

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, February 2, 2022

PRESENT: Mr. Ayers, Mr. Duiker, Mr. Loftis, Mr. Meyer

ABSENT: Mr. Self

Vice Chairman Loftis called the meeting to order followed by roll call.

Mr. Ayers MOVED to excuse Mr. Self from the meeting. Motion was seconded by Mr. Meyer and PASSED by majority voice vote.

Mr. Ayers MOVED approval of the agenda. Motion was seconded by Mr. Duiker and PASSED by majority voice vote.

Mr. Duiker MOVED approval of the January 5, 2022 minutes. Motion was seconded by Mr. Ayers and PASSED by majority voice vote.

PUBLIC HEARINGS

PUD 22-2, SVG Rezoning

Clerk Gillaugh read the public notice on an application filed by Allan Cummings, 2288 Grange Hall Road, Beavercreek, OH 45431. The application requests the rezoning of approximately 10 acres from B-4, Highway Business District and C-PUD 519 (B3), Commercial Planned Unit Development to C-PUD, Commercial Planned Unit Development. 5.787 acres is located at 3415 Seajay Drive and 4.270 acres is located to the south and east of 3415 Seajay Drive further described as Book 5, Page 7, Parcel 23 and part of Parcel 2 on the Greene County Property Tax Atlas.

Allan Cummings stated he was before the Commission in December for a rezoning case for this property that the Commission recommended approval on, however when it was heard by Council they had some concerns. He said he worked with staff and is back tonight before the Commission with a new rezoning case.

Ms. Pereira summarized the staff report dated January 26, 2022, which stated the applicant is requesting to rezone approximately ten acres to C-PUD in order to combine the two properties. She discussed the location of the property, and what exists on the property. Ms. Pereira explained there was a case heard on this property in December 2021, and the Commission recommended approval. She said when the case went to Council there were some concerns with the permitted uses within the B-4 zoning district, which is what SVG Motors is currently zoned. Ms. Pereira stated after that meeting the applicant reached out to staff and decided to withdraw that case, and submitted a new rezoning application for a new planned unit development. She explained the applicant's benefits and the City's benefits to rezone this to a PUD, and staff recommended approval of the case with eight conditions.

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In written input, David Brendel, 3449 Napanee Drive, stated they are not objecting to the rezoning but was concerned about noise, risk of damage to their property, littering, and devaluation of adjacent properties.

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

Mr. Meyer asked about the process of rezoning this to a PUD. Ms. Pereira explained if the Commission recommends approval tonight, the case would then have two readings at City Council. She stated if there were changes to the site, a case would be reviewed through the Commission and Council. Mr. Meyer questioned if the noise concerns should be addressed now. Ms. Pereira stated there was a condition in the resolution regarding speakers. She referred to the citizen's letter and said the majority of the concerns are what is going on currently on the site. Ms. Pereira believed if the site was developed more than likely the situation is going to improve because there will not be an empty lot there.

Mr. Ayers questioned if rezoning this from a B-4 to a C-PUD would alleviate any conditional use concerns. Ms. Pereira said it addresses all of the concerns, and they will not have to come back before the Commission for a conditional use approval.

Mr. Duiker explained the last time they heard the rezoning case there were some lighting and buffering concerns, and questioned if anything was changing. Ms. Pereira stated nothing is changing, there is a 50-foot buffer and the only thing that could be added in that area is landscaping or a detention pond. She said in terms of any future use of the site to expand the parking and put in more lighting, they would have to submit a new application and it would come before the Commission to be addressed.

Mr. Loftis referred to the condition about the noise, and questioned if they have set defined hours. Mr. Pereira stated she did not know what their hours were. Mr. Loftis said his concern was if they were hearing it during the day, if it should be treated like a photometric plan to where noise would not spill over to the surrounding properties. He believed the language should be tightened up

Mr. Loftis asked for suggestions on how the condition could be modified or if there was language already in the Code that would address this. Ms. Pereira explained there is no noise language in the Code, and she believed noise ordinance the Police enforce is after 10pm. She said she didn't want them to make a specific condition and then it not be enforceable. Ms. Pereira understood what Mr. Loftis' concern was.

Mr. Meyer questioned if the condition could be added after tonight's meeting and before Council hears the case. Ms. Pereira said yes, if the Commission wants to give her the direction to expand the language on that condition to address noise during the day she could do that. Planning Commission requested she work on Condition #6 to tighten the language before the case is heard at City Council.

Mr. Meyer MOVED to approve PUD 22-2 with eight conditions:

1. The area described in Exhibit A shall be the area to be rezoned to PUD 22-2.
2. The permitted uses within this PUD shall be those uses that are conditional and permitted in B3 Districts, as well as the sales and service of recreational vehicles. The list of permitted and conditional uses are further described in Exhibit B.
3. The site as it exists as of approval of the rezoning request shall be considered the approved specific site plans for the PUD. Any modification to the site, including expansion of existing parking fields, shall be regulated by §158.070 Modifications to Approved Specific Site Plans in the Beaver Creek Zoning Code unless specifically modified herein.
4. There shall be a 50' buffer where this PUD abuts single family residentially zoned properties, as depicted in Exhibit C.
5. All new buildings shall incorporate four-sided architecture and shall have no apparent rear. All dumpster enclosures shall incorporate three-sided architecture that is constructed of materials that are architecturally compatible to any new building, and shall have a closable, lockable gate. The buildings and dumpster enclosure shall be designed as required by the Planning Department, Planning Commission and City Council at the Specific Site Plan.
6. Any external or internal speaker system and/or radio shall be shut off or reduced to inaudible from the adjoin properties after the business closes in the evening.
7. The new or expanded access points shall be subject to the approval of the City Engineer, Planning Commission, and City Council at the Specific Site Plan or SSP Modification stage.
8. Vehicles shall not be parked along Seajay Drive in such a way that creates a line-of-sight hazard for those entering or exiting this PUD, or any of the adjacent properties.

Motion was seconded by Mr. Ayers. Motion PASSED by a roll call vote of 4-0.

ADJOURNMENT

Mr. Ayers MOVED adjournment at 6:17 p.m., seconded by Mr. Duiker. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk