

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING September 14, 2009 6:00 p.m.

PRESENT: Mr. Hadley, Mrs. Howard, Mr. Jarvis, Mr. Leonard, Mr. Petrak, Vice Mayor Giambrone, Mayor Vann  
ABSENT:

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

Mr. Petrak led the pledge and a moment of silence.

\_\_\_\_\_ MOVED to excuse \_\_\_\_\_, seconded by \_\_\_\_\_ it was approved by unanimous voice vote.

\_\_\_\_\_ MOVED to approve the agenda; it was seconded by \_\_\_\_\_ The Motion PASSED by unanimous voice vote.

PRESCHEDULED SPEAKER  
Ollie Davis Medical Center – Chris Stacey & Ken Malinowski

PUBLIC HEARING – PUD 09-1 Hanley Chiropractic Office Rezoning & Concept Plan

Clerk Bucheit read on an application filed by Stuart Hanley, 2190 Bandit Trail, Beavercreek, OH 45434. The applicant requests rezoning and concept plan approval of 0.899 acres located on the northwest corner of Richmar Drive and Factory Road from

B-2 General Business District to C-PUD Commercial Planned Unit Development. The

property is further described as Book 6, Page 14, Page 108 on the Greene County Property Tax Atlas.

Applicant

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Mr. Burkett The applicant is requesting approval of rezoning and a concept plan for 0.9 acres of vacant land located on the northwest corner of Richmar Dr. and Factory Rd. The applicant is requesting the property, currently zoned B-2 Community Business, be rezoned to C-PUD 09-1 to allow for the construction of a small professional office building with related site improvements, to be used as a chiropractic office.

Again, the property is zoned B-2 Community Business. In the current Zoning Code, there are 91 unique uses allowed in a B-2 zoning district. Among these are restaurants, gas stations, convenience stores, drug stores, numerous other commercial retail businesses, as well as physician (including chiropractic) services.

The surrounding Zoning Districts are as follows:

Direction	Zoning
North	B-3 (General Business)
South	B-2 (Community Business)
West	R-1A (One Family Residential)
East	Beavercreek Township

The City of Beavercreek Land Use Plan has designated this property as Neighborhood/Community Commercial/Office. Per the Land Use Plan, these districts are:

*“...intended to provide an area of transition between an emerging business area and a purely residential environment. The area is designed to provide local services to residents that live nearby as well as low intensity and small-scale office uses”.*

The proposed medical office building is consistent with the Land Use Plan.

In addition to being designated as Neighborhood/Community Commercial/Office, this property falls within a PDA overlay on the Land Use Map. As such, the Plan states that

*“...developments proposed in PDAs shall be processed in zoning as Planned Unit Developments (PUDs) or under certain circumstances be processed under the Administrative Site Plan Review Approval Process (ASRA)”.*

The rezoning of this property to C-PUD 09-1 would result in the applicant being required to go through the specific site plan stage of the PUD process, and get a site plan approved by the Planning Commission and City Council before any permits could be issued within the district.

**Proposed Zoning Change**

As stated above, in the current Zoning Code, there are 91 separate uses permitted within B-2 zoning districts. Below is a list of B-2 uses that staff proposes to remove from this district. These uses would generate commercial

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retail traffic volumes which are inappropriate at this location. The remaining 31 permitted office and professional uses of B-2 uses as shown in the Resolution are those which would not generate the same levels of traffic as a retail establishment.

The attached Resolution is proposing to eliminate the following uses from this parcel:

- *Antiques and secondhand merchandise stores (Conditional Use)*
- *Art and school supply stores*
- *Automobile parts and accessories (retail)*
- *Automobile service station (gas, lubricant, coolants, and accessories only)*
- *Bakery and donut shops (retail)*
- *Banking and bank related functions*
- *Banquet halls (Conditional Use)*
- *Bicycle sales (retail), rental and repair*
- *Business machine, sales and service*
- *Carry outs – beer, wine and party supply*
- *Catering service*
- *Cigars, cigarette and tobacco stores (retail)*
- *Church synagogue, temple and/or places of assembly (Conditional Use)*
- *Clothing, apparel and accessory stores*
- *Computers: sale and service of new and used desktop and lap top computers, components, software and peripherals*
- *Delicatessen*
- *Drapery stores*
- *Drug stores*
- *Dry-cleaning and laundry (pick-up stations)*
- *Electrical appliance repair services (Conditional Use)*
- *Electrical appliances and supplies-retail (Conditional Use)*
- *Floor covering stores*
- *Florist, retail*
- *Furniture, home furnishings and equipment-retail*
- *Furriers and fur apparel sales, repair and storage*
- *Garden stores, garden centers-retail*
- *Glass stores*
- *Gifts, novelties, greeting cards and stationery stores*
- *Grocery stores-convenience*
- *Grocery stores-including specialty stores such as meat, candy, dairy, and the like*
- *Hardware stores*
- *Heating, air conditioning and plumbing stores-retail (Conditional Use)*
- *Heating, air conditioning and plumbing service and repair (excluding well drilling) (Conditional Use)*
- *Hobby Shops*
- *Household appliances stores-retail*
- *Household appliance repair services (Conditional Use)*
- *Interior decorating stores and services*
- *Jewelry stores-retail*
- *Laundry and dry-cleaning-self service (coin-op) (Conditional Use)*
- *Locksmith*
- *Music, musical instrument stores-retail*
- *Newspaper, magazine and book stores-retail*
- *Civic, social and fraternal associations meeting rooms and offices*
- *Labor unions and similar labor organizations (excluding hiring halls)*
- *Office furniture stores-retail*

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- *Office supply stores*
- *Optical services and sales*
- *Paint and wallpaper stores*
- *Photographic supplies, services and studios*
- *Printing services*
- *Public buildings including community center buildings and libraries*
- *Residential cleaning services (Conditional Use)*
- *Restaurants-inside service only*
- *Savings and loan*
- *Schools are as follows:*
  - *Art and music schools*
  - *Dancing*
- *Security guards-live on premises (Conditional Use)*
- *Shoe repair, shoe shining and hat cleaning services*
- *Shoe stores*
- *Sporting goods stores-retail*
- *Tailor shops*
- *Taxidermist services*
- *Variety stores-retail*
- *Watch, clock and jewelry repair services*
- *Wig shops*

This proposed rezoning would add one additional use to the district that is not currently allowed, Veterinarians with kennels (non-boarding) as a conditional use, as noted in Condition #3.

The concept plan shows the existing property line as a bold black line around the entire property. Along Factory Rd., they have shown "Additional right-of-way per City of Beavercreek" 10 feet inside the existing eastern property line. At the specific site plan stage of the PUD, the applicant will be required, as a condition of approval, to dedicate to the City an additional 10 feet of right-of-way for future road projects on Factory Rd.

As shown on the concept plan, the proposed PUD will have a 40-foot building setback from the future Factory Rd. right-of-way/property line as designated by the City Engineering Department, which is 50 feet from the existing eastern property line. This put the proposed building setback line 60 feet from the existing pavement on Factory Rd. The parking setback will be 10 feet from the future right-of-way/property line, which is 20 feet from the existing eastern property line. There is a 40-foot building setback from the southern property line, which puts the proposed building setback line about 57 feet from the existing Richmar Dr. pavement. Again, the parking setback will be 10 feet from the existing southern property line. To the west of this site is a residential district. As such, they are required to have a 50-foot buffer. As noted on the concept plan, the only area of the 50-foot buffer to have pavement will be where the entry point/driveway to the site encroaches. This is designed as such so the future entry to the office building will line up with the existing entry to the Richmar Drive-thru to the south. Staff has added a condition that the 50-foot buffer be extended to the northern property line, and a 10-foot building and parking setback be added along the northern property line.

Based on this analysis, staff recommends approval of this request subject to the conditions outlined in the attached Resolution.

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Council

\_\_\_\_\_ MOVED to Approve PUD 09-1 Hanley Chiropractic Office and move it to the second and third reading, seconded by \_\_\_\_\_ it was approved by unanimous voice vote

ORDINANCE, RESOLUTIONS AND PUDS

Ordinance 09-27 Reorganization Public Administrative Services Department (Second Reading)

Clerk Bucheit read an Ordinance approving amendments to the Code of Ordinances, Chapter 30, Governmental Organization.

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This Ordinance moves automatically to the Third Reading.

Ordinance 09-30 Reduce Speed limit through Construction Zone (First Reading)  
Clerk Bucheit read an Ordinance to Authorize a Speed Limit of 25 miles per hour upon certain portions of Dayton-Xenia Road for the duration of construction and to amend Ordinance 83-18.

Mr. Beach

Council

\_\_\_\_\_ MOVED to Approve Ordinance 09-30 and move it to the second and third reading, seconded by \_\_\_\_\_ it was approved by unanimous voice vote

CITY MANAGER'S REPORT

Mr. Cornell stated

Mr. Cornell

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Mr. Cornell

Mr. Cornell

Mr. Cornell

Mayor's Report

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Council

\_\_\_\_\_ MOVED to adjourn the meeting at \_\_\_\_\_, seconded  
by \_\_\_\_\_. The motion PASSED by unanimous voice vote.

\_\_\_\_\_  
Mayor Vann

ATTEST:

\_\_\_\_\_  
Clerk  
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