

BEAVERCREEK PLANNING COMMISSION
REGULAR MEETING, June 1, 2011

PRESENT: Mr. Groesbeck, Mr. Gum, Mr. Kruszynski, Mr. Self, Mr. Tornichio

ABSENT: None

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

Mr. Kruszynski MOVED approval of the agenda. Motion was seconded by Mr. Groesbeck and PASSED by unanimous voice vote.

Mr. Gum MOVED approval of the minutes of the May 4, 2011 meeting. Motion was seconded by Mr. Kruszynski and PASSED by unanimous voice vote.

PUBLIC HEARINGS

PC 11-2 ASRA, Inspire Center for Learning

Clerk Gillaugh read the notice of public hearing on an application filed by Eric Burdick, 1720 Belvo Road, Miamisburg, OH 45342. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 2.742 acres of land to renovate the existing Bruning's Clock Shop into a child care facility and to construct a 4,945 square foot addition located at 1481 North Fairfield Road. The property is further described as Book 5, Page 5, Parcel 183 on the Greene County Property Tax Atlas.

Karen Lampe, president of Creative Childcare Inc., explained the business was started in 1975 and run by her mother. She said they have eight programs in Montgomery, Clark, and Greene counties. Mrs. Lampe stated their programs serve about 800 children, and all the locations are Step Up To Quality rated which is Ohio's quality rating system. She said that shows parents that are looking for childcare a way to help them make decisions about what is a quality program to put their child in.

Mr. Burkett summarized the staff report dated May 27, 2011, which stated the applicant was requesting approval of a detailed ASRA site plan and related improvements to allow for the construction of an 11,000 square foot daycare center. He discussed the location of the site and the existing site conditions. Mr. Burkett said the property is zoned B-2 and a daycare center is an allowed conditional use, and on the Land Use Plan it is within a Planned Development Area so an ASRA approval is required. He reviewed the surrounding properties zoning districts and uses and the setback and buffer requirements. Mr. Burkett showed the site plan and explained the access on North Fairfield Road will be removed and the single access point will be located on the proposed 150-foot strip of Lantz Road which will connect with the existing signal. He discussed the parking requirements, and recommended adding a condition to require one additional handicap space. Mr. Burkett reviewed the dumpster location, the proposed shed, the building design and elevations, the lighting requirements, and the signage requirements. Staff recommended approval of the case with 19 conditions and proposed a Condition #20.

In public input, James Connell, representing the architectural company and the construction company, stated he would be available to answer questions about the

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construction or the finishes of the building. He said the type of material used for the base of the building would be hardiplank.

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

Mr. Tornichio asked when the driveway access on North Fairfield Road would be removed, if there will be grass planted and curbing installed to remove the driveway apron. Mr. Moorman stated that is something the applicant will take care of as part of the approval process, and they will also be required to bond that work to replace the curb appropriately. Mr. Tornichio referred to Condition #6, and questioned why there was not a condition added for the shed to be constructed out of materials to match the building also. Mr. Burkett said it is not in the conditions, but there is an elevation drawing of the shed that shows the materials it will be constructed. Mr. Tornichio asked if they are consistent with the building, and Mr. Burkett said even though they are not called out in the plans the applicant stated they are consistent. Mr. Tornichio requested a condition be added that would state the materials used for constructing the shed shall be consistent with the primary structure.

Mr. Tornichio requested Mr. Burkett explain Condition #19. Mr. Burkett stated as part of the application, the applicant will be building 150 feet of future Lantz Road. He said one option given to the applicant is for the City to construct the road and finance the project, and then it will be assessed back to the applicant as a property tax assessment over an undetermined number of years. Mr. Burkett stated the number of years is still up for negotiation and there is no requirement for the City to agree with the condition but it does give the applicant an option if they choose to use it. Mr. Tornichio said in his opinion the applicant and the architectural firm have created a very aesthetically pleasing facility on North Fairfield Road.

Mr. Kruszynski questioned if there would be any roof mounted structures that would be visible from North Fairfield Road. Mr. Burkett stated the HVAC units will be to the south of the building, and there will be landscaping to help screen the units. Mr. Connell stated there will be some venting for the kitchen and plumbing, but there are going to use residential style units so no one will see the items sticking up through the roof. Mr. Kruszynski had some aesthetic concerns with the storm water detention area. Mr. Burkett said some additional landscaping could be added to the east of the area to soften it from North Fairfield Road. Mr. Kruszynski asked if the mature trees located on the southeast portion of the lot were going to be removed. Mr. Burkett explained there are no plans to do any construction in that area, so the trees will not be removed.

Mr. Kruszynski asked about the proposed fence. Mr. Burkett explained the applicant is proposing a portion to be a coated chain link and a portion behind the existing building and in front of the building to be a decorative aluminum fence. Mr. Kruszynski questioned what the height of the chain link fence would be. Mr. Burkett said 60 inches. Mr. Kruszynski asked where the main entrance to the building was. Mr. Burkett showed

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the main entrance on the site plan. Mr. Kruszynski stated the proposed plan is a very nice design and thought it would work out very well. He questioned if the access point off Lantz Road would delay the construction of the facility. Mr. Connell said there is a process that has to be gone through to get the road put into place, and there is an inherent possibility it could drag out. He explained the applicant has a very good relationship with the neighbor so they hope it can be completed in a timely manner.

Mr. Gum said apparently the applicant only owns half of the road, and questioned if the rest had been dedicated or if the land will be dedicated to the City. Mr. Burkett explained one of the conditions of approval will require a subdivision and dedication of right-of-way along the entire frontage. Mr. Gum asked if it would be the entire 400 feet or just the 150 feet. Mr. McGrath stated on the plat there will be a dedication of right-of-way all along their controlled property line. He explained the City will not want to come back at a later date and acquire more right-of-way, and the ultimate plan is to have the road come out by the funeral home on Dayton-Xenia Road and Wallaby Drive. Mr. McGrath said in terms of only half the road being controlled at the private property line to the north, there will be some City activity in terms of eminent domain in taking some of the property to the north to make the roadway align appropriately with the Lantz Road intersection. Mr. Moorman said if the neighbors to the north choose the assessment route, the 150 feet of right-of-way would be rolled into the overall cost and would in turn be assessed back to the property owner for a number of years. He said that is the cost to purchase the land from the owner to the north to get the right-of-way. Mr. Moorman explained the process of acquiring right-of-way, and explained they try to avoid eminent domain. Mr. Gum asked if that could be a lengthy process. Mr. Moorman said it has the potential to be, but is hopeful it will not be because of the relationship between the two neighbors. Mr. Gum questioned if they will use the driveway as a construction access even though it is someone else's property. Mr. Moorman stated the driveway straddles the property line right now.

Mr. Groesbeck stated he thought this development was good for the area and the community. He questioned how many employees they will have and how many parking spaces are for visitors. Mrs. Lampe said the unique aspect of a daycare facility is the parents are only in the parking lot for a short amount of time, and they come and go over a span of time. She expects many times throughout the day there will be minimal cars. Mrs. Lampe stated if they are at maximum capacity there will be approximately 25 employees that would be there at a particular time. Mr. Groesbeck asked if they are going to have two vans. Mrs. Lampe said they will most likely have two buses to transport children to and from school. Mr. Groesbeck stated those will not be a visual issue because they will be blocked by the dumpster from North Fairfield Road, and asked if they would be located on the lot 24 hours a day. Mrs. Lampe said yes. Mr. Groesbeck was pleased to see the proposal of the access point on the future Lantz Road because of the danger of currently turning left out of the site. He liked the dumpster location and the traffic circulation on the site, and thought it would be a very nice project.

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Mr. Self said looking at the aerial it does not appear that this will create any landlocked parcels, which Mr. Burkett agreed. Mr. Self explained with only approximately 150 feet of Lantz Road being constructed there will not be any issues with traffic cueing at the single entrance/exit even though it appears to be approximately 60 to 80 feet from the intersection. He stated as Lantz Road is built out he thought that would be close, and questioned if a condition should be added that would say when and if Lantz Road is completed the access point should be moved further west. Mr. Moorman said Mr. Self is correct, and if the road is cut through, the current access point is going to be an issue, and he felt that would be a good condition to make. He suggested also requiring them to bond the movement of the entrance so there will be surety in place so the City can make that happen in the future. Mr. McHugh questioned if the access could be moved a couple of parking spaces to the west now because he could see a future issue with the City and the applicant disagreeing about stacking concerns.

Mr. Self asked what the standard distance is from a curb cut to the intersection. Mr. Moorman stated it would need to be moved at least 50 more feet to the west, which would be about five parking spaces. Mr. Self thought the circulation pattern would not be interrupted as long as the access point was constructed to the east of the dumpster location, which Mr. Moorman agreed. Mr. Self suggested adding a condition regarding this matter. Mr. Moorman thought so too, and said he believed the work needs to be bonded to make sure it would happen. Mr. Self asked what the hours of construction would be because the property does back up to residential properties. Mr. Burkett said a condition could be added that would limit the hours of construction Monday through Saturday from 7 a.m. to 7 p.m. Mr. Self asked if staff wanted to give the applicant the option to extend Lantz Road further back and move the access drive from the beginning. Mr. Moorman said the decision is up to the applicant, but in either case the issue will be solved. Mr. Self said it looks like a wonderful project, and he was glad they were locating in Beavercreek.

Mr. Tornichio asked when the applicant plans to take possession of the real estate. Mrs. Lampe stated they are looking at mid August. He questioned when she plans on opening the facility. Mrs. Lampe said she hopes by next summer.

Mr. Tornichio MOVED to approve PC 11-2 ASRA with 23 conditions, adding Conditions 20, 21, 22 and 23:

1. The approved plans for this development shall be the plans stamped "Received May 26, 2011", 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 Development Agreement and the release of any zoning permit for this project.

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3. This ASRA approval shall be considered approval for Conditional Use, as required in Section 158.171 (C) of the Zoning Code.
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. 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.
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 to match the building. 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. 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 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.
8. There shall be allowed up to one ground sign that shall be mounted on a brick base, be no more than 25 square feet per sign face and no taller than 5 feet in height. The final design and location shall be subject to review and approval by the Planning Department prior to a release of a permit for the sign.
9. All wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited
10. 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 16 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
11. The building exterior 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.

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12. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
13. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit 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 a permit for the project.
15. All service doors and downspouts shall be painted to match the building.
16. 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.
17. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
18. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the public improvements if required by the City Engineer.
19. The applicant may elect to petition the City to construct, build and finance the required Lantz Road improvements, by Special Assessment and pursuant to Ohio Law. If this election is made, the term and conditions under which the City may become involved in the construction of public improvements will be contained in an applicable Development Agreement and relevant associated Agreements to be negotiated between the Applicant, City and County. It is expressly understood that the City will have no obligation to enact any legislation regarding Special Assessment Petitions unless the Development Agreement and associated Agreements for the Lantz Rd. improvements are approved by Council.
20. The applicant shall be required to add an additional handicap parking space to the parking lot. A minimum of three handicap parking spaces shall be dedicated in the parking lot.
21. The seasonal shed shall be constructed of materials to match the building. The final design of the shed shall be reviewed and approved by the Planning and Zoning

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Department prior to the issuance of any zoning permits.

22. The exterior construction hours shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
23. The entrance/exit on Lantz Road shall be relocated a distance of approximately 50 feet to the west, when in the opinion of the City Engineer, the location needs to be moved due to traffic volume.

Motion was seconded by Mr. Groesbeck, and PASSED by a roll call vote of 5-0.

SUBDIVISIONS

S-11-3, Signal Hill, Final

Mr. McGrath summarized the staff report on a request by Synergy Mills Development, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431. The applicant is requesting approval of a final subdivision for Signal Hill located at 4083 Colonel Glenn Highway. This final subdivision will combine a part of Lot 1 of the William F. Wagner Plat and Lot 5 of the Ashford Center Plat into future Lot 1 of the Signal Hill Subdivision. The acreage of the newly created Lot 1 will be 8.859 acres. Staff recommended approval with 4 conditions.

Mr. Gum questioned if the cross access easement should be a condition. Mr. McGrath agreed it should be.

Mr. Self asked if the cross access easement needed to be specifically located. Mr. McGrath said he did not want to because staff is still working with the applicant and the adjacent property owner.

Mr. Kruszynski MOVED to approve S-11-3 with 5 conditions, adding Condition #5:

1. The approved record plan shall be the plan stamped "Received April 27, 2011", except as modified below.
2. 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.
3. All concerns and comments of the Planning and Zoning Department, City Engineer, Greene County Sanitary Engineer, and Greene County Auditor shall be addressed and satisfied prior to release of the record plan for recording.
4. Impact fees shall be required to be paid prior to the release of the record plan.
5. A cross-access easement will also be required through the newly created Lot 1 from the parcel to the east to allow for access to Eastside Drive and the future traffic

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signal at that intersection.

Motion was seconded by Mr. Gum, and PASSED by a roll call vote of 5-0.

Mr. Tornichio MOVED adjournment at 7:52 p.m., seconded by Mr. Kruszynski. Motion PASSED by unanimous voice vote.

Melissa Gillaugh
Deputy Clerk