



Development Process Manual

City of Beavercreek, Ohio



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PURPOSE OF THIS MANUAL

This manual is intended to provide a general overview of the procedures, which must be followed when seeking to make physical or legal changes to property within the City of Beavercreek. The information contained herein is not intended to be used as a replacement for the City's land use regulations, but rather as a more user-friendly quick-reference guidebook. For more specific information, please visit or contact the Planning Department as listed at the end of this document.

THE CITY OF BEAVERCREEK PLANNING AND ZONING DEPARTMENT

The Planning and Zoning Department provides assistance and direction in the development and maintenance of the community and the built environment according to the standards set by City Council through the enforcement of the City's development regulations.

The Department's responsibilities include current planning functions such as processing development, zoning permit, variance and conditional use applications; inspection of all development for zoning compliance; and enforcement of the property maintenance code, as well as long-range planning activities.

The development application review process is coordinated with other departments and agencies by the Planning Department staff.

PRE-APPLICATION MEETING

Prior to submitting an official application for new development, a potential applicant must meet with Planning and Zoning Department staff. This pre-application meeting is intended to allow the property owner and/or developer the opportunity to provide an overview of the development proposal, and for staff to outline city plans, policies, and regulations affecting the development. Through this formal process, potential issues of concern may be identified and addressed prior to official submission. A pre-application packet outlining pre-application requirements is available at the Planning and Zoning Department.

DECISION-MAKING BODIES

The **City Council** has established two citizen-based bodies to assist in the administration of these regulations: the Planning Commission and the Board of Zoning Appeals. The **Planning Commission** reviews requests for rezoning, Planned Unit Developments (PUD's), conditional uses in PUD's, Administrative Site Plan Review Applications (ASRA's) and new subdivisions and makes recommendations to the City Council, which has ultimate approval authority for all applications except subdivisions and minor PUD modifications.

The **Board of Zoning Appeals** hears applications for conditional uses (not located within a PUD) and requests for variances to the Zoning Code. BZA decisions may be appealed to the Council.

Normally, the Planning Commission meets the first Wednesday of each month, the Board of Zoning

Appeals meets the second Wednesday, and the City Council meets the second and fourth Monday. All bodies meet in the City Council chambers at 7:00 p.m.

DEVELOPMENT REVIEW PROCESSES

Applications for the development of land within the City of Beavercreek are governed by the City's Zoning Code and Subdivision Regulations. These regulations protect property values by ensuring that new development is compatible with the surrounding community and maintains or improves the character of established neighborhoods.

Proposed development must apply for approval through at least one of four separate processes: conventional rezoning, Planned Unit Development (PUD), Administrative Site Plan Review and Approval (ASRA), and/or subdivision review. Each of these is described below with regard to applicability, process time, fees, and procedures.

CONVENTIONAL REZONING APPLICATION

When is conventional rezoning applicable?

The City currently has 17 different conventional zoning district classifications, each of which has restrictions with regard to minimum lot size, building size and location, off-street parking, signs, and other environmental, health and safety standards.

Application must be made for conventional rezoning in order to use property for an activity not permitted within the current zoning district of the property, when the proposed development is not subject to Planned Unit Development requirements (described below).

How long does the approval process normally take?

The answer depends on the complexity of the application, but generally approval is received within 3 to 4 months.

What is the application fee?

Please consult the current city fee schedule available in the Planning and Zoning Department.

What is the procedure to apply?

- 1) The first step is to meet with the Planning Department staff before applying to discuss the proposal and to receive professional advice on potential issues and overall project viability.
- 2) An application for rezoning of the property along with additional required information must be submitted to the Planning Department in order to begin the rezoning process. In order to assure timely consideration of the application by Planning Commission, applications need to be submitted by the "cutoff date" shown on the cutoff calendar.

How is the rezoning process conducted?

- 1) The Planning Department coordinates review of the application to determine if sufficient information has been submitted in accordance with the zoning code requirements. If sufficiently complete, the application will be deemed officially filed and will be scheduled for a public hearing before the Planning Commission.
- 2) Public notice is sent by the clerk to property owners within 500 feet of the site and published in the Beaver Creek News/Current.
- 3) The Planning Department prepares a staff report with recommendation and forwards the report with the application to the Planning Commission usually 5 days before the Planning Commission meeting.
- 4) The Planning Commission then considers the application at its monthly meeting. This meeting consists of an applicant presentation, staff report, public hearing, and Planning Commission discussion and action (approval, approval with conditions, disapproval, or tabling). The Planning Commission clerk then forwards its recommendation to the City Council.
- 5) Following the decision of Planning Commission, the City Clerk sets a date for the City Council public hearing. Public notice is again sent by the City Clerk to property owners within 500 feet of the site 20 days prior to the hearing and published in the media 15 days prior to the hearing.
- 6) The City Council next holds a public hearing on the application. The meeting consists of an applicant presentation, staff report, public hearing, and Council discussion and action. Council may deny the application or introduce an ordinance to rezone property (first reading) and move for second and third readings.
- 7) The second reading of the ordinance occurs at the next regular meeting of City Council. A second public hearing is held at this meeting.
- 8) The third reading of the ordinance and the City Council decision generally occurs at the next regular City Council meeting. Council takes action to adopt or deny the ordinance by a majority vote.
- 9) If adopted, the ordinance becomes effective and zoning is changed 30 days after passage.
- 10) If submitted during this 30 day waiting period, a citizen referendum petition signed by 10 percent of qualified voters voting in the last municipal election – if certified by the Board of Elections – places the Council decision on the ballot of the next general election for decision by Beaver Creek voters.

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION

What is a Planned Unit Development?

The Planned Unit Development zoning classification is intended to provide applicants with more flexibility in the design and development of land by relaxing conventional zoning district regulations. The intent is to allow more efficient use of land and greater public benefit by encouraging ingenuity and imagination. Types of planned unit development districts include R-PUD (Residential), C-PUD (Commercial), MX-PUD (Mixed Use), and I-PUD (Industrial).

When is a PUD required?

An applicant may voluntarily request a Planned Unit Development zoning classification when a departure from conventional zoning standards is desired. However, a development must be zoned as a PUD when the total gross area of a development is ten acres or more in size and the property is not appropriately zoned for the intended use(s), but is not in an RP-1 and/or ORP-1 district or a single-family residential development appropriately zoned with less than 100 lots. A PUD is also required if the property is located in a Planned Development Area as indicated on the Land Use Plan map.

How is the PUD process conducted in Beavercreek?

Approval of a Planned Unit Development zoning district in the City is normally a two-stage process. The first stage consists of submission of an application for **PUD zoning classification** along with a **concept plan** which shows general development concepts regarding intended types of land use, access and circulation, screening and buffering, and conceptual layout.

The PUD zoning process follows the following steps:

- 1) The Planning Department coordinates review of the application to determine if sufficient information has been submitted in accordance with the zoning code requirements. If sufficiently complete, the application will be deemed officially filed and will be scheduled for a public hearing before the Planning Commission. The application is then sent to various Departments and agencies for review and comment, generally within 4-5 days after submission.
- 2) Public notice is sent by the clerk to property owners within 500 feet of the site and published in the Beavercreek News/Current.
- 3) The Planning Department coordinates the comments of review agencies and communicates by phone, letter or meeting with the applicant all comments and recommended changes.
- 4) After receiving staff comments, the applicant then may submit revised plans based on the recommended changes.
- 5) The Planning Department concludes the staff analysis and prepares a report and a recommendation and forwards the staff report with the application to the Planning Commission usually 5 days before the Planning Commission meeting.
- 6) The Planning Commission then considers the application at its monthly meeting. This meeting consists of an applicant presentation, staff report, public hearing, and Planning Commission discussion and action (approval, approval with conditions, disapproval, or tabling). The

Planning Commission clerk then forwards its recommendation to the City Council.

- 7) Following the decision of Planning Commission, the City Clerk sets a date for the City Council public hearing. Public notice is again sent by the City Clerk to property owners within 500 feet of the site and published in the media 15 days prior to the hearing.
- 8) The City Council next holds a public hearing on the application. The meeting consists of an applicant presentation, staff report, public hearing, and Council discussion and action. Council may deny the application or introduce an ordinance to rezone property (first reading) and move for second and third readings.
- 9) Second reading of ordinance occurs at the next regular meeting of City Council. Public input is allowed at this meeting.
- 10) Third reading of ordinance and City Council decision generally occurs at the next regular City Council meeting. Council takes action to adopt, adopt with conditions, or deny the ordinance by a majority vote.
- 11) If adopted, the ordinance becomes effective and zoning is changed 30 days after passage.
- 12) During this 30 day waiting period, a citizen petition signed by 10 percent of qualified voters voting in the last municipal election, if certified by the Board of Elections, places the Council decision on the ballot of the next general election for decision by Beaver Creek voters.

The second stage of the process usually begins after PUD zoning approval and consists of submission of a **specific site plan** for the subject property. This specific site plan must substantially conform to the PUD zoning plan, concept, schedules, and conditions of approval. The plan should be a fully-engineered plan for development of the property, including structure locations, parking lot details, open space, grading, landscaping, drainage, and other public improvements. The specific site plan process follows the same steps as the PUD zoning process except City Council's final action may take place at the same meeting as the public hearing.

Per section 158.064(E)(2) of the city's zoning code, an applicant may apply for concurrent review of both the rezoning request and the specific site plan. In that case, the applicant submits both applications simultaneously and both applications may proceed together through a single stage review process. Both applications are reviewed together, but the Planning Commission and City Council take separate action on each application.

After receiving specific site plan approval, the applicant may be required to submit the development for subdivision approval by the Planning Commission (as described below) before approval of applications for zoning permits by the City.

What if changes need to be made to the approved specific site plan?

Once a specific site plan has been approved within a PUD, any changes to the approved site plan must receive formal approval by the city. Modifications to an approved site plan are classified as

major, minor, or incidental as determined by the Planning Director.

Major modifications require a public hearing and recommendation by the Planning Commission, and a public hearing and decision by the City Council. **Minor modifications** require review and decision by the Planning, with no public hearing required. **Incidental modifications** may be approved administratively by the Planning Director or the Planning Commission, as determined by the Planning Director.

What about Conditional Uses in a PUD?

Conditional uses proposed within a PUD must be reviewed by the Planning Commission and approved by the City Council. This process follows the same procedure as a specific site plan application.

How long does the approval process normally take?

The answer depends on the complexity of the application, but generally PUD zoning approval is received within 3 to 4 months, specific site plan approval and conditional use approval within 2 to 3 months, and specific site plan modification approval within 1 to 2 months.

What is the application fee?

Please consult the current city fee schedule available in the Planning and Zoning Department.

ADMINISTRATIVE SITE PLAN REVIEW AND APPROVAL (ASRA) APPLICATION

When is an ASRA required?

An ASRA is required when the total gross area of a development, which is already appropriately zoned for the uses proposed, is: (1) ten acres or more in size and not subject to PUD applicability – but excluding single-family developments of less than 100 lots submitted under R-1 zoning and such zoning was in effect prior to March 25, 1993; (2) less than ten acres in size and not subject to PUD applicability, and the site exhibits limited points of access, is located within an area designated as a Planned Development Area on the Land Use Plan map, or involves more than one main building on a lot.

How long does the process normally take?

The ASRA process consists of two segments -- the general design plan which is a conceptual plan for the entire development property and the detailed site plan for at least five acres of the property. The process normally takes 2 to 3 months for each segment, but the general design plan can be skipped if the detailed site plan covers the entire project property.

What is the application fee?

Please consult the current city fee schedule available in the Planning and Zoning Department.

How is the ASRA process conducted?

The procedure is the same for both segments of an ASRA application.

- 1) The first step is to meet with the Planning Department staff before applying to discuss the proposal and to receive professional advice on potential issues and overall project viability.
- 2) An application for administrative site plan approval for the property along with additional required information must be submitted to the Planning Department in order to begin the process. In order to assure timely consideration of the application by Planning Commission, applications need to be submitted by the “cutoff date” shown on the cutoff calendar.
- 3) The Planning Department coordinates review of the application to determine if sufficient information has been submitted in accordance with the zoning code requirements. If sufficiently complete, the application will be deemed officially filed and will be scheduled for a public hearing before the Planning Commission. The application is then sent to various Departments and agencies for review and comment, generally within 4-5 days after submission.
- 4) Public notice is sent by the clerk to property owners within 500 feet of the site and published in the Beaver Creek News/Current.
- 5) The Planning Department coordinates the comments of review agencies and communicates by phone, letter or meeting with the applicant all comments and recommended changes.
- 6) After receiving staff comments, the applicant then may submit revised plans based on the recommended changes.
- 7) The Planning Department concludes the staff analysis and prepares a report and a recommendation and forwards the staff report with the application to the Planning Commission usually 5 days before the Planning Commission meeting.
- 8) The Planning Commission then considers the application at its monthly meeting. This meeting consists of an applicant presentation, staff report, public hearing, and Planning Commission discussion and action (approval, approval with conditions, disapproval, or tabling). The Planning Commission clerk then forwards its recommendation to the City Council.
- 9) Following the decision of Planning Commission, the City Clerk sets a date for the City Council public hearing. Public notice is again sent by the City Clerk to property owners within 500 feet of the site 15 days prior to the hearing and published in the media 15 days prior to the hearing.
- 10) The City Council next holds a public hearing on the application. The meeting consists of an applicant presentation, staff report, public hearing, and Council discussion and action. Council may deny the application, approve the application, or approve the application with changes.
- 11) If approved, the ASRA plan becomes effective immediately.

SUBDIVISION AND LOT SPLIT APPLICATIONS

When must a subdivision application be made?

A **subdivision** application is required for the division of a parcel of land into two or more parcels for sale, development, or lease. A **subdivision replat** application is required for the reconfiguration of property lines within a previously approved and recorded subdivision plat. A replat includes both the division of one parcel into two or more parcels, or the combination of two or more parcels into one. A **lot split** application is required for the reconfiguration of property lines not within a platted subdivision that does not create an additional building lot and which is solely for the transfer of land between adjoining property owners.

What are the stages of approval?

All **preliminary and final subdivisions** and replats creating new lots must receive approval by the Planning Commission. Replats for lot combination and lot splits may be approved administratively without Planning Commission review.

How long does the approval process normally take?

Generally approval is received within 1 month for preliminary and final subdivisions and replats, and within 10 working days for replats for lot combination and for lot splits.

What is the application fee?

Please consult the current city fee schedule available in the Planning and Zoning Department.

What is the procedure to apply for preliminary and final subdivisions and subdivision replats creating new lots?

- 1) The first step is to meet with the Planning Department staff before applying to discuss the proposal and to receive professional advice.
- 2) The applicant must then submit a complete subdivision application to the Planning Department by the submission deadline (see cutoff calendar for dates).
- 3) The Planning Department staff coordinates review of the application to determine if sufficient information has been submitted in accordance with the subdivision regulation requirements. If sufficiently complete, the application will be deemed officially filed and will be scheduled on the Planning Commission agenda. The application is then sent to various Departments and agencies for review and comment (usually within 4-5 days after submission).
- 4) The Planning Department staff communicates by phone, letter or meeting with the applicant all comments and recommended changes from review agencies.

- 5) After receiving staff comments, the applicant may then submit revised plans based on the recommended changes.
- 6) The Planning Department staff concludes the staff analysis and prepares a report with recommendation which is forwarded with the application to the Planning Commission (usually 5 days before Planning Commission meeting).
- 7) The Planning Commission considers the application at its monthly meeting. This meeting consists of an applicant presentation, staff report, and Planning Commission discussion and action (approval, approval with conditions, disapproval, or tabling). The Planning Commission is required to take action on the application within 45 days after the date of the official application filing date. Disapprovals may be appealed to the City Council.

Approval of the preliminary subdivision is effective for a maximum of 24 months, but such approval may be extended for up to one additional year if authorized by the Planning Commission. Final subdivision plats are to be submitted within 24 months of preliminary subdivision approval.

- 8) Applicants must comply with the following requirements before the release of the record plat, if applicable:
 - Submit one reproducible Mylar tracing of the record plat with all required signatures.
 - Planning Department staff will review the Mylar and ensure that all conditions of subdivision approval are addressed.
 - The City Engineer must approve the construction drawings and application for a grading permit.
 - The record plat may then be signed by the Planning Commission Chairman, which is the first of two required signatures.
 - Next the record plat is transported to the Greene County Regional Planning Commission for their review and approval. If approved, the record plat is signed by the Greene County Commissioners and returned to the City Planning Department.
 - Once the record plat is returned from Greene County, the following items must be completed (if applicable) before release of the record plat:
 1. The subdivider's contract is signed, notarized and received.
 2. The PUD agreement or development agreement is signed and received.
 3. Assessment petition for street lighting is completed.
 4. Impact fee application form is signed and payment received, if applicable.
 5. Performance bond/letter of credit for roads, erosion, detention, landscaping, etc. is received and approved.
 6. All fees are paid, including but not limited to park, traffic impact, review and inspection fees, and street sweeping fees.
- 9) Once these requirements are met, the plat is signed and dated by the Planning Director and released for recording. Recording must occur within 60 days after the date on which the plat is signed by the Planning Director.

10) The final step in the approval process is to apply for the appropriate permit to construct the facility:

- a) First, the applicant must obtain a zoning permit from the City.
- b) After approval and release of the City zoning permit, the applicant takes that permit and the building plans to the Greene County Department of Building Regulations to apply for a building permit.
- c) Tenants of commercial buildings must apply for a Certificate of Zoning Compliance prior to occupancy in order to ensure that the business is a permitted activity in that zoning district. Applications for CZC's may be made concurrently with the application for zoning permit, or at any other time prior to occupancy of the building.

*What is the procedure to apply for **replats** for lot combination?*

- 1) The applicant must submit a complete subdivision replat application to the Planning Department.
- 2) The Planning Department staff coordinates the review of the application to determine if sufficient information has been submitted in accordance with the subdivision regulations.
- 3) The Planning Department staff communicates by phone, letter or meeting with the applicant all comments and recommended changes to the application.
- 4) If necessary, the applicant may submit revised plans based on the recommended changes.
- 5) If all requirements are met, the Planning Director signs the replat on behalf of the Planning Commission, which is then released to the applicant following payment of fees.

*What is the procedure to apply for **lot splits**?*

- 1) If the lot split is not located within a previously approved and recorded subdivision, the applicant must submit the appropriate application, property survey sheet on a Greene County Surveyor's Record, and written legal description. Greene County requirements for instruments of conveyance should be followed.
- 2) The Planning Department staff coordinates the review of the application to determine if sufficient information has been submitted in accordance with the subdivision regulations.
- 3) The Planning Department staff communicates by phone, letter or meeting with the applicant all comments and recommended changes to the application.
- 4) If necessary, the applicant may submit revised plans based on the recommended changes.
- 5) If all requirements are met, the Planning Director signs the surveyor's record, which is released to the applicant following payment of fees.

LAND USE PLAN AMENDMENT

An amendment to the City's Land Use Plan is required when an applicant desires to use property in a manner that is not consistent with the Plan. An applicant seeking an amendment to the Land Use Plan submits his request by letter to Planning Commission. Planning Commission, at their next public meeting, reviews the request and votes to direct staff to undertake an analysis of the request, or votes to not pursue an amendment.

If Planning Commission directs staff to undertake an analysis of the request, staff will study the request, prepare a report and recommendation that is presented to Planning Commission during a public hearing on the proposed amendment at the next Planning Commission meeting.

The decision of the Planning Commission is forwarded to City Council for public hearing and final decision.

DIRECTORY OF CONTACTS

The following offices are involved in the development review process within the City.

CITY OF BEAVERCREEK, 1368 Research Park Drive. Beavercreek, Ohio 45432-2818.

City Manager. 937-427-5510.

Planning and Zoning. 937-427-5512.

Public Works – Engineering. 937-427-5513.

Parks, Recreation and Culture. 937-427-5514.

BEAVERCREEK TOWNSHIP

Fire Department. 2498 Dayton-Xenia Road. Beavercreek, Ohio. 937-426-1627.

GREENE COUNTY

County Auditor. 69 Greene Street. Xenia, Ohio 45385. 937-562-5065.

Building Regulations. 667 Dayton-Xenia Road. Xenia, Ohio 45385. 937-562-7420.

Combined Health District. 360 Wilson Drive. Xenia, Ohio 45385. 937-374-5600

County Recorder. 69 Greene Street. Xenia, Ohio 45385. 937-562-5270.

Regional Planning. 651 Dayton-Xenia Road. Xenia, Ohio 45385. 937-562-7480.

Sanitary Engineering. 667 Dayton-Xenia Road. Xenia, Ohio 45385. 937-562-7450.

STATE OF OHIO

Environmental Protection Agency. 401 E. 5th Street. Dayton, Ohio. 937-285-6357.

Transportation. 622 State Route 380. Xenia, Ohio 45385. 937-426-7882.

ODOT, District 8, 505 South S.R. 741, Lebanon, OH 45036-9518.

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