

BEAVERCREEK PLANNING COMMISSION  
REGULAR MEETING, May 4, 2022

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

ABSENT: Mr. Ayers

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

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

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

Mr. Loftis MOVED approval of the April 6, 2022 minutes. Motion was seconded by Mr. Meyer and PASSED by majority voice vote. (Duiker abstained)

**PUBLIC HEARINGS**

**PUD 93-6 SSP #12, Amberwood at Canterbury Trails,**

Clerk Gillaugh read the public notice on an application filed by Grand Communities LLC, 3940 Olympic Blvd., Ste. 400, Erlanger, KY 41018. The applicant requests specific site plan approval to allow for the construction of 40 single-family lots and 4 multi-family buildings consisting of 35 units on 26.64 acres. The property is located on the south side of New Germany Trebein Road east of the golf course further described as Book 4, Page 10, part of Parcel 5 on the Greene County Property Tax Atlas.

Kirk Ridder, Senior Project Planner with Grand Communities LLC, stating he was requesting approval for the Amberwood at Canterbury Trails. Mr. Ridder explained they are proposing 37 single-family residential lots and 4 multi-family buildings consisting of 35 units. He discussed the style of the single-family homes and the condo buildings, and said they meet the density requirements. Mr. Ridder stated the Canterbury Trails community has been a very successful community in Beavercreek, and they are looking forward to bringing their product to this section.

Mr. Burkett summarized the staff report dated April 29, 2022, which stated the applicant is requesting 37 single-family homes and 35 multi-family units in 4 buildings. He discussed the location of the property, what currently exists on the property, the original specific site plan approved for this area of the golf course, the proposed site plan, the required right turn lane into the development, the storm water management, the no grading area, the proposed access points, the building details regarding density requirements, the proposed architectural elevations of the homes, the landscaping requirements, and the sign requirements. Staff recommended approval of the case with 36 conditions.

In public input, Ron Tanski, 2453 Green Ash Drive, expressed his main concern was the traffic access and questioned if there had been a lot of thought given on how many streets were going to dump out onto New Germany-Trebein Road in that area. He said at 4pm in

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the afternoon exiting their site can be difficult because of the hill. Mr. Tanski suggested they make the proposed access an emergency access only, and the traffic for the proposed development use Wyndham Drive to exit onto New Germany-Trebein Road. He thought maybe a traffic light was needed in that location. Mr. Tanski asked if a traffic study had been done recently.

Jo Wildman, 2488 Locust Hill Blvd., stated he was concerned with the traffic patterns. He understood they were proposing to install a right turn lane, but questioned if a left turn lane would be added for those traveling west. He agreed with Mr. Tanski's comments.

Scott Spangler, 2626 Wyndham Drive, stated he has a stop sign in front of his house. He explained he sees traffic roll through the stop sign daily, and it is where the school bus stop is also. Mr. Spangler said he does not have any issues with the development, but he was concerned with the traffic. He said as it is right now, the traffic is horrid in that entire area of the City. Mr. Spangler agreed with the previous speakers in regards to the issues getting out of their neighborhood onto New Germany-Trebein Road. He said the speed sign that is on New Germany-Trebein Road is not currently working because of the high volume of traffic on the roadway. Mr. Spangler believed there were too many intersections on New Germany-Trebein Road as it is now, and adding another intersection is going to make it worse. He did not see how this was going to benefit the City or the residents at this time.

Ralph Speelman, 2407 Locust Hill Blvd., stated he noticed there was a visual barrier between the golf course and the residents and requested the visual barrier be extended along New Germany-Trebein Road to soften the appear. He vouched for the traffic concerns in the area, and explained the issues he has with the traffic coming out of the Villas at Beavercreek.

James Amon, 2504 Coldsprings Drive, representing the Beavercreek Wetland Association, stated he was asked if there were any wetlands on the property and he explained the National Wetlands Inventory Map showed three very small areas and doubted they still exist because the maps were done a long time ago. Mr. Amon said the drainage from the site is all directed towards Beaver Valley Road, and all runoff should conform to the highest water quality standards. He said the Beavercreek Wetlands Association is willing to work with the developer to ensure there is no harm done to the wetlands.

Lois Eberly, 2770 Hackberry Lane, echoed her neighbor's concerns. She said she was speaking about all the development throughout Beavercreek, and felt that they were quick to allow the developments where the builders coming in and build their product, make their profit, and then the homeowners are stuck with the 2.2 children going to our school and using all the resources. Ms. Eberly wanted to make sure this was thought about long term and maybe there was something Beavercreek could do to require a developer to throw an amount in instead of leaving all the costs on the residents.

Elizabeth Beecher, 2465 Forest Oaks Drive, asked about the side yards and how the

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construction traffic was going to be handled. She expressed her concern if they would only make Wyndham Drive the only access because that would double the traffic through their development, and thought they needed their own exit onto the already busy New Germany-Trebein Road.

Ralph Speelman, 2407 Locust Hill Blvd., said he did not see any preservation of the greenspace, and would like to see some preservation of the woodlands.

Ron Tanski, 2453 Green Ash Drive, stated because of all the comments about traffic concerns he thought a solution would be to divert the traffic onto Beaver Valley Road.

In written input, staff and the Commissioners received eight letters all opposing the development. Concerns from the residents were increased traffic on New Germany-Trebein Road, property values, this development would cause burdening on the schools, impact of the wetlands and the wildlife.

Mr. Meyer addressed the concern about construction traffic and noise, and said there are conditions limiting the construction hours and all construction traffic would be required to use New Germany-Trebein Road into the development. Mr. Meyer asked staff to discuss the water runoff concerns. Mr. Burkett said any water runoff has to be detained in a detention/retention pond, and explained where the water would flow on the site. He stated the water would be held for a certain amount of time before it is released to make sure the post-development drain numbers do not exceed the pre-development drain numbers.

Mr. Meyer asked if the City Engineer had approved the access point on New Germany-Trebein Road. Mr. Moorman, City Engineer, stated they have looked at the access point quite a bit. He said as it was stated tonight, New Germany-Trebein Road is a heavily traveled street, and they are sensitive to the concerns. He explained several key reasons for the new access point on New Germany-Trebein Road, and said they also had them analysis site lines with the new access point and said there is ample sight distance to meet the ODOT criteria. Mr. Burkett stated he knew there was a question about a left turn lane, and said on New Germany-Trebein Road there is a middle lane that a person could turn left or right from so that is where people would turn left into the site.

Mr. Meyer referred to Condition #28, and asked if it was just the right turn lane being done. Mr. Burkett stated that was correct. Mr. Meyer questioned if there was off-street parking for the multi-family units. Mr. Burkett stated the units have garages and off-street driveway parking. Mr. Meyer explained his concern was if a lot of people would be parking on the street.

Mr. Loftis thought the building on the bend was going to catch many golf balls. He questioned why they were shielding off the golf cart path. Mr. Burkett stated they had the opportunity to add it in with this development. Mr. Loftis asked about the side yard setback. Mr. Burkett said it was a five-foot setback. Mr. Loftis questioned what the height of the condo buildings were. Mr. Burkett said it would be the same height as a two-story home.

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Mr. Loftis asked if they could address the screening concern. Mr. Burkett showed the landscaping plan, and said they would be maintaining the existing landscaping in that area.

Mr. Loftis questioned what construction standards the development was being held to. Mr. Moorman said all the streets would be public, so they will have to conform to all the City's construction standards. He explained they would have an inspector on site watching the storm water controls, the construction of storm sewer, and the roadways. Mr. Loftis asked if the City looks at the roadway post construction. Mr. Moorman said they normally wait for 75% of the homes to be built before they put the final layer of asphalt, and before the bond is released, they do a final inspection.

Mr. Duiker referred to the site line study, and questioned if any other studies have been completed on how this additional traffic will impact the existing traffic. He asked if there were any options to mitigate the concerns. Mr. Moorman stated they have done several studies in the past at New Germany-Trebein Road and Wyndham Drive where they have tried to warrant a traffic signal, but the volumes have not been high enough to legally install a signal. He explained they have installed traffic signs near the intersection, and they built the island in the middle to make the appearance the pavement is more narrow to encourage people to slow down. Mr. Duiker questioned if they have looked to see if the anticipated increase of traffic will push the numbers closer to qualify for a traffic signal. Mr. Moorman said after everything get established they could certainly take more counts to see if it would warrant a signal. Mr. Moorman stated this area is within the Traffic Impact Fee District, and said the latest study of it showed this section as being three lanes.

Mr. Duiker stated it appeared the roadway was going to be crossing another parcel. Mr. Burkett said that was correct, and that property is not within the City of Beavercreek so there is going to be a small portion of the roadway that will be located in the Township. Mr. Duiker asked if there was any concerns from the Township. Mr. Burkett said the City has been in communication with the Township and they did not have any concerns. Mr. Duiker referred to the condition about the lots that are abutting the existing residential area, and asked if staff was requiring them to have more brick. Mr. Burkett explained he went through the architectural elevations and eliminated ones that did not look like they were majority of brick on the front. He said the ones that are not highlighted are the house designs that can be built on those lots.

Mr. Self asked if there were sidewalks on both sides of the street that would connect with the existing sidewalks in the existing plat. Mr. Burkett said yes, that was correct. Mr. Self questioned how many acres would remain as open space. Mr. Burkett stated approximately 10-12 acres out of 26 acres total. Mr. Self asked what was going to be done with the wetland area. Mr. Burkett explained there is a small area, and there is a condition that prior to grading they have to fence that area off to protect it during construction and they have to meet any EPA standards. Mr. Self questioned how many more trips per day would be generated when this development is fully built out. Mr. Burkett said there would be 587 trips per day. Mr. Self questioned if the developer was going to preserve as many trees as they could. Mr. Burkett said they will not cut down anything they do not have to,

and they will not touch anything in the 25-foot area. Mr. Self asked if there was landscaping between the last multi-family building and the first residential building. Mr. Burkett said they could make sure the final landscaping plan has an appropriate separation between them. Mr. Self referred to the eastern most condo, and asked if there would be no on-street parking since it is so close to the main entrance. Mr. Burkett said that was a good condition to add. Mr. Self asked if it was legal for the City or for them as Planning Commissioners to deny an application because of deficiencies in terms of infrastructure. Counsel Lounsbury said it is not.

Mr. Loftis referred to the 25-foot no-cut zone along the cart path, and said at points it looks like it intersects into the cart path. Mr. Burkett said it will be an easement, and it could be brought over so it buffers the cart path rather than just the property line.

Mr. Self questioned if in an old Land Use Plan this land was designated as multi-family residential. Mr. Burkett said he looked back to 1995, and at that point it called for multi-family residential in the front and single-family residential to the south.

Mr. Meyer asked if there was landscaping around the dumpster by the multi-family units. Mr. Burkett said staff would review that when looking at the final landscaping plan, and there would be a dumpster enclosure.

Mr. Self asked about the accessibility in an emergency in having an additional outlet/inlet onto New Germany-Trebein Road. Randy Grogan, Fire Marshall, said it is important for them in terms of access in case of an emergency.

Mr. Duiker MOVED to add Condition #37 stating there shall be no street parking on Amberwood Lane. Motion was seconded by Mr. Meyer. Motion PASSED by a roll call of 4-0.

Mr. Loftis MOVED to approve PUD 93-6 SSP #12 with 37 conditions:

1. The approved specific site plan shall be that plan stamped "April 27, 2022" except as modified herein.
2. The approved homes constructed within this development shall be architecturally consistent with the example homes shown, as amended in the attached Exhibit A stamped "Received April 5, 2022". Elevations that have their title highlighted in yellow in Exhibit A shall be not be permitted on Lots #1-3 or Lots #35-37. If needed, any disagreement between the Planning Department and the home builder as to what is considered "architecturally consistent" shall be decided by the Planning Commission.
3. Structures within the multifamily portion of the development shall be designed as illustrated in the architectural elevations and color renderings stamped "Received April 5, 2022", attached as Exhibit A.

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4. A PUD Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit must be submitted prior to the release of the subdivision record plan 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.
5. Impact fees must be paid for the project as directed by the City Manager and City Engineer, prior to the release of the record plan.
6. The sidewalks along New Germany-Trebein Road shall be constructed by the City of Beavercreek, at a time determined appropriate by the City Engineer.
7. Prior to issuance of any zoning permits for the project, other than a model home, the applicant shall record a subdivision record plan with Greene County.
8. Prior to the release of the subdivision for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the public improvements.
9. 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.
10. There shall be a 25-foot grading limit for all areas highlighted as such on the site plan, further depicted in Exhibit B. This area shall be identified by installing orange fencing along the grading limit area prior to a grading permit being issued by the City. The orange fencing shall remain on each lot until grading is complete for that lot.
11. Lots with rear yards adjacent to golf course property shall include a non-disturbance area in the rear yard of each lot, further highlighted in Exhibit B, which shall remain in perpetuity. This area shall be defined by a line extending parallel with the rear property line at a distance of twenty-five (25) feet from the property line. In no case shall the no-disturb zone be less than 25 feet from the property line abutting the golf course. No trees will be removed from these non-disturbance areas. The City may, upon specific request by the property owner or their authorized agent, and at the recommendation of a certified arborist, grant permission for trees to be removed from the non-disturbance areas in cases of dying trees, diseased trees, or nuisance trees.
12. Fences in the rear yards of lots abutting golf course property shall be located no closer than twenty-five (25) feet from the rear property line, and shall be black decorative iron, steel or aluminum.
13. Chain link fencing shall not be permitted anywhere in the development.
14. The design of the entry sign and the landscape plans for the entry features shall be approved by the Planning Department staff prior to any zoning permits being issued for

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the signs. The maximum height for the entry sign face shall be six feet in height, and the base of the sign shall be constructed of a brick or stone base. If staff does not agree with the developer's final design of the sign or the landscaping of the entry features, the matter shall be resolved through a minor modification application decided by Planning Commission.

15. The following standards shall apply for all buildings within the development:

- a. Fischer Homes' (or any of its successors) exterior materials shall consist of only natural materials such as wood, brick, or stone, excepting simulated wood which is the only manmade material which shall be permitted. No aluminum or vinyl siding, metal, or concrete shall be permitted except on fascia and soffit areas.
- b. The rear exterior treatment of the home shall be broken by either varying of materials, architectural elements such as gables or rear extensions, wood decking, bay windows, garden windows, or window treatments (e.g. shutters).
- c. Exposed lower-level walk-outs shall receive the same treatment as other exterior walls on a residence.
- d. No mill finished aluminum windows will be allowed.
- e. Windows will be of vinyl or wood with either a vinyl or aluminum clad exterior finish.
- f. On units with varying eave configurations, a roof leader (downspout) shall not be used across a roof plane to connect gutters at different locations.
- g. Roofing shingles (architectural grade/dimensional) must be dimensional, 25 year 3 tab, or semi-dimensional, each of which provide standard long- life guarantees. Roofing shingles shall be a dark color, such as black or charcoal gray. Metal roofs shall be permitted as accents, such as on dormers or covered patios.

16. The minimum square footage for residential units shall be as follows:

- a. One-story ranch units shall be a minimum 1,900 square feet excluding garages and porches.
- b. Two-story single family units shall be a minimum 2,350 square feet excluding garages and porches.
- c. Buildings of three or more units shall have at least 1,075 square feet of building, excluding garages and porches, for each unit.

17. One photoelectric light fixture shall be required for every lot with a residential structure.

18. Setbacks in the single family portion of the development shall be at least:
  - a. 20-foot front yard setback from any interior road
  - b. 5-foot side yard setback on each side
  - c. 10-foot rear yard setback
  - d. And setbacks established in Conditions 10 thru 12 above.
  - e. Lot #32 shall have a 45-foot front yard setback, and Lot #33 shall have a 30-foot front yard setback
  
19. Setbacks on the multi-family portion of the development shall be at least:
  - a. 25-foot from interior subdivision roads
  - b. 25-foot from adjacent single family development line for developments that are included in this planned unit development
  - c. 25-foot minimum building separation.
  - d. And setbacks established in Conditions 10 thru 12 above.
  
20. Hours of construction for any grading and exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.
  
21. Street lighting is subject to final approval of the Engineering Department prior to the release of the record plat for recording.
  
22. Final landscape plans and street tree placement are subject to final review and approval by the Planning Department prior to the release of a record plat for recording.
  
23. The final landscape plan shall include a row of evergreen trees, planted at 6' in height along the western property line of Lot #1 and Lot #37, starting at the front yard setback line extending to the rear property line. These evergreen trees should remain in perpetuity, and shall be replaced if dead or dying by the future homeowner. The developer and/or home builder shall notify the future homeowner at the time of purchase such requirement exists.
  
24. All concerns of the Beavercreek Fire Department, Sanitary Engineer and Beavercreek Golf Course must be addressed prior to the release of a record plat. All concerns of the City Engineer including but not limited to road improvements, land dedication, grading, storm water management, and erosion control must be addressed prior to the release of a record plat.
  
25. An easement shall be dedicated and recorded as part of the record plat for any areas where the golf course cart path is located on private property within this development. This easement will be for nonexclusive use by golf course and shall be forever. The owner shall have the option of dedicating the area to the City as part of the subdivision process instead of an easement.



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26. Aeration and water circulation devices and/or fountains are required to be installed in any newly created retention pond, and shall be maintained by the Homeowners Association in perpetuity.
27. The maximum height of structures will not exceed thirty-eight (38) feet, measured from the grade at the main entry to the highest roof ridge.
28. Road improvements on New Germany-Trebein Road shall be constructed to the satisfaction of the City Engineer prior to the opening of the proposed access point onto New Germany-Trebein Road for public use.
29. The location of the mailboxes shall be approved by the Planning Department prior to the release of a zoning permit. If the U.S. Postal Service requires all mailboxes to be located in one spot, then the developer shall work with staff on the design of the pull-off drive access for the mail kiosk.
30. A detail of the retaining walls to be used shall be submitted and approved prior to the release of a zoning permit. The retaining walls are to be bonded as part of the landscape bond described in the PUD Agreement.
31. Construction traffic shall only be permitted through an access point on New Germany-Trebein Road and shall, if determined to be required by the City Engineer, be controlled by the construction company with the use of flaggers. No construction traffic, including subcontractors shall be permitted to use existing residential neighborhood streets for access to the site.
32. Final subdivision and all successive replats shall have the following language included on the mylar: *All owners of any portion of the property, their successors and assigns, acknowledge that the close proximity of the golf course will cause there to be golf balls hit onto the lots and expose the property to other potential risks incidental to the proximity to the play of golf, and that residences and other improvements on the lots and persons on the lots are susceptible to being struck by golf balls and to other damage and injury from the play of golf and the operation of the golf course. All lot owners and all persons on the property assume the risk of any damages or losses to property and injuries or death to persons due directly or indirectly, to the physical proximity to the adjacent golf course and the development, placement and operation thereof. The owners of any portion of the property, their successors and assigns, agree to hold harmless and hereby waive any right to action or claim resulting from the assumed risks against the City of Beavercreek, the Declarant, the Association, the owner or operator of the golf course or any player on the golf course.*
33. All residential style trash totes shall be stored within or immediately adjacent to a primary structure, and shall be out of ordinary public view on days when trash collection is not occurring (except the night before scheduled pick-up is to occur).

34. All dumpsters shall be enclosed within a building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with materials similar to the brick used to construct the multi-family structures. The final materials will be reviewed and approved by the Planning Department prior to the release of a zoning permit.
35. Prior to the release of the record plan, park fees for each section shall be paid in-lieu of dedication of parkland for said section as determined at the subdivision stage.
36. All areas that are designated wetlands shall be protected by an orange construction fence and other appropriate measures, as determined by the City Engineer. Said protection shall be in place prior to any grading taking place on site.
37. There shall be no street parking on Amberwood Lane.

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

**PUD 22-1 SSP #1, Creekside Cyclery**

Clerk Gillaugh read the public notice on an application filed by Creekside Cyclery, Ltd., 1271A N. Fairfield Road, Beavercreek, OH 45432. The applicant requests specific site plan approval to allow for the construction of a 3,240 square foot bicycle sales and service retail building on 1.4 acres. The property is located on the southwest corner of Grange Hall Road and US 35 further described as Book 2, Page 6, Parcel 26 on the Greene County Property Tax Atlas.

Mike Dillon, owner of Creekside Cyclery, said they are proposing to construct a store near the bike path. He stated they hope to be an assist to the continued popularity of the bike trails. Mr. Dillon explained they will be a full service shop, but they also plan to have a vending station with a variety of bicycle items. He thought their business would be a great boom for the City and the area in general.

Ms. Pereira summarized the staff report dated April 18, 2022, stating the applicant is requesting to construct a 3,240 square foot bicycle sales and repair shop. She discussed the location of the property, the rezoning approval, the building elevations and building materials, the site plan, the access point, the parking requirements, the landscaping requirements, and the lighting requirements. Staff recommended approval of the case with 12 conditions with the modification to Condition #12 to add a row of 12" shrubs along the southeastern edge of the parking lot to block headlights.

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

Mr. Loftis questioned how the reclaimed wood would be maintained. Ms. Pereira assumed it would be sealed, and thought it might be something that needs to be addressed in a condition. Mr. Loftis asked if the City could sign for a bike crossing. Ms. Pereira did not think they would because it is not a good location for crossing at that point. She said in the

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future they would be connecting to a sidewalk, but in the meantime they will be putting in signage to alert drivers of bicyclist/pedestrians in the area. Ms. Pereira stated they cannot put in a designated crossing. Mr. Dillon said the wood would be pressure treated and then it would be stained as well. He said the construction company they are using is Wenco and they have constructed several buildings using these types of materials before.

Mr. Meyer thought maybe putting up a sign for the bikes that says do not cross. Ms. Pereira said she would have a discussion with the City Engineer to get his thoughts.

Mr. Self asked if the bike path would connect to the sidewalk the applicant is putting in. Ms. Pereira said at this time it would not be connected. Mr. Self questioned what the time frame was. Ms. Pereira said it has not been budgeted, and there is no specific time frame. Mr. Self suggested talking to the Parks Department to see if a small sign could be added along the bike path about the shop. Ms. Pereira said she could speak with the Parks Department. Mr. Self asked if the detention pond only serves this property. Ms. Pereira said that was correct.

Mr. Loftis MOVED to amend Condition #12 to add that a row of shrubs be installed along the southeastern edge of the parking lot. Motion was seconded by Mr. Duiker. Motion PASSED by majority voice vote.

Mr. Meyer MOVED to approve PUD 22-1 SSP #1 with 12 conditions:

1. The approved site plans and architectural elevations for this development shall be the plans stamped "Received April 15, 2022", except as modified herein.
2. 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 any zoning permit for this project. The 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.
3. 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.
4. Wall signage shall be limited to one square foot of signage for each square foot of building frontage on Grange Hall Road. The ground sign shall be limited to 25 square feet per sign face and 5 feet in height. The base of the sign shall be constructed of brick to match the building. Additional signage requirements shall be dictated by the O-1 district.

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5. 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.
6. 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.
7. 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.
8. 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.
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. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits for this project.
11. 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.
12. An additional row of evergreens shall be installed along the length of detention pond on the southern property, and a row of 12" shrubs be installed along the southeastern edge of the parking lot to block headlights.

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

### **PC 22-5 CU, Midwest Shooting Center**

Clerk Gillaugh read the public notice on an application filed by SPS Seajay LLC, David Sabo, 8146 Ash Ridge Lane, Findlay, OH 45840. The applicant requests conditional use approval to redevelop the existing 34,000 square foot building allowing for an indoor

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shooting range located at 3245 Seajay Drive. The property is further described as Book 5, Page 7, Parcel 1 on the Greene County Property Tax Atlas.

Jeff Swinford, Midwest Shooting Center, stated they are a state of the art indoor shooting facility, and is designed to have a broad commercial appeal to the entire spectrum of shooting enthusiast. Mr. Swinford said they are a certified 5-star brand from the National Sports Foundation, which means they spare no expense in maintaining a safe, clean, and family-friendly environment. He explained their mission is to make sure that all of their locations operate as an institution of high-quality employment, top-tier customer service, and to be a beacon of safe and responsible firearm ownership. Mr. Swinford stated as they enter this community, they pledge to be an organization this community would be proud to call your own. He said they look forward to this project and joining the community.

David Sabo, Midwest Shooting Center, said the project in its entirety is going to be about 10 million dollars. He stated it is located at the former Lofino grocery site. Mr. Sabo explained their proposal would include significant exterior improvements, and a total renovation of 34,000 square foot downstairs and the 3,500 square foot mezzanine. He said they have received the conditions in the resolution, and they are in support of those.

Mr. Burkett summarized the staff report dated April 21, 2022, which stated this is a conditional use request for the renovation of the existing old Lofino's grocery store. He discussed the location of the property, what currently exists on the property, the proposed changes of the site, the architectural elevations, and a couple of conditions listed in the resolution. Staff recommended approval of the case with nine conditions.

In public input, Michael George, 1088 Grove Hill Drive, stated his primary concern is noise from the site and asked what kind of guarantees they have.

Don Rogers, 1112 Grove Hill Drive, echoed the same concerns. He was happy to hear about the reassurances, but sometimes they do not always pan out. He questioned what would happen when and if they hear gunshots at the property line.

Ron Tanski, 2453 Green Ash Drive, said he was glad to hear this was proposed to come into the area and encouraged the Commission to approve the application.

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

Mr. Loftis asked what was the process to have the tanks removed. Mr. Burkett said they would have to meet all the EPA requirements. Mr. Loftis stated noise has come up several times now, and he thought maybe a change needed to be made to the zoning code. Mr. Burkett stated there is a condition specific to gunfire. He said trying to create a code change for noise is challenging, and said they could take a look and see what other communities have done. Mr. Burkett explained with this application being a conditional use, if a person could hear gunfire at the property line, it would be a violation of the conditional use and it could be revoked until it was fixed.

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Mr. Loftis said he was concerned there were two establishments within feet of this site that serve alcohol, and asked what their safety approach would be with patrons that have been drinking. Mr. Swinford said their staff are trained for this, and stated they can decline the sale of a firearm or the use of the firing of guns.

Mr. Meyer asked if they were adding any new lighting to the landscape islands, specifically the one on the south end. Mr. Burkett said the lighting would stay the same.

Mr. Self questioned if there was lighting on the exterior of the building. Mr. Burkett said there would be lighting on the building. Mr. Self said this is not just a range, but also a retail facility of weapons and ammunition. Mr. Burkett said that was correct. Mr. Self referred to the southern property line being an eyesore. Mr. Burkett stated they were going to be adding some landscaping in that area. Mr. Self questioned if that was the church's property it backs up to. Mr. Burkett explained it is the parking lot for the church. Mr. Self asked if a condition was added about reducing the lighting after closing. Mr. Burkett stated that is not a requirement now in the area.

Counsel Lounsbury asked Mr. Burkett to state the conditional use findings for this case. Mr. Burkett reviewed the findings and stated this case met those standards.

Mr. Loftis MOVED to approve PC 22-5 CU with nine conditions:

1. The plans stamped "Received April 29, 2022 " shall be the approved site plan, and the plans stamped "Received April 4, 2022" shall be the approved architectural elevations, except where modified herein
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. A final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit. Appropriate landscaping shall be provided in the newly created landscape islands in the north parking lot, the newly created landscape area east of the building, and the newly created landscape island south of the building.
6. A Development Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit must be submitted prior to the release of the subdivision record

plan 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. Any painting of the brick shall be completed in a workmanlike manner, and maintained as such in perpetuity. The City reserves the right to require the building to be repaired and repainted if the state of the paint falls below a workmanlike status.
8. The external stairs on the southwest corner of the building shall be painted to match the color of the adjacent building façade.
9. Gunfire from indoor shooting range shall not be discernable from the property line.

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

### **DECISION ITEMS**

#### **PUD 18-1 MOD 4/22, Minor, Dunkin Beaver creek**

Ms. Pereira summarized the staff report dated April 12, 2022, on a request by Gilligan Company, 3805 Edwards Road, Suite 680, Cincinnati, OH 45208. The applicant is requesting approval of a minor modification to C-PUD 18-1 in order to relocate the curb cut along McGrath Way to allow for more drive thru vehicle stacking, and for the construction of a future parking lot west of the existing Dunkin Donuts store. Staff recommended approval of the case with five conditions.

Mr. Loftis questioned how many more cars would be able to be stacked. Ms. Pereira said approximately four more stacking spaces. She said the applicant making both drive-thru lanes open did help the situation, and staff is not seeing the stacking out on the road like it was before. Mr. Loftis was concerned about removing the handicap spaces. Ms. Pereira said there is a condition added in the resolution that pertains to this.

Mr. Self asked if McGrath Way was going to be constructed to the stub street by the funeral home next year. Ms. Pereira said yes.

Mr. Loftis MOVED to approve PUD 18-1 MOD 4/22 with five conditions:

1. This request shall be bound by all prior conditions of PUD 18-1, except as modified herein.
2. The approved plans for this project shall be the plans stamped "Received April 07, 2022" except as modified herein.
3. The Planning and Development Director reserves the right to require the construction of the additional parking lot as shown in the approved plans at the time the parking is deemed necessary by Staff.

4. A right-of-way permit must be obtained from the Engineering Department prior to any work being done on the apron.
5. A commercial/industrial zoning permit but be obtained from the Planning and Development Department prior to the construction of the parking lot to the west.

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

### **SUBDIVISIONS**

#### **S-22-3, Beaver-Vu, Sec. 10 Replat**

Ms. Pereira summarized the staff report dated April 18, 2022, on a request by Metro Fibernet LLC, 8837 Bond Street, Overland Park, KS 66214. The applicant is requesting approval of a replat of Section 10 of the Beaver Vu Development to create a new lot to accommodate a Metronet unmanned communications hut. Staff recommended approval of the case with three conditions.

Mr. Self questioned if it was an easement. Ms. Pereira said yes.

Mr. Meyer MOVED to approve S-22-3 with three conditions:

1. The approved record plan shall be the plan stamped "Received April 01, 2022", except as modified below.
2. All conditions for approval of PUD 95-5 SSP #9 and all subsequent modifications shall remain in full force and effect.
3. Prior to release of the record plat for recording, the applicant shall provide a digital format file of the finalized subdivision in Autocad or .dxf format.

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

#### **S-22-4, Cambco Center**

Ms. Pereira summarized the staff report dated April 18, 2022, on a request by Plaza Street Partners, 2400 W. 75<sup>th</sup> Street, Suite 200, Prairie Village, KS 66208. The applicant is requesting approval of a final subdivision for approximately 1.7 acres east of the intersection of Kemp and North Fairfield Roads. Staff recommended approval of the case with nine conditions.

Mr. Meyer asked why the City was giving them six months to pave the final course of asphalt. Ms. Pereira explained it gave them some flexibility especially if it was over the wintertime.



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Mr. Self asked if Lot #2 was not only the detention area, but also was the access drive. Ms. Pereira said that was correct. She explained one of the things missing on this plan was the access easement over the driveway and the detention easement over the detention pond.

Mr. Duiker MOVED to approve S-22-4 with nine conditions:

1. The approved record plan shall be the plan stamped "Received April 13, 2022", except as modified below.
2. All conditions for approval of PC 22-4 ASRA shall remain in full force and effect.
3. Prior to the release of the record plan, the applicant shall revise and/or add any necessary language on the record plan drawings as determined by the Planning and Development Department and the City Engineering Department.
4. Prior to the release of the record plan the applicant and/or property owner shall sign a subdivider's contract and submit a bond or letter of credit for the public improvements, access road sidewalk, all courses of asphalt, and buffer landscaping as required by the City Engineer and the Planning and Development Department.
5. The final course of asphalt shall be completed on the first portion of the access drive within six months of the opening of the Freddy's restaurant.
6. A signed or recorded final copy of the access drive maintenance agreement shall be provided to the City, prior to the release of the record plan.
7. Temporary gravel parking shall only be permitted during construction of the site. Gravel must be removed prior to the opening of the restaurant.
8. All concerns and comments of the Planning and Development Department, City Engineer, City Law Director, Greene County Sanitary Engineering, and Beavercreek Township Fire Department shall be addressed and satisfied prior to the release of the record plan for recording.
9. Prior to release of the record plat for recording, the applicant shall provide a digital format file of the finalized subdivision in Autocad or .dxf format.

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

### **S-22-5, Gonzalez Plat**

Ms. Pereira summarized the staff report dated April 20, 2022, on a request by Hector and Nora Gonzalez, 1024 Grange Hall Road, Beavercreek, OH 45430. The applicant is requesting approval of a final subdivision to split a one-acre parcel along Grange Hall

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Road into two separate buildable lots. Staff recommended approval of the case with five conditions.

Mr. Self questioned if the existing house was the schoolhouse. Ms. Pereira stated that was correct.

Mr. Loftis MOVED to approve S-22-5 with five conditions:

1. The approved record plan shall be the plan stamped "Received April 12, 2022", except as modified below.
2. Prior to release of the record plan for recording, the applicant shall revise and/or add any necessary language on the record plan drawings as determined by the Planning and Development Department.
3. All concerns and comments of the Planning and Development Department, City Engineer, Greene County Sanitary Engineering Department, Greene County Auditor, public utility providers, and the Beavercreek Township Fire Department shall be addressed and satisfied prior to release of the record plan for recording.
4. Prior to the release of the record plan for recording, the applicant shall pay all required fees, including fees in lieu of parkland dedication per 155.087.
5. Prior to release of the record plan for recording, the applicant shall provide a digital format file of the subdivision in Autocad or .dxf format.

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

**ADJOURNMENT**

Mr. Loftis MOVED adjournment at 8:17 p.m., seconded by Mr. Duiker. Motion PASSED by majority voice vote.

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Melissa Gillaugh  
Deputy Clerk