
Direction	Surrounding Zoning	Surrounding Use
North	N/A	ODOT ROW
South	I-1	Office/R & D
East	ORP-1	Office/R & D
West	I-1	Vacant

RECOMMENDATION

Based on this analysis, Planning Commission and staff recommend approval of this request as outlined in the attached Ordinance.



GRANGE HALL



ORP-1

Permitted and Conditional Uses

- Auditoriums
- Brew pub (Conditional)
- Health club, inside activity only
- Heliport landing areas accessory to permitted use (Conditional)
- Hospitals
- Hotels, motels, Apartment Hotel
- Income tax preparation
- Medical laboratory services
- Medical research laboratories
- Museums (Conditional)
- Nursery school/Pre-school/day care centers in accordance with '158.127 (Conditional)
- Audio and visual communication services
- Call center or telemarketing office
- Clerical and answering services
- Conference center services
- Corporate insurance carriers, home or regional offices (excluding drive-in claims service)
- Engineering research and prototype development associated with offices
- Other professional services NEC (Conditional)
- Professional services
- Office, general
- Place of religious assembly (Conditional)
- Public buildings including community center buildings and libraries
- Research and engineering laboratories
- Restaurants - inside and accessory drive thru service only (Conditional)
- School, Trade (Conditional)
- Travel bureaus and ticket sales
- Tutoring centers (Conditional)
- Vehicle parking garages and lots (commercial) (Conditional)

I-1

Permitted and Conditional Uses

- Amphitheaters/pavilions
- Animal daycare
- Bakeries, wholesale
- Bowling alleys
- Brewery
- Brewery, micro (with retail sales)
- Brewery, micro
- Builder supply store
- Building Entry Systems
- Canvas, tent and awning sales and service
- Carpet and rug cleaning plants
- Catering service
- Cold storage plants
- Commercial greenhouse
- Contract constructions services office and showroom (no outdoor storage)
- Contractor sales, storage and equipment yards service
- Crematory service
- Dental laboratory services
- Dry-cleaning and dyeing
- Farm supply, hay, grain and feed stores
- Fuel oil sales and distribution
- Furniture reupholstering and repair
- Health club, inside activity only
- Heliport landing areas accessory to permitted use (Conditional)
- Home improvement contractors (no outside storage except in I-1 and I-2)
- Industrial research laboratories
- Junk yards and salvage yards
- Kennel or cattery
- Landscape contractor (no outside storage except in I-1 and I-2)
- Laundries, dry-cleaning plants and linen supply
- Lumber and other building materials - retail
- Machine shops and tool and die shops
- Machinery and heavy equipment sales and storage
- Manufacturing, general - fabrication and/or excavation of materials (Conditional)
- Manufactured home sales
- Moving and storage companies
- Mulch, gravel, soil and similar material sales, not accessory to the approved principal use
- Museums (Conditional)
- Nursing or convalescent home/Assisted Living Facilities/Skilled Nursing Facilities (Conditional)
- Office facilities relating directly to any of the other principal permitted uses of I-1 or I-2
- Painting, varnishing shops
- Place of religious assembly (Conditional)
- Plumbing supply and contracting shops including storage yards
- Pre-schools (Conditional)

I-1

Permitted and Conditional Uses

- Printing services
- Public buildings including community center buildings and libraries
- Public utility buildings, telephone exchanges, transformer stations and substations except garage and maintenance buildings (Conditional)
- Recreation facilities and customary accessory buildings and gymnasiums
- Recycling center - collection point only -no outside storage
- Research and engineering laboratories
- Self-storage warehouses
- Skating rinks
- Skeet or trap shooting range (commercial) but not within 600 feet of any residential district (Conditional)
- Storage of building supplies and equipment, contractors equipment, food, fabrics, hardware and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.
- Taxicab business
- Television and radio broadcasting towers (Conditional)
- Television and radio stations
- Tin and sheet metal shops
- Tool and die shop, wrought iron shop, black-smith or machine shop
- Towing Service – outdoor storage in I-1 and I-2 only (Conditional)
- Trailer and manufactured home sales and storage
- Truck terminal
- Vehicle paint and body shops
- Car rental service (Conditional)
- Equipment rental and leasing service (except vehicles)
- Moving trucks and trailers
- Recreational vehicle rental including motorhomes, boats and the like
- Truck rental service (including cranes, earth moving equipment, semi-trucks/trailers and the like) as the principal business
- Vehicle repair stations (Major)
- Vehicle repair stations (Minor)
- Vehicle sales and services (new and used) of recreational vehicles, semi-trucks/trailers, tractors and the like
- Vehicle wash facilities
- Veterinary office, no overnight stay
- Veterinary clinic with kennels or animal hospitals
- Warehouses
- Wholesale sales and distribution (Conditional)
- Winery
- Winery, Micro

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
December 4, 2019

RE: Z-19-2
I-1 Light Industry to ORP-1
Research Park

WHEREAS, Brooke Fornes, Agent for the Owner, 2080 Byers Road, Dayton OH 45342, has filed an application requesting approval of an amendment of zoning classification of 6.29 acres from I-1, Light Industry to ORP-1, Research Park, described as Book 2, Page 6, Parcel 22 on the property tax maps of Greene County, Ohio; and

WHEREAS, a public hearing was held on December 4, 2019 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends to Beaver Creek City Council the following:

A. That approximately 6.29 acres of land incorporated within this request and known as parcel B42000200060002200 and as further described in the attached Exhibit A be rezoned to ORP-1, Research Park.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED:

VOTING FOR ADOPTION:

VOTING AGAINST: None

Chairman

Attest:

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

ASC

Meeting Date: January 13, 2020	Reference Topic: PUD 19-1 SSP#1
Agenda Reference No. VIII. A-E	IHCU Site Plan
	Motion

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input checked="" type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input checked="" type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

REQUEST BY APPLICANT:

The applicant is requesting approval of a specific site plan to allow for the construction of a 6,000 square foot commercial building on a little more than 1.6 acres. The property is located at 1464 and 1474 North Fairfield Road, on the east side of the road just south of the intersection of Lantz Road and North Fairfield Road.

RECOMMENDATION:

Planning Commission and staff recommend approval of this request as described in the attached Motion. See attachments for further details.

PROCEDURAL OPTIONS FOLLOWING ACTION:

City Council may choose to approve, disapprove, modify or table the action for further review.

MOTION TO APPROVE
IH Credit Union
PUD 19-1 SSP#1

"I move, for the purpose of taking administrative action, approval of a Specific Site Plan for the International Harvester's Credit Union, 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. 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 November 26, 2019", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received December 11, 2019", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning and Development Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project. The final landscape plans shall show a row of evergreen shrubs, as referenced in Condition # 20 (and Exhibit B) below.
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 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 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 future dumpster enclosure shall be reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.
8. Wall signage shall be in similar size and location as shown on the architectural elevations. The final design and location shall be subject to review and approval by the Planning and Development Department prior to a release of a permit for the sign. Exhibit C shows an example of a brick base and wrap.
9. There shall be a maximum of one ground sign for this project. The ground sign 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 on a 1-foot base, and a 1-foot thick wrap, that shall be constructed of the same brick as used to construct the principal structure.
10. Any wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited.
11. 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 and Development Department. No pole shall be located in the paved area of the parking field, and shall be limited to 16' in mounting height east of the front elevation building and 20' in mounting height west of the front elevation of the building, including the concrete base. 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.
12. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning and Development Department or, if required, by the City Council and/or Planning Commission.
13. 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.

14. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning and Development Department shall be addressed prior to the issuance of a permit for the project.
15. 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.
16. 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.
17. A final subdivision for the entire portion of the property encompassing the site plan 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 subdivision shall include a permanent cross access easement covering the access point and driveway out to Lantz Road.
18. Prior to the release of the zoning permit, the applicant shall apply for and received approval of a PUD Amendment to add the area highlighted red in Exhibit A to the PUD.
19. If a drive-thru window is added to the northern elevation, it shall be placed on the building to allow for at least 5 cars of stacking without blocking any drive aisles or the normal flow of traffic.
20. Should a restaurant occupy any portion of the building, prior to the release of a Certificate of Use Compliance for said restaurant, the "Future Parking Lot Addition" must be constructed. Prior to the "Future Parking Lot Addition" area being constructed as parking, it shall be seeded with grass seed and be maintained properly.
21. The applicant shall install a row of evergreen shrubs, a minimum of 24" in height at planting, along the eastern edge of the Lantz Road access point driveway, further described in Exhibit B.
22. The final stormwater detention plan shall be reviewed and approved by the City Engineer prior to the release of a permit. If the final design of the detention pond turns out to be a retention pond, then fountains or other aeration devices shall be included in any design. Said fountains shall be utilized and maintained in perpetuity.
23. All abandoned drive aprons on North Fairfield Road shall be removed and

replaced with sidewalks and landscaping matching the adjacent right of way.

24. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure, unless specifically approved by the Planning Department prior to the release of a zoning permit.
25. The northwestern most parking spot shall be striped as a no parking area and labeled for traffic turnaround, as depicted in Exhibit D.

Exhibit A

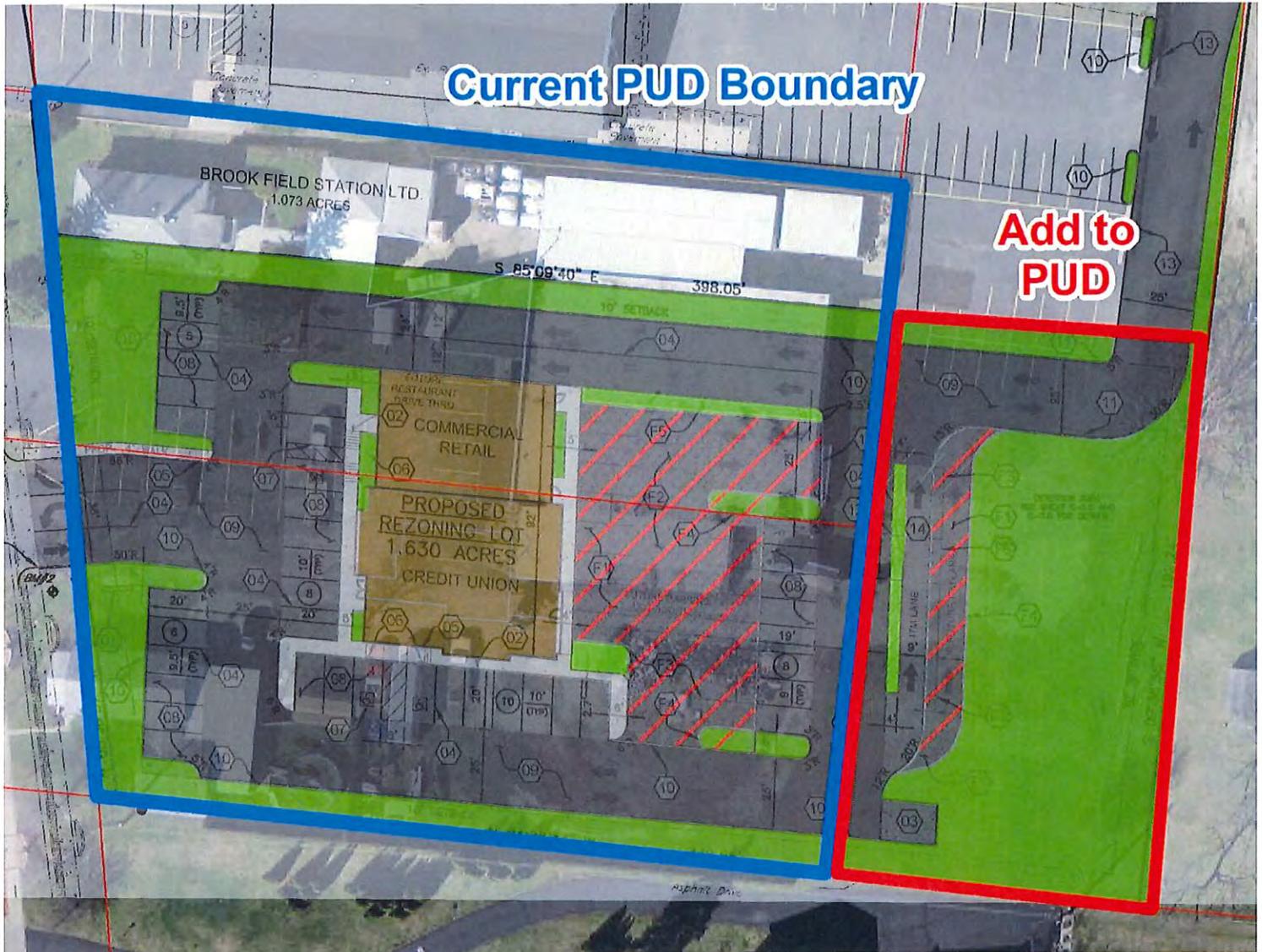


Exhibit B



Exhibit C

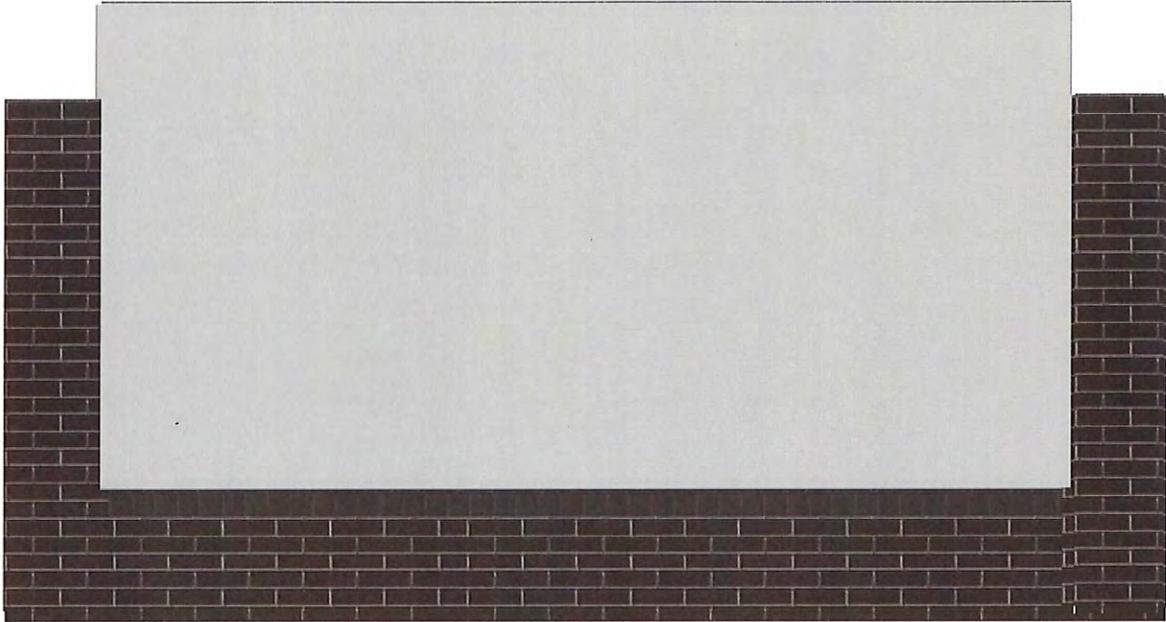
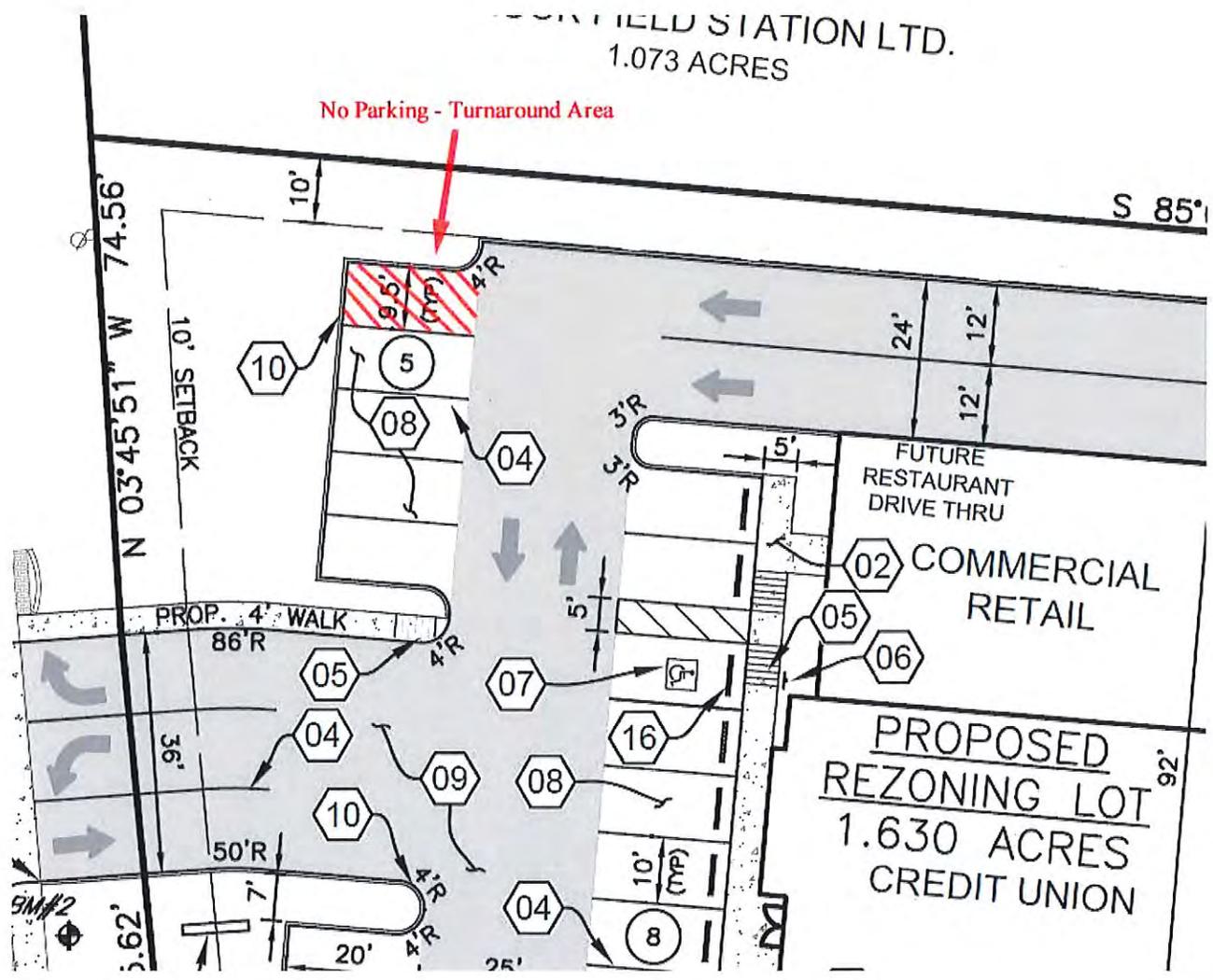


Exhibit D



CITY OF BEAVERCREEK STAFF REPORT

January 2, 2020

PROJECT: IH Credit Union Specific Site Plan

CASE NUMBER: C-PUD 19-1 SSP#1

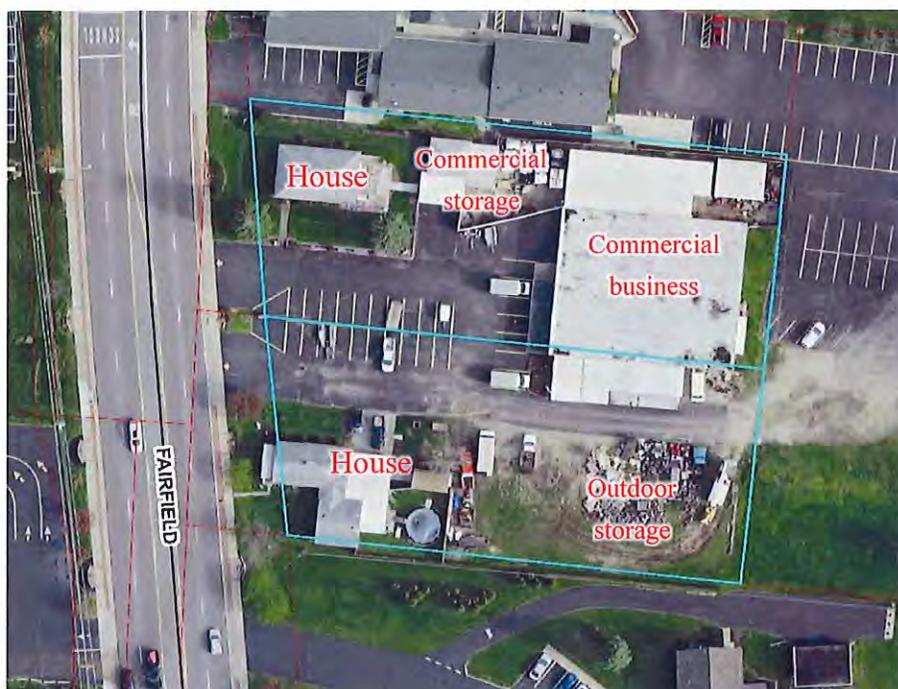
APPLICANT: Chuck Springmyer (Agent for Owner)
3233 Newmark Drive
Miamisburg, OH 45342

REQUEST

The applicant is requesting approval of a specific site plan to allow for the construction of a 6,000 square foot commercial building on a little more than 1.6 acres. The property is located at 1464 and 1474 North Fairfield Road, on the east side of the road just south of the intersection of Lantz Road and North Fairfield Road.

EXISTING CONDITIONS

As evident from the aerial photo to the right, there are two houses, a commercial business, commercial storage and some outdoor storage of miscellaneous items. The two lots combined have 240 feet of frontage on North Fairfield Road. Appropriate sidewalks and streetscape are already in place on North Fairfield Road along the proposed PUDs frontage.

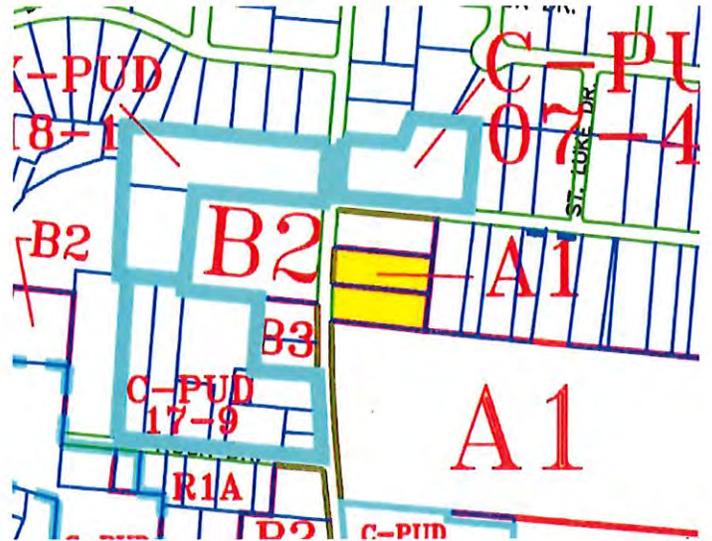


Current and Surrounding Zoning

The property was rezoned from partially A1 and partially R1A to PUD 19-1 in April of 2019 to allow for the construction of a financial institution and retail building.

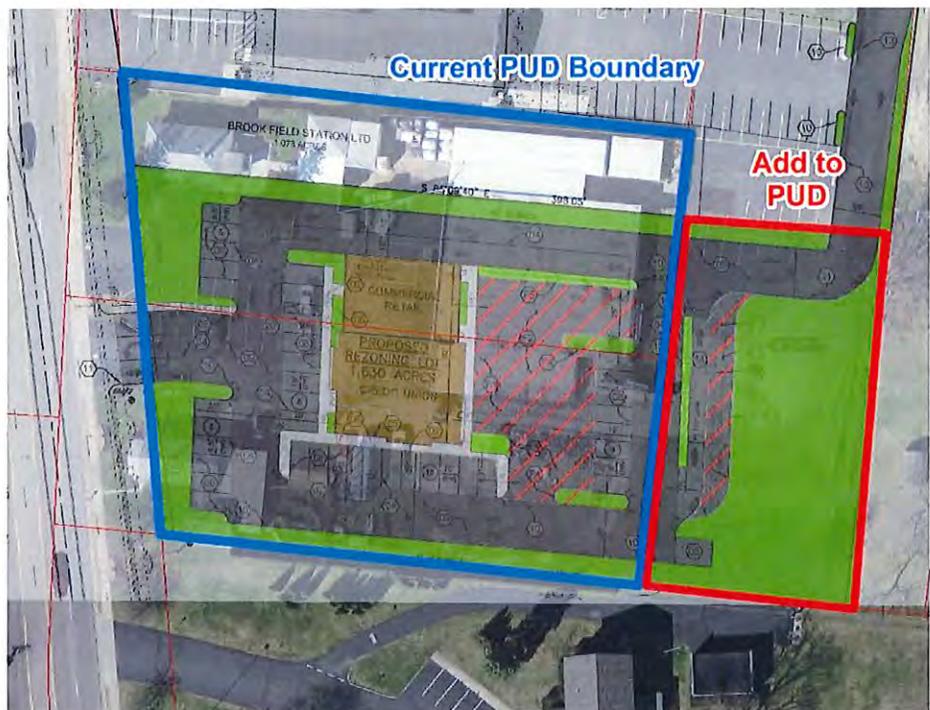
The map to the right hasn't been updated to include the new PUD designation, but the area currently zoned PUD 19-1 is highlighted yellow.

The surrounding Zoning Districts and uses are as follows:



Direction	Zoning	Use
North	B-2	Multi-tenant retail building
South	A-1	Place of religious assembly
West	B-2	North Fairfield Road, daycare
East	A-1	Empty parking area for multi-tenant retail

As noted on the aerial photo overlay of the proposed site plan below, a portion of the proposed plan falls outside of the existing PUD, and a portion of an imminent land swap with the neighbor to the north is within the existing PUD. As a condition of approval, staff has added a proposed condition to the Motion that requires they amend the PUD to include the area highlighted in red below prior to a zoning permit being issued for the project.



ANALYSIS

Utilities

Public water and sewer are available to the site.

Architectural Plans

The proposed plans call for a single story, 6,000 square foot building, comprised of various colors of brick with EIFS accents. It is anticipated that this building be separated into two different leasable tenant spaces, both of which have distinct architectural characteristics. The southernmost tenant, which will be occupied by the credit union, will have a front elevation constructed mostly of beige EIFS, but will also have brown, beige and maroon brick accent feature. The northernmost tenant space will be constructed without a committed tenant at this time. That section of the building will have a front elevation consisting of beige and maroon brick with large storefront window. The same three colors of brick are wrapped around the other three sides of the building, creating a smaller scale look to the elevations. The windows and doors that are on the south and west elevations will be covered by brown aluminum awnings.

A proposed dumpster pad is shown on the far southeast corner of the parking lot, however no further details regarding the dumpster were included in the packet. Staff has added a condition that the dumpster be enclosed by a structure, constructed of the same materials used to construct the principal structure.

Transportation Improvements and Parking

The proposed site plan shows two access points to the site. The principle access point will be located on North Fairfield Road, approximately 215 feet south of the intersection of Lantz Road and North Fairfield Road. It will be a full access point, and will have both left out and right out turn lanes, as well as full ingress. A secondary access point is proposed to be located on Lantz Road, approximately 400 feet east from the intersection of Lantz Road and North Fairfield Road. As this access point will be connected to a driveway that is on property owned by a third party, so prior to the release of a zoning permit, the applicant will be required to get an access easement from the third party.

As stated above, a portion of the building is planned to be occupied by an unknown tenant. In order to calculate the required parking, a formula based on a "most intense parking possible" for that tenant space, which is restaurant, and financial institutions for the credit union portion of the building is being used. Based on the square footages, and an anticipated eight employees in the restaurant, they'll need 23 parking spaces for the credit union, and 29 if the northern tenant is

occupied by a restaurant, for a total of 52 off-street parking spaces. Their plan show 37 parking spaces to be constructed in the first phase, which anticipated the future tenant(s) to be general retail. An additional 17 in the area labeled “Future Parking Lot Addition” in the event that the future tenant(s) are a restaurant. The intent is that if they lease to a retail, they won’t be required to construct the extra spaces, and thus creating an overabundance of parking and less greenspace. Staff has added a condition that if a restaurant were to occupy the second tenant space, prior to the release of a Certificate of Use Compliance for said restaurant, the additional parking field must be completed. The condition further states that the future parking area must be planted with grass seed in the meantime.

In lieu of having a traditional drive up ATM or bank canopy with tubes as seen with many financial institutions, the applicant is proposing to construct a drive-thru ITM near the eastern edge of the parking field. An ITM is similar to an ATM, except that rather than simply being a computer, the ITM also has a digital screen with options to interact with a live person, thru video conferencing. An overview article about ITMs has been attached to the staff report for further information.

Stormwater Management

As noted on the plans included in your packet, the applicant is proposing to construct a stormwater detention pond just to the east of the proposed drive thru ITM. Staff has added a condition that the final stormwater detention plans be reviewed and approved by the Planning Department prior to the release of a zoning permit.

Landscaping, Screening and Open Space

As seen on the preliminary landscape plan, page L-1 in your packet, the applicant is proposing to utilize a good mixture of shade trees and decorative shrubs and grasses around the building and the perimeter of the property to help add to the aesthetics of the overall site. The minimum requirement for 25% open space or pervious surface has been exceeded within this PUD, as the overall PUD will have approximately 32.6% pervious surface.

In order to screen headlights from cars entering and exiting the site on Lantz Road, the applicant shall include a row of evergreen bushes, a minimum of 24” in height at the time of planting, in areas shown on Exhibit B of the Motion. The proposed bushes will be along the driveway owned by a third party.

Lighting

While no lighting and photometric plans have been included in your packet, staff has added a condition that requires the use of full-cut off fixtures, have a mounting height of no more than 16 feet on the east side of the building, and 20 feet on the west side of the building. Further, no light pole will be permitted to be in paved areas throughout the site. They must be located on terminal, interior or perimeter landscape areas.

Signage

The proposed site plan shows a ground sign to be located on the south side of the main entrance off North Fairfield Road. No other details about the ground sign have been provided. Staff has added a condition that the final design and location be approved by the Planning Department prior to the release of a permit for the ground sign. Further, the sign will be constructed on a brick base and wrap, be no taller than 5 feet (including a 1-foot thick brick base) and be 25 square feet per sign face maximum. Exhibit C in the proposed Motion illustrates a brick base and wrap to highlight the intent of the condition.

As noted on the architectural elevations included in your packet, the applicant is proposing two wall signs on the building. The credit union is proposing a 14-foot by 6.33-foot sign, to be located on the front elevation, just to the left of the front door. A second sign, shown as "Coffee" is proposed for the undetermined tenant. This sign is proposed at 11 feet by two feet. The final sign design will be determined by who the final tenant is.

RECOMMENDATION

Based on this analysis, Planning and staff recommend approval of this request subject to the conditions outlined in the attached Motion.

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
December 4, 2019

RE: PUD 19-1 IH Credit Union
SSP #1

WHEREAS, Chuck Springmyer, 3233 Newmark Drive, Miamisburg Ohio 45342, agent for the property owner, has filed an application requesting approval of a Specific Site Plan for the construction of a credit union and retail structure on 1.63 acres. The property is located at 1464 and 1474 North Fairfield Road, further described as Book 5, Page 5, Parcels 123 and 124 on the Greene County Property Tax Atlas; and

WHEREAS, public hearing was held on December 4, 2019 by the Beaver Creek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Planning Commission finds that the facts submitted with this Specific Site Plan application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for an Specific Site Plan as per §158.066 of the Zoning Code; and

WHEREAS, the Beaver Creek Planning Commission is recommending approval of this Specific Site Plan to City Council.

NOW, THEREFORE BE IT RESOLVED:

SECTION I

Beaver Creek Planning Commission recommends to Beaver Creek City Council approval of this Specific Site Plan for the IH Credit Union on North Fairfield Road, with the following conditions and requirements.

SECTION II

1. The approved site plans for this development shall be the plans stamped "Received November 26, 2019", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received November 6, 2019", except as modified herein.

3. A detailed landscape plan shall be reviewed and approved by the Planning and Development Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project. The final landscape plans shall show a row of evergreen shrubs, as referenced in Condition # 20 (and Exhibit B) below.
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 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 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 future dumpster enclosure shall be reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.
8. Wall signage shall be in similar size and location as shown on the architectural elevations. The final design and location shall be subject to review and approval by the Planning and Development Department prior to a release of a permit for the sign. Exhibit C shows an example of a brick base and wrap.
9. There shall be a maximum of one ground sign for this project. The ground sign 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 on a 1-foot base, and a 1-foot thick wrap, that shall be constructed of the same brick as used to construct the principal structure.
10. Any wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited.

11. 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 and Development Department. No pole shall be located in the paved area of the parking field, and shall be limited to 16' in mounting height east of the front elevation building and 20' in mounting height west of the front elevation of the building, including the concrete base. 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.
12. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning and Development Department or, if required, by the City Council and/or Planning Commission.
13. 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.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning and Development Department shall be addressed prior to the issuance of a permit for the project.
15. 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.
16. 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.
17. A final subdivision for the entire portion of the property encompassing the site plan 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 subdivision shall include a permanent cross access easement covering the access point and driveway out to Lantz Road.
18. Prior to the release of the zoning permit, the applicant shall apply for and received approval of a PUD Amendment to add the area highlighted red in Exhibit A to the PUD.

19. If a drive-thru window is added to the northern elevation, it shall be placed on the building to allow for at least 5 cars of stacking without blocking any drive aisles or the normal flow of traffic.
20. Should a restaurant occupy any portion of the building, prior to the release of a Certificate of Use Compliance for said restaurant, the "Future Parking Lot Addition" must be constructed. Prior to the "Future Parking Lot Addition" area being constructed as parking, it shall be seeded with grass seed and be maintained properly.
21. The applicant shall install a row of evergreen shrubs, a minimum of 24" in height at planting, along the eastern edge of the Lantz Road access point driveway, further described in Exhibit B.
22. The final stormwater detention plan shall be reviewed and approved by the City Engineer prior to the release of a permit. If the final design of the detention pond turns out to be a retention pond, then fountains or other aeration devices shall be included in any design. Said fountains shall be utilized and maintained in perpetuity.
23. All abandoned drive aprons on North Fairfield Road shall be removed and replaced with sidewalks and landscaping matching the adjacent right of way.
24. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure, unless specifically approved by the Planning Department prior to the release of a zoning permit.

SECTION III

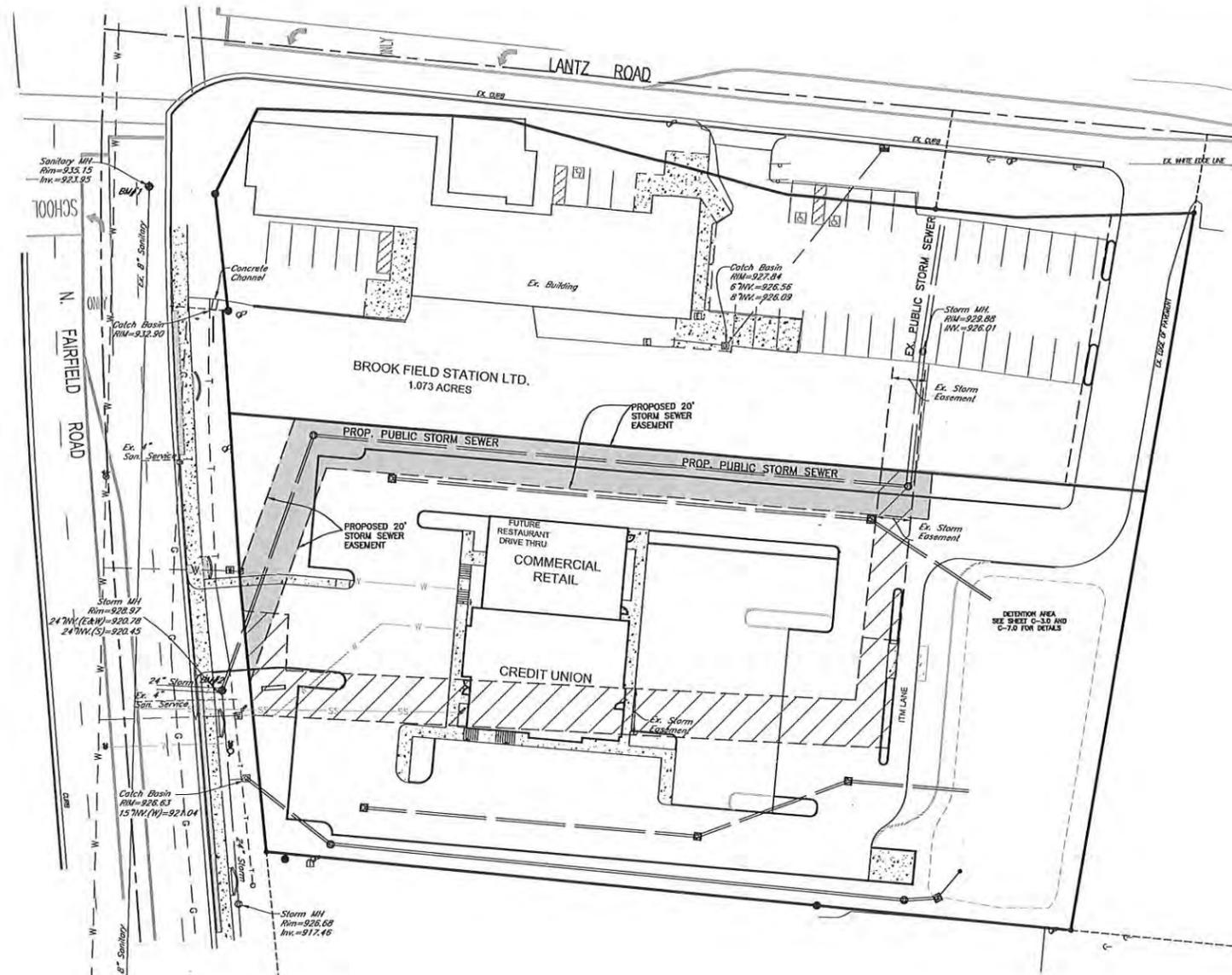
These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

ADOPTED: December 3, 2019

VOTING FOR ADOPTION: Alex Hight
Tiffany Schwartz
Michael Self

ABSENT: Nicholas Loftis
Nathan Shrider



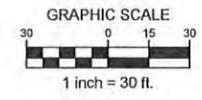
 EXISTING STORM SEWER EASEMENT TO BE VACATED
 PROPOSED STORM SEWER EASEMENT

SITE BENCHMARKS
 BM#1 Description: Sanitary Manhole Top of Casting
 Elevation: 935.15
 BM#2 Description: Storm Manhole Top of Casting
 Elevation: 928.97



RECEIVED
 NOV 26 2019
 CITY OF BEAVERCREEK
 PLANNING DEPARTMENT

UTILITY LEGEND	
	PROP. INLET/MANHOLE/CLEANOUT
	PROP. DOWNSPOUT
	PROP. LIGHT POLE
	PROP. SANITARY SEWER SERVICE
	PROP. WATER SERVICE/WATERLINE
	PROP. STORM SEWER
	PROP. GAS SERVICE
	PROP. ELECTRIC SERVICE
	PROP. TELECOM SERVICE



Date	Description	Item

SITE DEVELOPMENT PLANS FOR
 IH CREDIT UNION
 1464 & 1474 N. FAIRFIELD ROAD
 CITY OF BEAVERCREEK, GREENE COUNTY,
 OHIO

BURKHARDT
 ENGINEERS & SURVEYORS
 28 North Curry Street | Cincinnati, Ohio 45227 | Phone: 513-352-0383 | www.burkhardt.com
 CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Design: KMZ Proj: 19.118
 Draw: RT Dwg: 19.118 IH
 Check: KMZ Tab: C9.0-EASE
 Scale: 1" = 30'

Date: 11.04.2019

Sheet: STORM SEWER EASEMENT PLAN

Sheet No.: C-9.0

NOTES

- 4.02 Brick type A.
- 4.03 Brick type B.
- 4.04 Brick type C.
- 7.51 Prefinished metal coping.
- 7.52 Prefinished metal fascia.
- 7.57 Prefinished [X" x Y"] metal downspout and conductor head. See Civil Drawings for connection to storm piping.
- 7.90 EIFS.
- 7.91 Reveal.
- 8.09 Prefinished aluminum awning to match sunshade.
- 8.10 Prefinished aluminum sunshade.
- 8.26 [4-1/2"] Aluminum storefront window system.
- 10.64 Building signage.

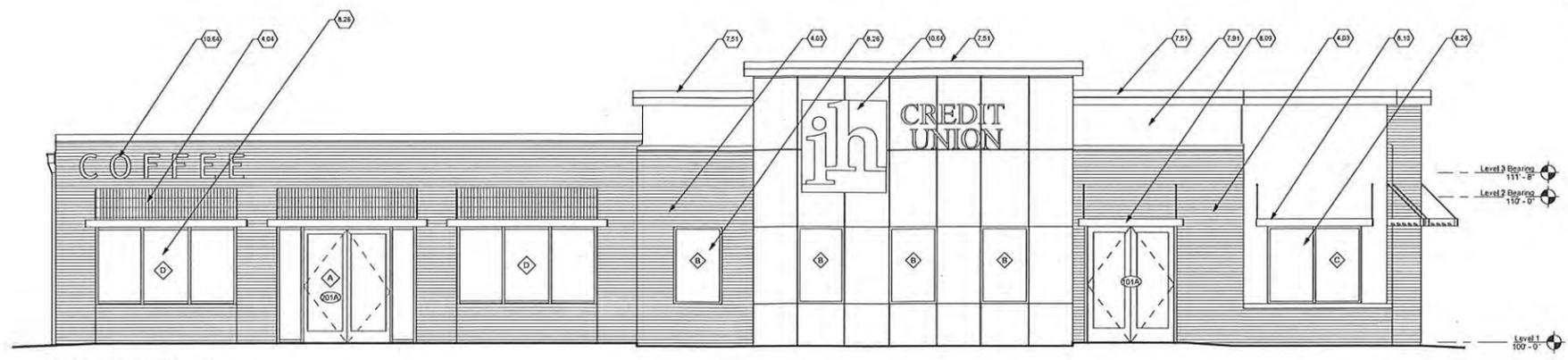
PROGRESS PRINT
NOT FOR CONSTRUCTION
13/00/19 09:31:30 AM
JOHN POE ARCHITECTS

This drawing and all original design work contained herein represents the unpublished work of John Poe Architects, Inc. and shall only be used in relation to the project herein and shall not be reproduced in any manner without the expressed consent of John Poe Architects, Inc.
COPYRIGHT 2018

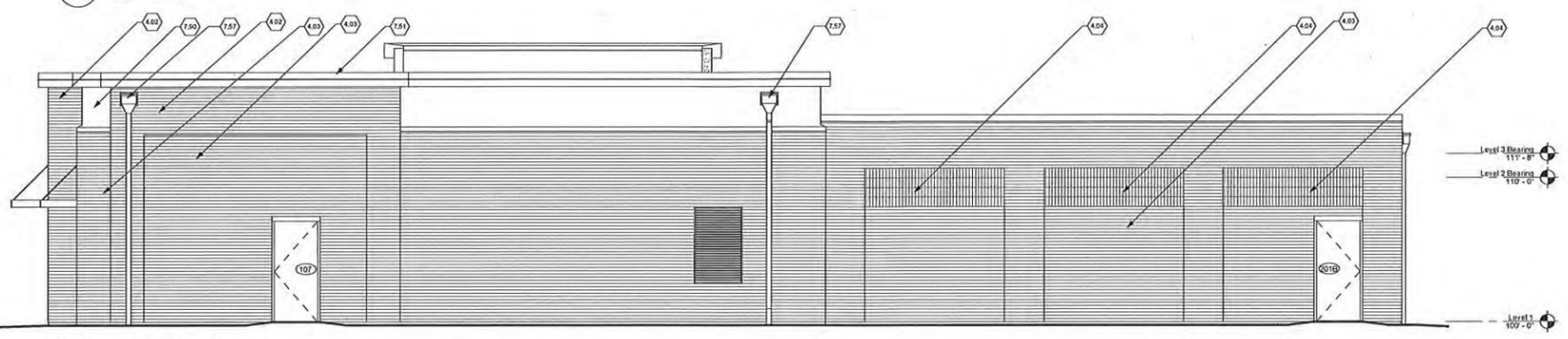
PRINTING
SD 04.03.2019
DD 12.06.2019

REVISIONS

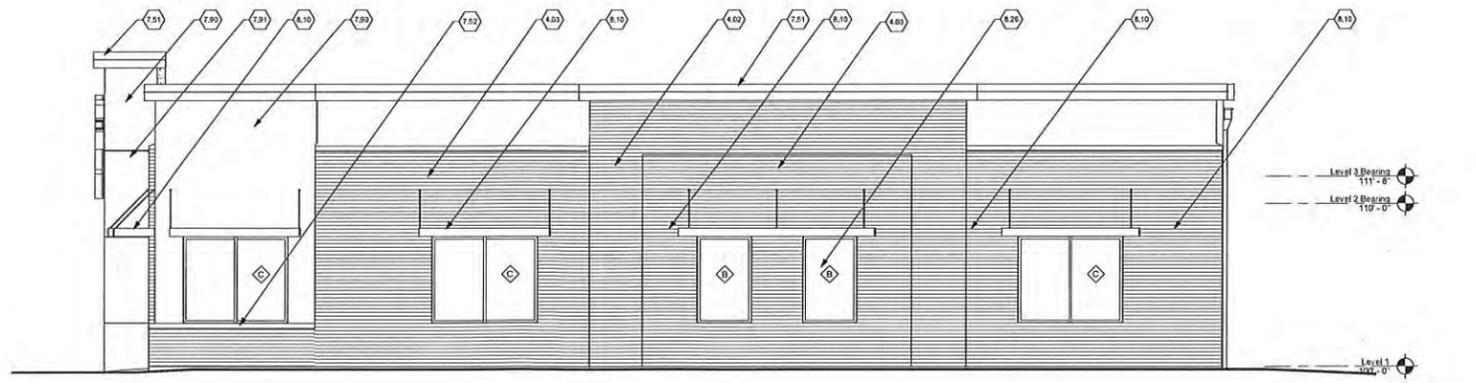
NO.	DATE	DESCRIPTION



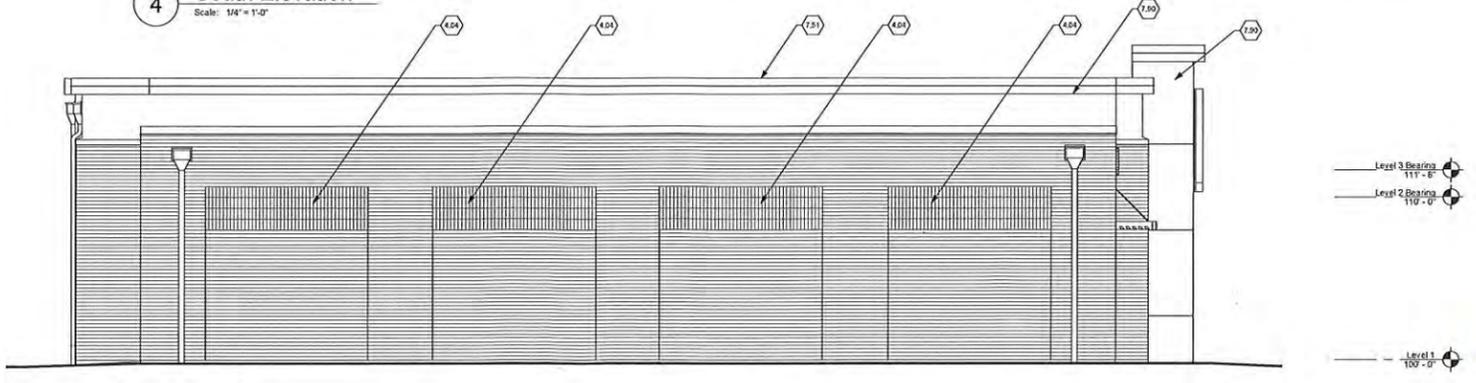
3 West Elevation
Scale: 1/4" = 1'-0"



2 East Elevation
Scale: 1/4" = 1'-0"



4 South Elevation
Scale: 1/4" = 1'-0"



1 North Elevation
Scale: 1/4" = 1'-0"

IH Credit Union Branch Office
1464 & 1474 N. Fairfield Rd.
Beavercreek, OH 45422
FOR: IH Credit Union
5000 Urbana Road
Springfield, OH 45502

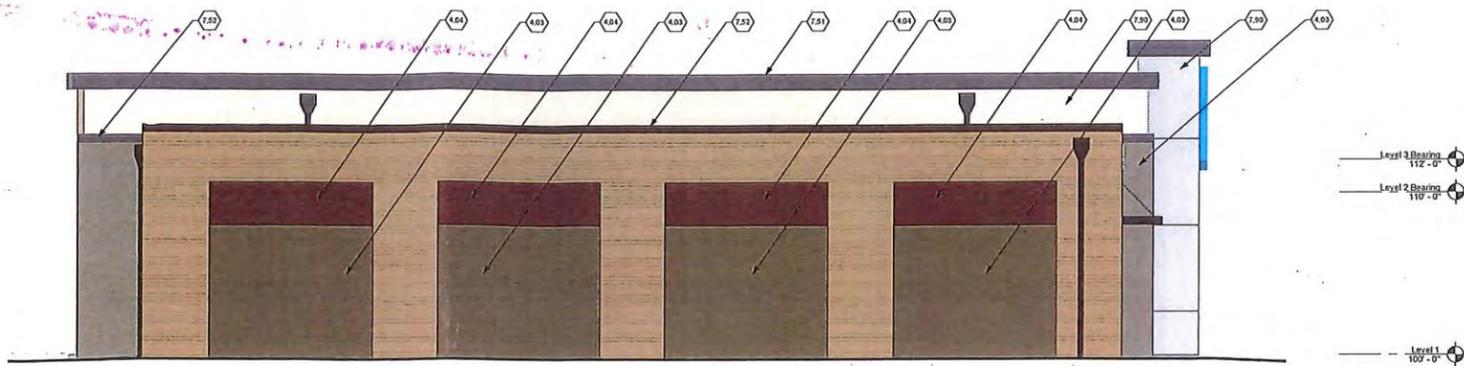
JPA JOHN POE ARCHITECTS
3131 Newmark Drive, Suite 200 Columbus, Ohio 43221 | www.johnpoe.com | 614.461.3290

RECEIVED
DEC 11 2019
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

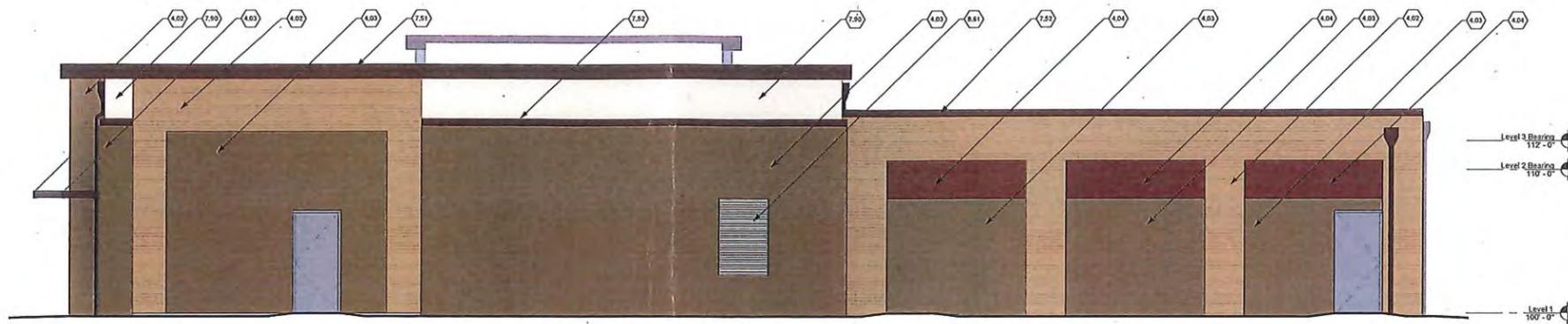
DATE
12.8.2019
DRAWN BY
MD
CHECKED BY
PROJECT NO
19062.00
Exterior Elevations
A201

NOTES

- 4.02 Brick type A.
- 4.03 Brick type B.
- 4.04 Brick type C.
- 7.51 Prefinished metal coping.
- 7.52 Prefinished metal coping and fascia.
- 7.90 EIFS.
- 7.91 Reveal.
- 8.09 Prefinished aluminum awning to match sunshade.
- 8.10 Prefinished aluminum sunshade.
- 8.26 [4-1/2"] Aluminum storefront window system.
- 8.61 Prefinished aluminum louvre. See Mechanical Drawings.
- 10.64 Building signage.



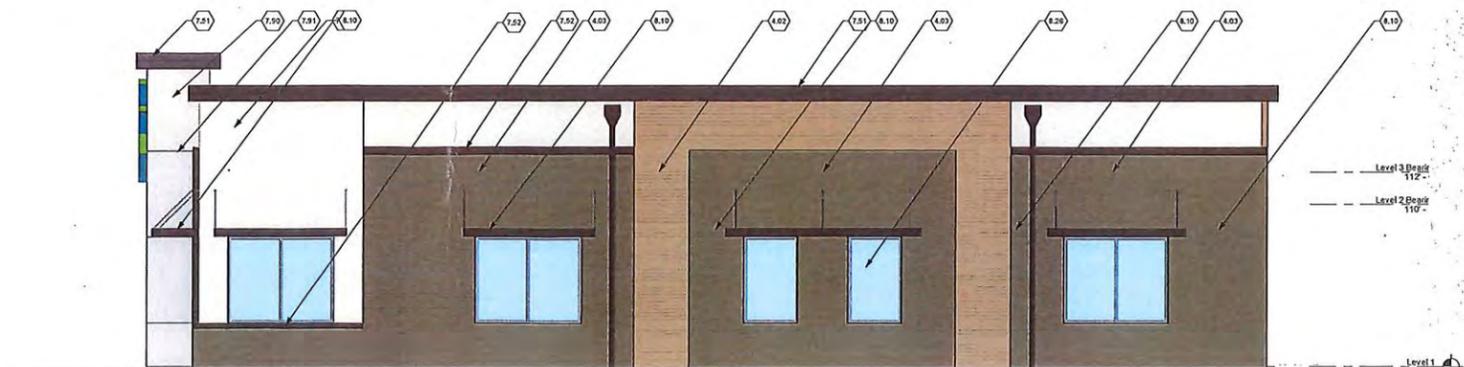
1 North Elevation



2 East Elevation



3 West Elevation



4 South Elevation
Scale: 1/4" = 1'-0"



IH Credit Union Branch Office
FOR:
IH Credit Union

11/11/19



JOHN POE
ARCHITECTS

3131 Newmark Drive, Suite 200 Miamisburg, OHIO 45342 | www.johnpoe.com | 937.461.3290



IH Credit Union Branch Office

FOR:
IH Credit Union

11/11/19



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ARCHITECTS

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**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEC

Meeting Date January 13, 2020 Agenda Reference No.: IX-A	Reference Topic: Resolution 20-01 Authorizing the Financial Administrative Services Director to Request Advance Draws from the Greene County Auditor for 2019 Real Estate and Personal Property Taxes Collected in 2020.
---	--

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Although the County Auditor collects property taxes throughout the year, revenues are only distributed in March and August of each year. By passing this Resolution, the City is able to receive money in advance of these semi-annual distributions. During 2019, the City received six advance draws from the Greene County Auditor totaling \$13.9 million dollars which was used for cash flow purposes and to earn additional interest income.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 20-01.

**CITY OF BEAVERCREEK
RESOLUTION 20-01**

SPONSORED BY COUNCIL MEMBER _____ ON THE 13th DAY OF
JANUARY, 2020.

**A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE
THE FINANCIAL ADMINISTRATIVE SERVICES DIRECTOR TO REQUEST
ADVANCE DRAWS UPON THE AMOUNTS COLLECTED BY THE GREENE
COUNTY AUDITOR FOR THE CITY OF BEAVERCREEK 2019 REAL ESTATE
AND PERSONAL PROPERTY TAXES COLLECTED DURING CALENDAR
YEAR 2020.**

WHEREAS, The County Auditor has begun collecting for the City of Beaver creek 2019
Real Estate and Personal Property Taxes; and

WHEREAS, the City wishes to make use of those funds prior to the normal disbursement
dates by the County Auditor.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERCREEK, OHIO:

SECTION 1.

That the City Manager or his designee, the Financial Administrative Services Director be
and are hereby authorized to request advance draws from the County Auditor from those funds
collected for Real Estate and Personal Property Taxes for the City of Beaver creek during the
calendar year 2020.

SECTION 2.

That said Resolution shall take effect immediately upon its adoption.

ADOPTED by the Beaver creek City Council on this 13th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: 1-13-20	Reference Topic: Debris Removal Services
Agenda Reference No.: IX. B.	Resolution 20-02

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

With help from 34 communities and the City's tree contractor, the City collected vegetative debris from the right of way in the areas impacted by the Memorial Day tornado. The City, Township and County all staged the debris at two locations. The City has sought the guidance of the Federal Emergency Management Agency (FEMA) in securing a contractor to grind and haul away the debris from these two locations. After reviewing the procurement requirements required by FEMA to obtain reimbursement, the City, Township and the County have advertised to secure a vendor that all entities will utilize for the grinding and hauling of the debris.

Staff has reviewed the bids and determined that Beeghly Tree, LLC is the lowest and best bid submitted for the completion of the work. The agreement has been modified from the agreement previously approved by council to meet the needs of the vendor and the other jurisdictions that the City is working with. The changes made increased the not to exceed price to accommodate the desires of all of the communities and avoid predetermining the reduction factor. The City and its partners will only pay for what is actually reduced and hauled. The tipping fees have also been included in the price to pay directly to the vendor rather than the pay the end facility to allow for a clear accounting for the material. Finally, the contract clarifies the billing and monitoring to clarify this among the government agencies.

Staff recommends that City Council authorize the City Manager to enter into the Contract with Beeghly Tree, LLC so that the grinding and hauling of vegetative debris can be completed.

STAFF RECOMMENDATION:

Staff recommends approval of this Resolution.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION NO. 20-02**

SPONSORED BY COUNCIL MEMBER _____ ON THE 13TH DAY OF JANUARY 2020.

A RESOLUTION BY BEAVERCREEK CITY COUNCIL AUTHORIZING THE CITY MANAGER, ACTING ON BEHALF OF THE CITY OF BEAVERCREEK AND IN CONCERT WITH BEAVERCREEK TOWNSHIP, THE GREENE COUNTY COMMISSIONERS AND THE GREENE COUNTY ENGINEER, TO ENTER INTO A “DEBRIS REDUCTION AND MANAGEMENT SERVICES” CONTRACT WITH BEEGHLY TREE, LLC FOR DEBRIS REMOVAL SERVICES FOR WHICH THE CITY’S FINANCIAL OBLIGATION UNDER THE CONTRACT SHALL NOT EXCEED THE SUM OF ONE MILLION FORTY-NINE THOUSAND SIX HUNDRED FORTY-ONE DOLLARS

WHEREAS, by Resolution No. 19-65 passed on the 11th day of November, 2019, City Council authorized the City Manager to enter into a contractual agreement with Beeghly Tree, LLC (“Beeghly Tree”) for debris removal, which debris resulted from the destructive storm and tornadoes that struck the City of Beaver creek and surrounding areas in May of 2019; and

WHEREAS, by Resolution 19-65, City Council authorized the City Manager to enter into a contractual agreement with Beeghly Tree for an amount not to exceed the sum of Six Hundred Thousand Dollars for said debris removal; and

WHEREAS, the “not to exceed” amount specified in Resolution No. 19-65 did not include tipping fees that are to be included in the contractual agreement with Beeghly Tree, which tipping fees were addressed in Beeghly Tree’s proposal submitted to the City in response to RFP No. 07-2019; and

WHEREAS, to address the tipping fees not previously included Resolution No. 19-65, the City Manager and the Public Administrative Services Director recommend that City Council authorize the City Manager to enter into an agreement with Beeghly Tree in which the City’s share of the financial obligation for the debris removal contract shall not exceed One Million Forty-Nine Thousand Six Hundred Forty-One Dollars, as opposed to the “not to exceed” amount of Six Hundred Thousand Dollars previously authorized by Resolution No. 19-65; and

WHEREAS, the City Manager and the Public Administrative Services Director recommend that City Council authorize the City Manager, acting on behalf of the City of Beaver creek and in concert with Beaver creek Township, Greene County Commissioners, and the Greene County Engineer, to enter into a contractual agreement with Beeghly Tree for debris removal services in the City, which contract shall be substantially similar to the contract attached hereto and incorporated herein as Exhibit A; and

WHEREAS, City Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City of Beaver creek that the City enter into the contractual agreement described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, STATE OF OHIO, THAT:

SECTION I. The City of Beavercreek solicited bids through a Request for Proposal (“RFP 07-2019”) for debris removal services in the City, which debris was caused by the destructive storm and tornadoes that struck the City of Beavercreek and surrounding areas in May of 2019.

SECTION II. The City Manager and the Public Administrative Services Director reviewed the bids that were submitted in response to RFP 07-2019 and they recommended that City Council accept the bid of Beeghly Tree.

SECTION III: City Council, concluding that the bid of Beeghly Tree was the lowest and best bid submitted, accepted the same by Resolution No. 19-65 and authorized the City Manager to enter into a contractual agreement with Beeghly Tree in an amount not to exceed Six Hundred Thousand Dollars.

SECTION IV: City Council has determined that the previously authorized “not to exceed” amount of Six Hundred Thousand Dollars is insufficient to cover the costs of tipping fees that are to be included in the contract with Beeghly Tree for debris removal in the City of Beavercreek. Accordingly, City Council hereby authorizes the City Manager, acting on behalf of the City of Beavercreek and in concert with Beavercreek Township, Greene County Commissioners and the Greene County Engineer, to enter into a contractual agreement with Beeghly Tree in which the City’s financial obligation for the debris removal contract shall not exceed the sum of One Million Forty-Nine Thousand Six Hundred Forty-One Dollars. The contractual agreement entered into by the City Manager shall be substantially similar to the contract attached hereto and incorporated herein as Exhibit A.

SECTION V: This Resolution shall take effect at the earliest date allowed by law.

PASSED this 13th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

A RESOLUTION BY BEAVERCREEK CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A "DEBRIS REDUCTION AND MANAGEMENT SERVICES" CONTRACT WITH BEEGHLY TREE, LLC FOR DEBRIS REMOVAL SERVICES IN THE CITY FOR AN AMOUNT NOT EXCEED THE SUM OF ONE MILLION FORTY-NINE THOUSAND SIX HUNDRED FORTY-ONE DOLLARS

AC

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: January 13, 2020 Agenda Reference No: X. A.	Reference Topic: Request for New Liquor Permit DOLGEN Midwest LLC DBA Dollar General Store 20435
Motion to Accept Without Comment	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new C1 and C2 liquor permit for DOLGEN Midwest LLC., DBA Dollar General Store 20435, 3865 Dayton-Xenia Rd. Beavercreek, Ohio 45432. 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 RECOMMENDATION:

Staff is recommending this application request move forward with no comment.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

22348156050 PERMIT NUMBER		NEW TYPE	DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 20435 3865 DAYTON XENIA RD BEAVERCREEK OH 45432	
ISSUE DATE				
12 12 2019				
FILING DATE				
C1 C2				
PERMIT CLASSES				
29	005	A	C55279	
TAX DISTRICT		RECEIPT NO.		

FROM 12/16/2019

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT	RECEIPT NO.			



MAILED 12/16/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 01/16/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 2234815-6050

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432**

Permit Class	Permit Fee	Description
A1	\$3,906	<u>ORC 4303.02</u> Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	<u>ORC 4303.021</u> Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000	<u>ORC 4303.022</u> Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	<u>ORC 4303.03</u> Manufacturer of wine.
A-2f	\$76	<u>ORC 4303.031</u> Ohio farm winery that grows and manufactures wine, from grapes, fruits, or other agricultural products on land it owns and uses only for agriculture.
A3	\$2 to \$3,906	<u>ORC 4303.04</u> Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	<u>ORC 4303.041</u> Manufacturer of less than 100,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	<u>ORC 4303.05</u> Manufacture and sell certain prepared and bottled drinks, import for blended purposes
A5	\$1,000 per plant	<u>ORC 4303.051</u> Manufacturer of ice cream containing not less than one-half of one percent alcohol by volume and not more than six percent of alcohol by volume. This holder may sell ice cream for consumption on the premises where manufactured or in sealed containers for consumption off premises. This law will become effective September 29, 2017.
B2A	\$25	<u>ORC 4303.07</u> Sale of wine to retail permit holder.
S	\$25	<u>ORC 4303.232</u> Sale of wine to personal consumer via mail order.
W	\$1,563	<u>ORC 4303.231</u> To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	<u>ORC 4303.06</u> Distributor of beer, ale, stout, other malt liquor.
B2	\$500	<u>ORC 4303.07</u> Distributor of bottled wine.
B3	\$124	<u>ORC 4303.08</u> Distributor of sacramental wine.
B4	\$500	<u>ORC 4303.09</u> Distributor of mixed beverages.
B5	\$1,563	<u>ORC 4303.10</u> Distributor and importer and bottler of wine.

Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	<u>ORC 4303.11</u> Beer only in original sealed container for carry out only.
C2	\$376	<u>ORC 4303.12</u> Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	<u>ORC 4303.121</u> Beer in original sealed containers for carry out.
D8	\$500	<u>ORC 4303.184</u> Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

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CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: January 13, 2020 Agenda Reference No: X. B.	Reference Topic: Request for New Liquor Permit Harbor Beavercreek Management LLC DBA Harbor Chase of Beavercreek
	Motion to Accept Without Comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new D1, D2 and D3 liquor permit for Harbor Beavercreek Management LLC., DBA Harbor Chase of Beavercreek, 4175 Indian Ripple Rd. Beavercreek, Ohio 45440. 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 RECOMMENDATION:

Staff is recommending this application request move forward with no comment.

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
 8808 TUSSING ROAD, P.O. BOX 4005
 REYNOLDSBURG, OHIO 43068-9005
 (614)644-2360 FAX(614)644-3166

TO

3637296		NEW		HARBOR BEAVERCREEK MANAGEMENT LLC DBA HARBOR CHASE OF BEAVERCREEK 4175 INDIAN RIPPLE RD BEAVERCREEK TWP BEAVERCREEK OH 45440
PERMIT NUMBER		TYPE		
02 08 2019				
ISSUE DATE				
FILING DATE				
D1 D2 D3		PERMIT CLASSES		
29	005	A	C26757	
TAX DISTRICT			RECEIPT NO.	

FROM 01/02/2020

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT			RECEIPT NO.



MAILED 01/02/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 02/03/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 3637296

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
 THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL
 1368 RESEARCH PARK DR
 BEAVERCREEK OHIO 45432

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.



CITY COUNCIL
Work Session – Tuesday, January 21, 2020 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Tobias-Zimmer Barn Tornado Damage
 - B. Financial Overview Strategy
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

PRESENTATION

- ◆ Beaver Creek High School Girls' Cross Country Team

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

January 9, 2020

CITY COUNCIL

January 13, 2020

- Z-19-2, Henkle Rezoning, I-1 to ORP-1, public hearing
- PUD 19-1 SSP #1, IH Credit Union, public hearing

January 27, 2020

- Z-19-2, Henkle Rezoning, I-1 to ORP-1, second reading

Tabled / Delayed / Pending

-

PLANNING COMMISSION

January 15, 2020

- PC 20-1, Shri Ram Chandra Mission, Conditional Use, public hearing
- PC 20-2 ASRA, Darst Road Medical Building, public hearing
- PC 20-3, Land Use Plan Update, public hearing
- PUD 19-1 Amendment 12/19, IH Credit Union, public hearing

Tabled / Delayed / Pending

- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign
-

Commercial Permits Submitted and Under Review

- Noah's Event Venue
- Fifth Third Bank
- Homestead Senior Living
- Marriot Dual Brand Hotel

BOARD OF ZONING APPEALS

January 8, 2019

- Tiffany Young, 3949 Gardenview Drive

Currently Tabled or Delayed

- V-19-6, GNS Investment Properties, 3878 Indian Ripple Road
-
-