

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, September 4, 2019

PRESENT: Mr. Loftis, Mr. Self, Mr. Shrider

ABSENT: Mr. Hight, Mrs. Schwartz

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

Mr. Loftis MOVED to excuse Mr. Hight and Mrs. Schwartz from the meeting. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

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

Mr. Shrider MOVED approval of the July 3, 2019 minutes. Motion was seconded by Mr. Loftis and PASSED by majority voice vote.

PUBLIC HEARINGS

PUD 19-1 SSP #1, IH Credit Union (Applicant has requested case be tabled until the October PC meeting.)

Mr. Loftis MOVED to table PUD 19-1 SSP #1 until the October PC meeting. Motion was seconded by Mr. Shrider and PASSED by majority voice vote.

PC 19-5 ASRA, Panera, 3281 North Fairfield Road

Clerk Gillaugh read the notice of public hearing on an application filed by Anchor Development LLC, 3825 Edwards Road, Suite 630, Cincinnati, OH 45209. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.113 acres of land to construct a 4,207 square foot Panera restaurant. The property is located at southeast corner of N. Fairfield Road and Dayton-Xenia Road further described as Book 5, Page 5, Parcel 102 on the Greene County Property Tax Atlas.

Anne McBride, Zoning Consultant working with the developer for Panera, stated they are proposing to demolish the old Friendly's Restaurant and construct a Panera restaurant. She explained they have worked with Planning staff and the City Engineer on the access points. Ms. McBride discussed the landscaping and the ground sign. She stated they are planning to construct an access drive that would connect to the bank parcel to the east. Ms. McBride explained there will be a patio area and this is the new Panera design.

Mr. Burkett summarized the staff report dated August 30, 2019, which stated the applicant is proposing to build a 4,200 square foot restaurant on approximately a 1-acre site. He discussed the location of the property, the Land Use Plan designation, the zoning classification, the surrounding properties' zoning districts, the proposed site plan, the access points, the cross access easement, the architectural elevations, the building

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materials, the landscaping plan, and the lighting plan. Staff recommended approval of the case with 18 conditions.

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

Mr. Shrider asked what the thought process was between not being able to turn left onto North Fairfield Road but being able to turn left onto Dayton-Xenia Road. Mr. Burkett explained currently there is a left and right out at both access points, and it was negotiated for them to have a full access on Dayton-Xenia Road. Mr. Shrider questioned if there was anything that was going to prevent someone from turning left into Panera if they are traveling west on Dayton-Xenia Road. Mr. Burkett said no, but there is a turn lane there for the traffic signal. Mr. Shrider expressed his concern with the access points, and believed this site would be a lot busier than what Friendly's was. Mr. Shrider asked if the City Engineer had any concerns with the access points. Mr. Burkett said this was the site plan he reviewed and was comfortable approving. Mr. Shrider discussed an issue with the traffic circulation on the site, and questioned how a person would know not to go that way. Mr. Burkett stated staff would look for possible solutions before they case would move to City Council.

Mr. Loftis was concerned with the left out of the site, and what the property owner's inherit right was with traffic flow in and out of their property versus the City's easement. He understood it was the City's easement that actually breaks the curb line and it is not necessarily up to the property owner the location of the ingress/egress points into their property. Mr. McGrath explained they have to grant access, and said that from a business perspective it is crucial to have that full access point. Mr. McGrath and Mr. Loftis discussed the concerns with the access points of the site. Mr. Loftis asked about the footcandles and thought it looked like there was a little bit of bleed at the property lines. Mr. McGrath explained the zero footcandle requirements is when it is abutting a residential property. Mr. Loftis questioned if they eliminated the left turn out on Dayton-Xenia Road if it would adversely affect their business. Ms. McBride explained how they worked with the City Engineer on the access points, and stated if they were not allowed the left turn lane on Dayton-Xenia Road then Panera would not be able to locate on this parcel.

Mr. Self asked what were the hours of operation. Ms. McBride said it was from 6:30am to 9pm. Mr. Self questioned if the in access from North Fairfield Road was a right in only. Mr. Burkett said that was a full in access. Mr. Self asked if there was enough width for a vehicle to back out of a parking space along the eastern property line and not hit someone in the drive-thru. Mr. Burkett said yes. Mr. Self asked if the pick-up window was on the north side of the building. Mr. Burkett stated that was correct. Mr. Self encouraged the City and the applicant to get the connection to the lot to the east. Mr. Burkett said the applicant is willing and he did not see an issue with the bank it was just a matter of getting a signature. Mr. Self asked if it was a four-sided architectural building. Mr. Burkett said that was correct.

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Mr. Shrider MOVED to approve PC 19-5 ASRA with 18 conditions:

1. The approved plans for this development shall be the plans stamped "Received August 28, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received August 5, 2019" 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 Development Agreement and the release of a zoning permit.
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. Prior to the release of the zoning permit, the applicant shall sign an agreement with the City pertaining to the maintenance of landscaping installed in the City's right-of-way. The agreement shall obligate the owners of the property to maintain said landscaping, so long as it remains in the right-of-way.
6. A 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 issuance 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.
7. 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.
8. 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.
9. Gutters, downspouts and roof access ladders shall not be visible on any elevation of the building. They shall be internally mounted. Thru-wall scuppers are permitted.
10. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
11. All service doors shall be painted to match the building per the approval of the Planning Department.

12. Any ground sign shall be a maximum of 5 feet in height, including a 1-foot brick base and wrap (as shown in Exhibit A), and shall have a maximum of 32 square feet of sign area per sign face.
13. The wall signs permitted shall be those as shown on the approved architectural elevations.
14. The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.
15. 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. Maximum mounting height for any parking fixture shall be 25 feet, and no pole shall be located in the paved area of the parking field. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
16. 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.
17. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
18. Prior to the release of a zoning permit, the applicant shall record, with the Greene County Recorder's office, a permanent cross access and construction easement on the southeast corner of the property with the property to the east. Prior to getting the easement recorded, the applicant shall provide a draft of the easement to the Planning Department and the Law Director for review and approval.

Motion was seconded by Mr. Loftis and PASSED by roll call vote of 3-0.

DECISION ITEMS

PUD 88-21 MOD 8/19, Minor, Mall at Fairfield Commons Signage

Mr. McGrath summarized the staff report dated August 27, 2019, on a request by Emanuel Torres, Washington Prime Group, 180 E. Broad Street, Columbus, OH 43215. The applicant is requesting approval of a minor modification to PUD 88-21 in order to allow for the construction two entrance signs to the Mall at Fairfield Commons. Staff recommended approval of the case with seven conditions.

Mr. Loftis asked if there were restrictions on how bright the LED sign could be. Mr. McGrath discussed the Code requirements.

Mr. Self asked about the sign height. Mr. McGrath explained it would be 30 feet high. Mr. Self questioned what tenants would go on the bottom of the sign. Mr. McGrath said that is up to the mall. Mr. Self asked about the LED lights. Mr. McGrath showed where it was going to be located on the sign.

Mr. Loftis asked if there was an provision that would stop the LED sign to be turned into more signs. Mr. McGrath explained it could happen, but he did not feel that would be the case. Mr. Loftis asked if the City had the ability to regulate the content of the sign. Mr. McGrath said no, not according to the Supreme Court. He said we could limit design, size, architecture and location. Mr. McGrath explained there are some standards they did adopt when it comes to content, and the State still has rules in place regarding interstates, which goes back to 1956. He stated the applicant's intent is to advertise the mall tenants or events they are having there.

Mr. Loftis MOVED to approve PUD 88-21 MOD 8/19 with 7 conditions:

1. This request shall be bound by all prior conditions of PUD 88-21, except as modified herein.
2. The approved plans for this project shall be the plans stamped "Received August 27, 2019" except as modified herein.
3. A permanent sign permit must be approved by the Planning and Zoning Department for each of the signs prior to the start of construction.
4. All concerns and comments of the Planning and Zoning Department and City Engineer, shall be addressed and satisfied prior to release of a zoning permit.
5. Landscaping consistent with the approved landscaping of PUD 88-21 shall be installed around the base of each of the signs.
6. Perpetual maintenance of the landscaping shall be provided and in dead or diseased material shall be removed and replaced with similar types, species and size as what was originally installed within three months weather permitting.
7. Only tenants with 25,000 square feet of space or more shall be permitted to occupy the top five panels of Sign A.

Motion was seconded by Mr. Shrider. Motion PASSED by a roll call vote of 3-0.

SUBDIVISIONS

S-19-3, The Mall at Fairfield Commons

Mr. McGrath summarized the staff report dated August 2, 2019, on a request by Matthew Jurkowitz, Washington Prime Group, 180 E. Broad Street, Columbus, OH

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43215. The applicant is requesting approval of a replat of the Mall at Fairfield Commons Subdivision to allow for the creation of an approximately 2.1 acre lot. Staff recommended approval of the case with three conditions.

Mr. Loftis MOVED to approve S-19-3 with three conditions:

1. The approved record plan shall be the plan stamped "Received August 09, 2019", except as modified below.
2. All concerns and comments of the Planning and Zoning Department, City Engineer, Beaver Creek Fire Dept., and Greene County Sanitary Engineering Department shall be satisfied prior to release of the record plan for recording.
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. Shrider. Motion PASSED by a roll call vote of 3-0.

ADJOURNMENT

Mr. Loftis MOVED adjournment at 6:45 p.m., seconded by Mr. Shrider. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk