

BEAVERCREEK PLANNING COMMISSION  
REGULAR MEETING, April 6, 2022

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

ABSENT: Mr. Duiker

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

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

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

Mr. Loftis MOVED approval of the March 2, 2022 Regular meeting. Motion was seconded by Mr. Ayers and PASSED by majority voice vote. (Self abstained)

Mr. Loftis MOVED approval of the March 2, 2022 Work Session meeting. Motion was seconded by Mr. Ayers and PASSED by majority voice vote. (Self abstained)

**PUBLIC HEARINGS**

**PC 22-4 ASRA, Freddy's Steakhburgers & Custard**

Clerk Gillaugh read the public notice on an application filed by Plaza Street Partners, 2400 W. 75<sup>th</sup> St., Ste. 220, Prairie Village, KS 66208. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 0.80 acres of land to construct a 2,411 square foot restaurant. The property is located on the south side of Kemp Road approximately 300 feet east of the intersection of North Fairfield Road and Kemp Road further described as Book 4, Page 8, part of Parcel 186 on the Greene County Property Tax Atlas.

Jonathan Evans, Evans Engineering, stated they are proposing a Freddy's Frozen Custard and Steakhburgers. He discussed the location of the property, the private drive, the access point to the restaurant, the proposed site plan, the traffic circulation of the site, the elevations of the building, the building materials, and the proposed landscaping with a heavy buffer along the east property line.

Ms. Pereira summarized the staff report dated March 28, 2022, which stated the applicant is requesting to construct a 2,411 square foot restaurant. She discussed the location of the property, the property's zoning classification, the Land Use Plan designation, the building elevations and building materials, the proposed site plan, the access point into the site, the private access road requirements, the traffic circulation of the site, the stacking requirement for the drive-thru, the parking requirements, the landscaping requirements, and the final subdivision requirements. Staff recommended approval with 17 conditions.

In public input, Jim Lucente, 2169 Prudence Drive, stated he was concerned about the landscaping and asked how tall the trees were going to be and thought the shade trees should be eight to ten feet tall and the spruce trees should be at least five feet tall. He said

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the restaurant is going to create noise pollution and questioned what their hours of operation were. Mr. Lucente asked when they were going to pick up the trash, and said the lighting is going to affect the neighbors. He thought they would need to add another lane to Kemp Road because it goes down to a two-lane road in that area. Mr. Lucente thought this type of development would attract more fast food restaurants in the area, and would prefer the rest of the property develops as an office park, retirement center or condominiums. He did not think this restaurant would do justice for the location and appearance of the area.

Dr. Greg Notestine, 2149 N. Fairfield Road, stated he was concerned with the potential of heavy traffic, but with the design to keep it inside the property was appealing to him. He said another concern was the quality of packing materials that the food comes in because people throw the trash out the window. He questioned if the material would be recyclable, and would like to see some high quality compostable materials used.

Mel Gillespie, 3213 Felton Drive, commended staff and the applicant for the landscaping proposed. He said it appeared a lot of it would be large enough that it will block off a great deal of the noise. Mr. Gillespie stated he was concerned about the trash, and stated they currently have issues with Speedway now. He questioned who would be responsible for mowing the berm and maintaining it.

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

Mr. Ayers thought the design on a private road was great, and didn't feel there would be an issue with traffic backing up to Kemp Road. He believed the double landscaping was being proactive.

Mr. Loftis questioned if the private drive would be built to the Beaver Creek Road Construction Standards. Ms. Pereira said she was not sure, but the City Engineer has to review the construction plans for the private drive. Mr. Loftis asked if it would be bonded. Ms. Pereira explained all the public improvements would be bonded. Mr. Loftis questioned if the landscaping would also be bonded. Ms. Pereira stated it would be bonded, and it was Condition #3.

Mr. Loftis asked what the hours of operation would be. Mr. Evans stated Sunday through Thursday would be 10:30am to 10:00pm and Friday and Saturday would be 10:30am to 11:00pm. Mr. Loftis asked how many tables were inside. Mr. Evans said approximately 40 tables. Mr. Loftis said the reason he asked is because many restaurants have designated park up spots. Mr. Evans said they probably would have two or three designated spots. Mr. Loftis questioned what the products would be made of or wrapped in. Mr. Evans said it was paper products.

Mr. Meyer asked how the street was going to be constructed. Mr. Evans thought Mr. Moorman had stated it needed to be built to City standards. Mr. Meyer questioned if they would be required to reduce the lights at night. Ms. Pereira said it could be added to Condition #6. Mr. Meyer questioned if the pond was going to serve more than just this site.

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Ms. Pereira said the pond is just being constructed for this property, and thought in the future it could be expanded if more of the land develops.

Mr. Self referred to the landscaping along the eastern property line, and questioned what the caliber the trees would be. Ms. Pereira said the evergreens would be six feet tall, the shade trees need to be 1.5-inch caliber at breast height, and the shrubs have to be 24 inches. Mr. Self questioned if there was going to be a berm there. Ms. Pereira said no, and explained to put in the detention pond that berm has to be removed. Mr. Self asked if the detention pond was part of the 0.8 acre. Ms. Pereira said no, and the maintenance of it would be handle with the subdivision. Mr. Self questioned if the lighting on the building was in addition to any pole lighting. Ms. Pereira said there would be light poles, and the lights on the building are low wattage decorative features. Mr. Self referred to the entrance sign, and wanted to make sure the sign did not cause a line of sight problem. Ms. Pereira said staff would make sure there were no issues with the sign placement before issuing a permit. Mr. Self thought the access drive should be widened to three lanes as it grows because there will be numerous access drives on it.

Mr. Meyer MOVED to amend Condition #6 to add lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing. Motion was seconded by Mr. Ayers. Motion PASSED by a roll call vote of 4-0.

Mr. Ayers MOVED to approve PC 22-4 ASRA with 17 conditions:

1. The approved site plans for this development shall be the plans stamped "Received April 1, 2022", except as modified herein.
2. The approved architectural elevations for this development shall be the plans stamped "Received April 1, 2022", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of any zoning permit for this project. The Development 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.
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. Signage shall be limited to 40 square feet on the north elevation. Any future wall signage on any other elevations shall adhere to the B-2 Zoning sign requirements. The ground sign shall be limited to 25 square feet per sign face and 5 feet in height.

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6. 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. No pole shall be located in the paved area of the parking field and all fixtures shall be full cutoff fixtures. Maximum mounting height for any parking lot light fixture shall be 16 feet. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of materials architecturally compatible with the building and have a closable, lockable gate. The gate shall be kept closed at all times except during the active use of the trash container. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
8. The building exteriors shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. Any proposed gutters and downspouts shall be internally mounted.
10. 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.
11. All service doors and man-doors shall be painted to match the surrounding materials of the building.
12. 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.
13. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits for this project.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of any zoning permits for the project.
15. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of the zoning permit. The record plan creating the new lot shall be recorded at the Greene County Recorder's office prior to the release of a zoning permit.

16. Impact fees must be paid for the project as directed by the City Manager and the City Engineer.

17. The design and location of the access road, detention pond, and sidewalk along the access road shall be reviewed and approved by the City Engineer and must be bonded prior to the release of the record plan for the Freddy's restaurant.

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

**PUD 95-5 CU 3/22 & PUD 95-5 SSP #9, Metro Fibernet – Beaver creek Hut**

Clerk Gillaugh read the public notice on an application filed by Metro FiberNet, 8837 Bond Street, Overland Park, KS 66214. The applicant requests a conditional use and specific site plan approval to allow for the construction of a 322 square foot communications shelter located at 1154 Beaver Vu Drive. The property is further described as Book 5, Page 8, part of Parcel 238 on the Greene County Property Tax Atlas.

Craig Hardin, Ohio Project Director for Metro Fibernet, stated they have been in the market for approximately three years and are now coming into the Beaver creek market. He said the request tonight is for a communication hut, which is a small-prefabricated building with a fence around it. He said the site is secluded and there should not be any landscape concerns since the structure would be located in the middle of a wooded area.

Mr. Burkett summarized the staff report dated March 29, 2022, which stated the applicant is requesting a conditional use and specific site plan approval for an unmanned communication shelter. He discussed the location of the property, the zoning classification of the property, the permitted uses, the site plan, and the building elevations and materials. Staff recommended approval of the conditional use case with five conditions and approval of the specific site plan case with nine conditions.

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

Mr. Self asked if the emergency generator would be diesel or gas, and questioned where the fuel tank would be located. Mr. Burkett said it is a natural gas generator. Mr. Self said there was no tower involved. Mr. Burkett said no, it is just the small building.

Mr. Loftis asked when this would be built and available to Beaver creek. Mr. Hardin anticipated this summer.

Mr. Self asked what services Metro Fibernet has. Mr. Hardin said they are internet, broadband, and phone service.

Mr. Loftis MOVED to approve PUD 95-5 CU 3/22 with five conditions:

1. All conditions of PUD 95-5 SSP #9 shall apply to this approval.

2. A zoning permit must be reviewed and approved by the Planning and Development department prior to the construction of any structures on the site.
3. Prior to the issuance of any zoning permit for the development, all comments and concerns of the Planning and Development Department, the City Engineer, and Fire Department shall be addressed and satisfied.
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. After consideration of the nature and condition of all adjacent and surrounding uses and buildings and a review of the conditional use application and any administrative reports, the Planning Commission determines the following:
  - a. The proposed conditional use is to be located in a district wherein such use may be conditionally permitted.
  - b. 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.
  - c. Taking into account current vehicular traffic volumes and traffic volumes as may be expected to increase with increasing development of the community, and taking into account vehicular turning movements in relation to routes of traffic flow, street intersections, sight distances and pedestrian traffic, the vehicular traffic to and from the conditional use can be accommodated by the existing street network without significant adverse effect.

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

Mr. Ayers MOVED to approve PUD 95-5 SSP #9 with nine conditions:

1. The approved plans for this development shall be the plans stamped "Received March 28, 2022", except as modified herein.
2. 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.
3. Prior to the release of a zoning permit, the applicant shall record a replat with the Greene County Recorder's office showing new lot lines and a permanent access easement from Beaver Vu Industrial Lane to the entrance of the site.

4. All service doors shall be painted to match the building.
5. 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.
6. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
7. 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.
8. The final materials used for fencing surrounding the site shall be reviewed and approved by the Planning and Development Department prior to the release of a permit.
9. 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.

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

**ADJOURNMENT**

Mr. Loftis MOVED adjournment at 6:53 p.m., seconded by Mr. Meyer. Motion PASSED by majority voice vote.

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Melissa Gillaugh  
Deputy Clerk