



**CITY COUNCIL**  
**Regular Meeting – June 14, 2021 6:00 p.m.**  
**Council Chambers**

*1368 Research Park Dr*  
*Beaver Creek, Ohio*

**CITIZEN OF MERIT AWARDS**

- ◆ 2021 Graduating Beaver Creek Youth Council Members

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Curran
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. May 24, 2021 Regular Meeting
- VI. PRESCHEDULED SPEAKER
  - A. Lemonade Day – Eric Gagliano
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 21-11, Z-21-1, Soin Rezoning (Second Reading)
- VIII. COUNCIL TIME
- IX. MAYOR'S REPORT
- X. CITY MANAGER'S REPORT
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING May 24, 2021 6:00 p.m.

**PROCLAMATIONS**

- ◆ Scleroderma Awareness Month – June
- ◆ Greenebucs (Ambucs)

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Bales, Council Member Curran, Council Member Duerr, Council Member Garcia, Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, Planning and Development Director; Katy Carrico, Communication Manager; Jeff Fiorita, Chief; Melissa Gillaugh, Deputy Clerk; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrator Services Director

**PLEDGE**

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Council Member Schwartz MOVED to approve the April 26, 2021 Regular Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Duerr MOVED to approve the May 10, 2021 Regular Meeting Minutes, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PUD 21-1 SSP #2 Trinity Community**

Clerk Gillaugh read the notice on an application filed by Nathan Bollinger, 170 East Church Street, Marion, OH 43301. The application requests approval of a specific site plan to allow for the development of a 3-story independent living facility on 10 acres. The property is located directly west of 3218 Indian Ripple Road further

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described as Book 6, Page 7, Parcels 3 and 8 on the Greene County Property Tax Atlas.

#### Applicant Presentation

Brandi Patterson, Architect/Project Manager with MA Architects, stated this project is a 3-story independent living community that would have 121 unit. She said it would be a nice mix of 2-bedroom and 1-bedroom with den units, and discussed the amenities that would be provided. Ms. Patterson explained the types of building materials.

#### Staff Presentation

Mr. Burkett summarized the staff report dated May 19, 2021, which stated the applicant is requesting to construct a three-story, 121-unit senior housing facility on approximately 10 acres. He discussed the location, the rezoning case, the allowed uses, the proposed site plan, the access points, the reconfiguration of the existing parking lot, the parking requirements, the stand alone garages, the stormwater detention ponds, the nearest residential property to the proposed site, the landscaping plan, the building design, and the building materials. Staff recommended approval of the case with 18 conditions, adding Condition #18 regarding the exterior construction hours.

#### Public Input

In written input, an email was received from Derrick & Ruth Petry, 3261 Tarleton Drive, expressing their concerns about the north parking lot with light spillover and noise.

#### Council Input

Council Member Bales asked how the height of the proposed building compares to the existing buildings. Mr. Burkett said the existing roof is a flat roof, and stated it is not violating any PUD requirements. Council Member Bales questioned who would western property line. Mr. Burkett stated after they are done grading, staff would do an inspection and determine if trees need to be planted at that time.

Council Member Duerr asked what the height of the garages would be. Mr. Burkett said no taller than 16 feet to the peak. Council Member Duerr questioned what the likelihood would be of the garages being built. Ms. Patterson said as long as they can fall into budget then they will be constructed, and if not, it would be surface parking. Council Member Duerr said there are eight handicap parking spaces, and questioned if that was adequate. Ms. Patterson stated the handicap spaces do meet the Code requirements. Council Member Duerr asked if the HVAC would be in each unit. Ms. Patterson said yes, and there will be roof-top mounted units that will be screened. Council Member Duerr questioned if that would increase the height of the

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building. Ms. Patterson stated no. Council Member Duerr referred to the written input, and threw it open to Council for their thoughts on evergreen trees and light issues along the northern property line.

Council Member Garcia asked what the distance was between the proposed building and the residential property where the letter came from. Mr. Burkett said that from the proposed garages it is about 375 feet. They discussed the current quad unit's location, and Mr. Burkett said the volume of cars will be higher so additional landscaping could be added in that area. He stated the landscaping plan does show shrubs along the parking lot to address the headlights. Council Member Garcia said the written input letter requested a specific height for the trees, but was unsure if that has been done in the past. Mr. Burkett explained if evergreen trees are installed they are normally six feet tall, and the taller they are the less likely they are to survive.

Council Member Duerr asked if there was any consideration of adding a second access to the site. Mr. Burkett stated these types of facility do not have a rush hour. He explained there is a road project for Indian Ripple Road to have the hump removed in the next couple years, and until that road project is completed there is a line-of-sight issue where the secondary access point would be located.

Council Member Schwartz asked if there was any consideration of connecting the two parking lots together. Mr. Burkett said there is a 50-foot buffer that needed to be maintained as a greenspace. He stated with the placement of the building and the grading of the lot there was not enough room. Mr. Burkett explained they were going to have them put in grass pavers, but the Fire Department did not see a need for it.

Vice Mayor Adams questioned how much traffic flow there would be particularly to the northern parking lot. Etta Reed, Bayer Becker, stated she did not run the daily traffic but she did run the peak times. She gave the statistics, and said they will not be generating a lot of traffic with these additional units. Vice Mayor Adams said he agreed with adding more vegetation long the northern property line to create a buffer. Ms. Reed explained the parking lot in the rear would be several feet lower than the property line to the north, so there would be a good buffer with the vegetation and the grade difference.

Mayor Stone said the one way in and out has always been a concern of his, but he understands Indian Ripple Road being part of the problem. He stated if this project considers to grow in the future they need to add a second access mainly for the first responders.

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Council Member Schwartz MOVED to add Condition #18 stating the hours of construction for exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m. Motion was seconded by Council Member Garcia. Motion PASSED by majority voice vote.

#### Motion

Council Member Duerr MOVED, for the purpose of taking administrative action, approval of a specific site plan for Sky Crossing, on the basis that City Council finds the facts submitted with the application and accompanying material, and modifications, amendments and supplementary conditions satisfy the stands and criteria for a specific site plan as per Chapter 158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows which there are 18 conditions. Council Member Duerr further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plan for this development shall be the plan stamped "Received APRIL 29, 2021", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received APRIL 29, 2021" except where modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit.
4. An additional row of staggered evergreens along the western property line shall be shown on the final landscape plan.
5. 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.
6. 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.
7. 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 issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose,

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of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.

8. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
9. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection, as necessary.
10. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
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 Department. All light fixtures shall be full cut off fixtures and all poles shall be no taller than fourteen feet.
12. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
13. All roof top or ground mounted mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets) or landscaping.
14. Park Fees shall be paid, as required by the City Manager, prior to the release of the zoning permit.
15. Fountains and/or other aeration and water circulation devices are required for the retention ponds and shall be maintained by the owner association in perpetuity.
16. The final design of the garages shall be reviewed and approved by the Planning and Development Department prior to the issuance of a zoning permit and shall be consistent in materials and style to the primary building.
17. A bike rack shall be installed in a location approved by the Planning and Development Department.

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18. Hours of construction for exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.

Motion was seconded by Council Member Bales. Motion PASSED by majority voice vote.

**PUBLIC HEARING – Z-21-1, Soin Rezoning**

Clerk Gillaugh read the notice of public hearing on an application filed by Raj K. Soin, 1129 Miamisburg-Centerville Road, Ste. 100, West Carrollton, OH 45449. The application requests the rezoning of 5.885 acres from R-1A, One-Family Residential District to A-1, Agricultural District and the rezoning of 0.739 acres from A-1, Agricultural District to R-1A, One-Family District. The property is located at 2489 Kemp Road further described as Book 4, Page 16, Parcel 2 and part of Parcel 1 on the Greene County Property Tax Atlas.

**Applicant Presentation**

Eric Hafer, Principal Surveyor for LJB, stated the owner had come to them recently wanting to reconfigure the property lines to better incorporate the walkways around the pond and the surrounding area of his house. He explained there are two lots currently, one that is the house and the driveway and the other is everything else.

Sandra Rawnsley, LJB, stated they are taking the driveway and incorporating it with the surrounding acreage. She explained yearly the homeowner re-evaluates their estate planning, and the advisors told them if they rezone the property to the way it is proposed tonight it puts their heirs in a much better position to do something different with the property in the future. Ms. Rawnsley said the intent is to always keep an easement to the house. She stated the road would stay there for the time being, but they want to have the ability to move it in the future.

**Staff Presentation**

Mr. Burkett summarized the staff report dated May 19, 2021, which stated the applicant is requesting to rezone 5.885 acres from R-1A to A-1 and 0.739 acres from A-1 to R-1A. He discussed the location of the property, what currently exists on the properties, the proposed zoning changes, the replat requirements, and the easement requirements. Staff recommended approval of the case.

**Public Input**

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

**Council Input**

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Council Member Schwartz verified Council is approving the rezoning of the property, then Planning staff would approve the replat in the office. Mr. Burkett stated that was correct.

Council Member Garcia confirmed they did not have to do anything with the easement before they can move forward with the rezoning. Counsel McHugh said that was right.

Council Member Duerr wanted to make sure there was no change to the responsibility of the driveway since it was still privately held. Mr. Burkett said no since it would still be owned by the owner of both properties.

Council Member Bales asked how moving the driveway easement process would work. Mr. Burkett said another replat would have to be done.

Mayor Stone said he understood the logic behind this, but didn't think this was something to make a practice of because it is creating a lot that technically does not have any frontage.

Council Member Schwartz MOVED to move Ordinance 21-11 to the second reading, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

### **ORDINANCES, RESOLUTIONS, AND PUDS**

#### **Resolution 21-20 Bullet Proof Vest Grant**

Clerk Gillaugh read a resolution to authorize the application for the Bulletproof Vest Partnership 2021 Federal Grant Program on behalf of the Beavercreek Police Department.

Chief Fiorita stated this grant would provide funding for up to 50% of the total cost of the City's purchase of bulletproof vests. He said they are anticipating 10 vests, and requested approval of resolution.

Council Member Garcia asked what the life span of a vest was. Chief Fiorita said it is five years from the date of purchase.

Council Member Garcia MOVED to approve Resolution 21-20, seconded by Council Member Curran. Motion PASSED by majority voice vote.

#### **Board Appointments – Planning Commission**

Council Member Bales MOVED to open nominations for Planning Commission, seconded by Council Member Garcia. Motion PASSED by majority voice vote.



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Council Member Schwartz nominated Neal Duiker.

Council Member Garcia MOVED to close nominations for Planning Commission, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Schwartz MOVED to appoint Neal Duiker to Planning Commission for the term ending February 29, 2024, seconded by Council Member Bales. Motion PASSED by majority voice vote.

### **COUNCIL TIME**

Council Member Garcia congratulated the schools on another great year under challenging circumstances.

Council Member Duerr echoed the comments for the schools. He said he attended the Fox Development HOA meeting, which was very informative and was nice to talk with the residents.

Council Member Schwartz stated the Kiwanis of Beavercreek hosted a golf outing at the Beavercreek Golf Club, and it was an outstanding event. She referred to the mask mandates, and asked for citizens to be kind and considerate of others. Council Member Schwartz believed it was important to honor the military members both currently servicing and those who have previously served and that we need to remember the ones that made the ultimate sacrifice for our freedom.

Council Member Bales stated there is a golf outing scheduled for this Friday with the benefits being for the Parks system. He said both of the proclamations are special to him.

Council Member Curran congratulated the students graduating from high school and college. He said there would be a Memorial Day celebration at Veteran's Park at 2 p.m.

Vice Mayor Adams thanked Mr. Hill for being here tonight to accept the proclamation on Scleroderma, and all his work he has done on it. He said the Greenebucs is special to him, and stated the day they get their bikes is a great day. Vice Mayor Adams said he was able to attend a ribbon cutting for the Community Garden at the Fairfield Commons Mall sponsored by Soin Medical Center.

### **MAYOR'S REPORT**

Mayor Stone said the Memorial Day celebration will be at 2 pm at Veteran's Park and said the speaker will be the Command Chief for the 88<sup>th</sup> Air Base Wing. He stated with the masks ended, he encouraged people to be vaccinated.

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**CITY MANAGER REPORT**

Mr. Landrum said the Memorial Day Celebration has already been mentioned, but reminded everyone the City offices will be closed on Monday, May 31<sup>st</sup>. He said the Summer Concert Series is back this year and the first in-person concerts would begin Sunday, June 13<sup>th</sup> at 7:00pm with the Muleskinner Band at Dominick Lofino Park.

**CITIZEN COMMENTS**

There were no comments.

**ADJOURNMENT**

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

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Bob Stone, Mayor

ATTEST:

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Melissa Gillaugh  
Deputy Clerk  
Cmim052421

## **ORDINANCE NO. 21-11**

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER SCHWARTZ ON THE 24<sup>TH</sup> DAY OF MAY, 2021.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 5.885 ACRES OF LAND FROM ONE FAMILY RESIDENTIAL (R-1A) TO AGRICULTURE (A-1) AND 0.739 ACRES FROM A-1 TO R-1A, LOCATED AT 2489 KEMP AND FURTHER DESCRIBED AS BOOK 4, PAGE 16, PART OF PARCEL 1 AND PARCEL 2 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (Z 21-1)

Whereas, Raj K. Soin, 1129 Miamisburg-Centerville Road, Suite 100, West Carrollton, OH, 45449 requests rezoning plan approval; 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 5.885 acres of land, known as B420004000160000200 and as further described in the attached "Exhibit A" be rezoned to A-1, Agriculture and 0.739 acres of land, known as part of B42000400160000100 and as further described in the attached "Exhibit A" be rezoned to R-1A, One Family Residential .

### 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy Clerk



**CITY COUNCIL**  
**Work Session – June 21, 2021 5:00 p.m.**  
**Council Chambers**

*1368 Research Park Dr*  
*Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
  - A. American Rescue Plan
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

**PROCLAMATIONS**

- ◆ Parks and Recreation Month – July
- ◆ Dayton Intern Appreciation Week, July 12-16

**SPECIAL PRESENTATION**

- ◆ 4<sup>th</sup> of July – Acceptance and Acknowledgement of UES

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Duerr
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  
- VI. PUBLIC HEARING – PUD 13-5 SSP #1, Project Promotum
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Motion
  
- VII. PUBLIC HEARING – PUD 97-1 MOD 4/21, Free Standing Emergency Room
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Motion
  
- VIII. PUBLIC HEARING – PC-21-1, Zoning Code Update
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Ordinance 21-\_\_
  
- IX. PUBLIC HEARING – PC-21-1, Zoning Code Update- Sexually Oriented Business
  - A. Applicant Presentation
  - B. Staff Presentation
  - C. Public Input
  - D. Council Input
  - E. Ordinance 21-\_\_
  
- X.
- XI. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 21-\_\_, Fund Changes (First Reading)
  - B. Ordinance 21-\_\_, Additional Appropriations (Single Reading)
  - C. Resolution 21-21, 2022 Tax Budget
  
- XII. LIQUOR PERMITS
  - A. Agnes & Orson Two LLC DBA Agnes & Orson (Transfer)
  
- XIII. COUNCIL TIME
- XIV. MAYOR'S REPORT
- XV. CITY MANAGER'S REPORT
- XVI. CITIZEN COMMENTS
- XVII. ADJOURNMENT

# PLANNING DEPARTMENT STATUS REPORT

*June 10, 2021*

## CITY COUNCIL

### June 14, 2021

- Z-21-1, Soin Estate Rezoning, second reading

### June 28, 2021

- PUD 97-1 MOD 4/21, Major, Bvck Free Standing Emergency Department, public hearing
- PUD 13-5 SSP #1, Project Promotum, public hearing
- PC 21-1, Zoning Code Update, first reading

### July 12, 2021

- PC 21-1, Zoning Code Update, second reading

Tabled / Delayed / Pending

**PLANNING COMMISSION**

July 7, 2021

- No cases

Tabled / Delayed / Pending

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Commercial Permits Submitted and Under Review

Unison Dayton  
Dean's Plumbing



**BOARD OF ZONING APPEALS**

July 14, 2021

- No cases