

Agenda

Beavercreek Township Zoning Commission Work Session

**6/04/20
7:30 p.m.
851 Orchard Ln.
Beavercreek, OH 45434**

Note taker:

L. Brown, Zoning Inspector

Agenda Topics

Roll Call

Case #814 – Highway Business Overlay District

Adjourn

**- PUBLIC HEARING NOTICE -
BEAVERCREEK TOWNSHIP
ZONING COMMISSION
CASE #814**

The Beaver Creek Township Zoning Commission will hold a public hearing via Microsoft Teams and streamed live via Youtube (<https://www.youtube.com/user/BeavercreekTownship/videos>) on **Thursday, June 4, 2020**, scheduled to begin at 7:30 p.m.

The purpose of the hearing is so the Zoning Commission may review and act on a proposed amendment to the Beaver Creek Township Zoning Resolution being proposed by the Beaver Creek Township Community Development and Risk Assessment Department. The proposed amendment creates a new Article within the Beaver Creek Township Zoning Resolution that creates a Highway Business Overlay zoning district.

This notice was prepared and processed for publication by Associate Economic and Zoning Administrator Max McConnell in accordance with state requirements.

The Zoning Commission will make a recommendation to the Board of Trustees to approve, approve with conditions, or deny the proposed amendment. The Trustees will then make a final decision on the amendment at a separate Public Hearing.

The language for the requested text amendment may be viewed at the Zoning Office, 851 Orchard Lane, on or before the date of the public hearing by contacting the Zoning Office at 937-306-0065, M-F, 8:00 a.m. to 4:30 p.m.

Rationale/Support Document for Highway Business Overlay District Language

Beavercreek Township wishes to create a Highway Business Overlay (HBO) District along the US-35 road corridor. The HBO will allow the Township to address the needs of businesses within our central commerce area with increased speed and flexibility. This will, in turn, make the area more attractive to commercial development. Additionally, the HBO offers the Township increased control over the development standards within the HBO boundary. The HBO will allow the Township to better coordinate the growth and development of its central commerce area.

The boundary of the proposed HBO District includes key physical and political barriers. An illustration of the proposed HBO boundary can be seen in Appendix A: Proposed Boundary of HBO District. The boundary follows the geographic border of the Township on both the West and East sides of the district. To the North, the boundary line follows the Creekside Trail bike path. To the South, the boundary includes several areas intended for additional commercial development, such as the Valley Springs Farm Mixed-Used Planned Unit Development. In choosing the boundary lines, the Township considered the Beavercreek Planning Area Land Use Map found within the Perspectives 2020: Land Use Plan document. The map indicates that the areas within the proposed boundary line for the HBO are planned for commercial and industrial use or are only identified as Flood Plain areas. We have included the Ankeny Soccer Complex, which is planned as a recreational area, due to its commercial impact. The Complex hosts numerous large tournaments each year, drawing visitors to the commercial center of the Township. We have also included the Glenn Thompson Reserve, which we plan to zone as a recreational area. The reserve has potential to become a destination along the bike path and will be protected from any development.

The HBO can be considered through the lens of its relationship to the Underlying Base Zoning Districts (UBZDs) within the boundaries of the HBO. Many of the regulations for permitting, allowable lot sizes, parking requirements, landscaping requirements, and permitted uses within the HBO are pegged to the existing regulations of the UBZDs. This approach is designed to allow the Township to retain control of the permitted uses within each "sub-zone" of the HBO district, while standardizing the look and feel of the central commerce area. The Township plans to create several new UBZD classifications, including Active Recreation and Passive Recreation Districts, to follow with the recommendations in the Perspectives 2020: Land Use Plan.

While many similarities exist between the development requirements of the HBO and the UBZDs, there are some key differences that warrant the creation of the HBO. The Township wishes to allow for a higher development density within the central commerce area. Within the HBO boundary, structure coverage and impervious surface coverage limits will be higher than in their UBZDS. Language encouraging the use of pervious surfaces is included to allow even more flexibility in the layout of new development plans. Side setback requirements will be lowered to 10 feet. This allows for denser development that still allows fire trucks to fit between buildings. The maximum signage height limit will be increased in the HBO. Currently, no ground signs may be higher than 6 feet without obtaining a variance from the Board of Zoning Appeals (BZA). The Township has issued a number of signage height variances within the proposed HBO boundary, due to businesses' desire for sign visibility from US-35. As development continues within the HBO, and planned improvements are made to US-35, sign visibility will be a continuing concern for businesses.

In summary, Beaver Creek Township believes that the creation of a Highway Business Overlay District as proposed will result in stronger, more coordinated development along the US-35 corridor within the central commerce area of the Township. We hope that a thorough review of the proposed district by Greene County Regional Planning will help strengthen the proposed district.

Thank you,

Max McConnell

Assoc. Economic and Zoning Admin.

Beaver Creek Township

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Article (X): HBO - HIGHWAY BUSINESS OVERLAY DISTRICT

(X).1 Purpose

The purpose of the Highway Business Overlay District (HBO) is to establish special design standards that are unique to properties with visibility from US Route 35 (US-35). The standards are created specifically to address the unique existing and desired physical, architectural, and commercial characteristics that are inherent to this particular area in order to:

1. Benefit the property owners within and adjacent to the district;
2. Allow for uses that serve the community, as well as the region.
3. Guide appropriate change that will enhance the character and sustainability of the business climate; and
4. Promote development of the area adjacent to the highway in a coordinated manner.

X).2 Relationship to Underlying Base Zoning Districts

1. Development requirements of the HBO shall be applied in addition to any existing development requirements within underlying base zoning districts (UBZDs).
2. Where development requirements of the HBO conflict with the requirements in UBZDs which are not Planned Unit Developments (PUDs) the requirements of the HBO shall take precedence.
3. Where development requirements of the HBO conflict with the requirements in any Planned Unit Development (PUD), the requirements of the PUD shall take precedence.
4. If this Article does not mention or modify the requirements found in other Articles of this Resolution, the existing requirements of the UBZD shall be considered to be applicable unless specifically contradicted in this Article.
5. The Community Development and Risk Department may review conflicting requirements between the HBO and underlying zoning districts to determine which district's requirements shall apply, in keeping with the purpose statement of this Article.

(X).3 Overlay District Development Standards

1. Schedules of Permitted, Conditional and Prohibited Uses
 - a. The permitted uses for lots within the HBO shall follow the permitted and conditional uses of the underlying zoning district. See Table 2 of this Resolution for a matrix of permitted and conditional uses.
2. Allowable Lot Sizes and Coverage Limitations
 - a. Allowable lot sizes in the HBO shall be established in the underlying base zoning districts (see relevant Articles of this Resolution).
 - b. Structures shall not exceed 60% coverage of the land proposed for development.
 - c. Total coverage of structures plus other impervious surfaces shall not exceed 85% of the land proposed for development.

- i. Pervious surfaces, such as porous concrete, permeable asphalt, or interlocking permeable paving stones, shall not count towards the 85% maximum of allowable surface coverage.
 - ii. Pervious surfaces shall be engineered to retain at least the first inch of precipitation, and meet any requirements for pervious surfaces outlined by Greene County Soil & Water Conservation and the Greene County Engineer.
 - iii. Pervious surfaces shall be maintained and repaired as to reliably retain at least the first inch of precipitation, and to meet any standards outlined by Greene County Soil & Water Conservation and the Greene County Engineer.
 - 1. At the request of the Community Development and Risk Department, occupants of parcels containing pervious surfaces as described above shall present written documentation that those surfaces conform to any maintenance standards imposed by the Greene County Engineer and Greene County Soil & Water Conservation.
 - 2. If pervious surfaces fall out of good repair and cannot meet the standards required in this Article, such surfaces shall be repaired or replaced in such a manner as to conform totally to this Zoning Resolution.
- 3. Yards and Setbacks
 - a. Yard and Setback requirements shall adhere to those of the underlying base zoning district (see relevant Article of this Resolution), except that voluntary side yard setbacks shall be a minimum of ten (10) feet for properties located within the HBO.
- 4. Parking space requirements
 - a. Parking space requirements shall adhere to those of the underlying base zoning district (see relevant Article of this Resolution).
- 5. Landscaping and screening requirements
 - a. Landscaping and screening requirements shall adhere to those of the underlying base zoning district (see relevant Article of the Resolution).
- 6. All lots within the HBO will be subject to any Design Standards which are subsequently adopted by Beaver Creek Township.

X).4 Accessory Uses

Accessory Uses in the HBD-O shall adhere to those of the underlying base zoning district (see relevant article of the Resolution).

(X).5 Signs

Signage requirements shall be as outlined in a lot's UBZD (see Article 20 of this Resolution) with the following exceptions:

- 1. The allowable height of ground signs shall be fifteen (15) feet from the established grade of the US-35 road pavement to the top of the sign structure.

- a. Ground signs taller than six (6) feet above the grade of the US-35 road pavement shall be pylon signs.
2. Wall signs shall be allowable to the height of the primary structure on the lot in which the sign is displayed. Wall signs shall not extend above the roof of the primary structure to which the sign is attached.

(X).6 Permitting, approval and enforcement

1. The process for obtaining any permits for lots within the HBO shall follow the processes outlined in Section 19.03 of this Resolution for the underlying base zoning district of the lot, EXCEPT in the case of non-residential new building construction.
2. New non-residential construction permits issued for lots within the HBO shall be subject to a Specific Site Plan Review process as outlined in Section (X).7 and (X).8 of this Article.
 - a. Specific Site Plan applications shall not be considered officially filed until the applicant has submitted all applicable filing fees and submitted to the Zoning Department all information as may be required by this Zoning Resolution. Completeness of an application and submission of all necessary information is the responsibility of the applicant. Only after an application is determined by the Zoning Enforcement Officer and Planning Director to be complete and officially filed will application review procedures begin. Applications for specific site plan approval that do not adhere to the requirements of Section (X).7 of this Article may be considered to be incomplete, not officially filed, and not subject to Township review procedures.
 - b. The buildings, circulation, open space, landscaping and other elements of the proposed non-residential construction project shall be arranged, planned and designed on the site to produce:
 - i. Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;
 - ii. Safety, convenience and ease of pedestrian and vehicular movement on, about and throughout the site and between the site and the community;
 - iii. An overall positive visual quality throughout, into and from the project site.

(X).7 Specific Site Plan Application

The applicant shall officially file an application for a specific site plan with the Community Development and Risk Department. The applicant shall make payment to the Beavercreek Township in an amount equal to the established filing fee applicable to the specific site plan application. The application shall contain an application original and copies of all application materials in a quantity specified by the Zoning Administrator. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property, the application shall contain the name, address and

- telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for the specific site plan, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;
 3. The legal description of the property incorporated in the proposed specific site plan;
 4. A detailed site plan at a scale no smaller than one inch equals one hundred feet (1" = 100'), showing at minimum, the location, outline and use of all structures, all proposed public and private rights-of-way, vehicular streets and parking areas, pedestrian walkways and paths, and any bikeways. The applicant shall furnish an 8 1/2" x 11" transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen;
 5. All proposed vehicular parking areas shall be shown by total number of spaces, setbacks from structures and lot lines, dimensions of each parking space, location and dimensions of handicapped parking spaces, access aisles, points of ingress and egress, and landscaped areas. Fire lanes and location of "Fire Lane - No Parking" signs shall be shown;
 6. The dimensions, height, gross floor area, entrances and setbacks of all structures;
 7. The principal type of use, gross leasable floor area and entrances for all proposed business, office, industrial and nonresidential structures;
 8. A map with contour intervals of two (2) feet which shows the proposed final topography of the development site;
 9. Engineering studies and plans showing, to the extent determined appropriate by the Township, street improvements, nature and extent of earth work required for site preparation and development, location and size of water, sanitary sewer and storm drainage control systems, and waste disposal facilities;
 10. Location of fire hydrants and any fire connections to buildings;
 11. Any proposed street widening improvements and turn lane improvements adjacent to the project area;
 12. Landscaping plans including the location and size of all landscaped areas, the location of all natural screening devices, type (species) and location of proposed vegetation, location and type of exterior materials of man-made screening devices, and initial (planting) and permanent (mature) height of all screening and buffering;
 13. Lighting plans showing location and type of all proposed external lighting of parking, building and landscaped areas, streets and accessways;
 14. Any additional information that may be required by the Zoning Administrator within fifteen (15) days of the date of submission.

(X).8 Standards and Criteria for Specific Site Plan Approval

A specific site plan shall only be approved when the following standards and criteria are satisfied:

1. The specific site plan complies with the purpose and intent of this Zoning Resolution;

2. The proposed development carries out the purpose and intent of the Land Use Plan;
3. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
4. The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
5. The proposed streets and driveways on the site of the proposed project will be adequate to serve the residents, occupants or users of the proposed project, and the specific site plan, along with any necessary off-site vehicular circulation improvements, provides adequate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed project;
6. The proposed project minimizes conflicts between vehicular, pedestrian and bicycle circulation patterns and movement;
7. The benefits of the proposed project mitigate any burden on public services and facilities, including fire and police protection;
8. The Specific Site Plan Application has been reviewed by agencies with a demonstrable interest in the design and execution of the proposed project, including, but not limited to:
 - a. Beaver Creek Township Fire Prevention Department
 - b. Beaver Creek Township Road Department
 - c. Greene County Soil and Water Conservancy District
 - d. Greene County Sanitary Engineering
 - e. Greene County Engineer
 - f. Any other agency which the Zoning Administrator designates as a potential stakeholder in the outcome of the proposed project.

(X).9 Development Adjacent to the Creekside Trail Bike Path

Any parcel within the HBO and which also shares frontage with the Creekside Trail Bike Path shall also be subject to the following development requirements:

1. No structure shall be erected, nor artificial surfaces created, within one hundred (100) feet of the Creekside Trail Bike Path.
 - a. Paved surfaces specifically designed to function as ingress/egress points for travelers along the Creekside Trail Bike Path shall be exempt from this requirement.
 - i. Such surfaces shall be maintained in good repair and condition, and the responsibility of such maintenance shall be that of the owner or occupant of the parcel on which such surfaces are located.
2. In addition to any other landscaping and screening requirements found within a parcel's UBZD, parcels in the HBO which contain non-residential structures must provide screening when they abut or adjoin the Creekside Trail Bike Path. Such screening shall be located no farther than fifty (50) feet from the point at which the parcel abuts or adjoins the lot line of the Bike Path.
3. Screening shall be provided for one or more of the following purposes
 - a. As a visual barrier to partially or completely obstruct the view of structures or activities in order to minimize or prevent nuisances;
 - b. As an acoustic screen to aid in absorbing or deflecting noise; and

- c. For the containment of ambient debris and litter;
4. Screening may be one of the following, or a combination of two or more:
 - a. A solid masonry wall;
 - b. A solidly constructed decorative fence;
 - c. A louvred fence;
 - d. Dense evergreen plantings, and/or
 - e. Landscaped mounding with ground cover

(X).10 Other Applicable Regulations

1. It is recommended that all utilities be located underground in all new developments to the extent technically practicable.
2. In addition to the specific requirements of the overlay district established above, development within the district shall be subject to all other applicable requirements for development as established in this resolution.

(X).11 Non-Conforming Uses, Land, Buildings, and Structures

Nonconforming uses, land, buildings, and structures located in the HBO shall be processed per Section 18.27 (Nonconformities) of the Beavercreek Township Zoning Resolution.

(X).12 Appeals and Variances in Overlay Districts

The following provisions shall apply to appeals and variances in the overlay district outlined in this Article above:

1. At the discretion of the Community Development and Risk Department, administrative approval may apply to any permitted use or change of use that would not significantly affect the nature or appearance of the premises involved. Such actions shall be excluded from the requirements of this Article.
2. All uses not identified as permitted uses are prohibited or require a conditional use permit. Conditional use permits may be granted by the Board of Zoning Appeals, as described in Article 22 of this Resolution.
3. Fences, walls, signs, and similar types of improvements, or additions or alterations that will not significantly affect the appearance or function of existing uses will require administrative approval only. Such approval may be obtained by applying for a permit as described in Section 19.03 of this Resolution.