

**Planning Commission
Aug 27, 2019 Meeting
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 7:00 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Vargo, and Mr. Walton
Staff Present: Staff Present: Scott Falkowski, Assistant City Manager

III. Opening Remarks by the Chairman and Commissioners

None.

IV. Citizens Comments

Glenn Otto, 7077 Sandelview Drive. In reference to our parking regulations around town specifically in reference to semitrucks. An individual drops a trailer say at FedEx and they do this on Friday and not leaving town until Monday but not local people. So, they go to a hotel and spend the weekend there. Apparently, they can't park anywhere outside the hotel's parking lot. A driver parked in the Merrily Way circle and Zoning and Police said he had to check out of the hotel he was staying at. Mr. Otto wants to try and figure out somewhere to put these guys. Be nice to have a municipal parking space for truck drivers. Mr. Falkowski said he would dig into the code and come back with an answer. Ms. Opp stated trucks park by the IHOP. Mr. Falkowski stated that there have been violations there. Mr. Vargo stated when ABF came here, it was brought up that the city doesn't own any land to allow truck parking. Shopping centers are private property. Codes say you can't park on the street. Long standing problem. Richard Shaw, 7640 Rainview Court. When large bands come to the Rose Music Center, they stay at our hotels. They park their units in the hotel parking lots.

V. Swearing of Witnesses

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All person's present responded in the affirmative.

VI. Pending Business

None.

VII. New Business

- 1. **REZONING - The applicant, ENGAGE CITY CHURCH, is requesting approval to Rezone from PC (Planned Commercial) to PP (Planned Public and Private Buildings and Grounds) for a Place of Worship (ZC 19-37).**

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Mr. Falkowski stated that at 4:50 he received a phone call from the real estate agent for this project and they would like to request to table this item indefinitely. They have some issues to work out before they really want to get through this process.

Action

Mr. Vargo moved to table the request by the applicant, ENGAGE CITY CHURCH, for approval to Rezone from PC (Planned Commercial) to PP (Planned Public and Private Buildings and Grounds) for a Place of Worship (ZC 19-37) in accordance with recommendations of Staff's Memorandum and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Ms. Opp, Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion passes to table 4-0.

2. DETAILED DEVELOPMENT PLAN - The applicant, DDC Management, LLC, is requesting approval of a Detailed Development Plan for Lexington Place, Section 9 (ZC 19-38).

Mr. Falkowski said that this Section 9 is a new section of 55-foot and 65-foot minimum width lots connecting the remaining land in the Lexington Place Development. Section 9 is proposed to contain 36 new houses, along with all applicable utilities, streets and easements.

The 36 proposed single-family lots meet the minimum dimensional and area requirements of the 2017 Basic Development Plan conditions of approval with 55-foot and 65-foot minimum width lots for Section 9. The 65-foot minimum lots are those that abut existing side yards of existing lots in the Lexington Place Development. This section is split into two areas, one is an extension of Gulf Stream Place to the east terminating in a cul-de-sac and the other is the connection of Derby Place from the north and south. The drainage from these sections flow into existing drainage structures within the development. The existing retention ponds were designed to handle this flow from previous sections. Public water and sewer are being extended through this section to service the lots. The next step would be the final plat for the sections before they can fill the houses themselves. Similar to previous section. No fire or engineering comments.

Mr. Jeffries asked for clarification on lot 270, Mr. Falkowski stated that 43.85 is the straight line and then the curve piece. Total width of lot is 55.01.

Ms. Opp asked about them following the procedure when pouring the foundations. Mr. Falkowski said it has been brought up the past 2 Planning Commission meetings, that has not come through City Council to revise our ordinances. Still Ryan Homes building here.

Mr. Jeffries asked how to get it back through. Ms. Vargo stated she thought it was in place. Mr. Falkowski said verbally it is in place but because there is a lot more builders than just one builder. We want to make sure the process is correct. Ms. Vargo wants in the next meeting to hear that the process is moving along. Mr. Falkowski stated they will have something official at the next meeting. Ross Behnfeldt, DDC Management, 3601 Rigby Road, Miamisburg, Ohio. This will be the last 30 lots of the subdivision. Currently constructing phase 8 which

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will connect Chambersburg with Fishburg. Will start sometime around the May 1 timeline and finish going into the fall of 2020.

Richard Shaw stated that handouts he gave are a list of neighbors with many issues. Construction of homes, infrastructure placement, noise complaints, after hour working, and complete disregard for the community. Reckless driving of construction machines, trash all over the roads and yards, basketball hoop being destroyed, pool areas having dirt and construction debris, concerns about the quality of homes and framing, a neighbor issue and a request for additional green space. Complaints of cracked basement walls, children safety in the area, cracked porch and entrance areas, sump pump issues, completed driveways, and trash dumping. Complaints made to DDC and the builder with no return call. No official HOA there. All these issues are within this calendar year.

Mr. Falkowski addressed some general issues like trash and property maintenance are Code Enforcement issues. Reckless driving may be a police issue. Mr. Shaw said a uniformed contact list would be helpful.

Mr. Falkowski said cracked basements would be the builder's issue. Concern about changing plans, they are following what has been approved through City Council. Building Lots are approved for building lots, not additional green space. Noise, our construction code is 7am to 10pm. Ongoing construction will have dirt. Can't control the dust at a construction site. Mr. Shaw stated it is important to these residents to have their concerns heard by this commission.

Ms. Vargo asked development behind Santa Anita is not a part of this project.

Mr. Falkowski stated if it's to the south, that's what this is.

Mr. Falkowski stated he does receive phone calls prior to the meetings.

Mr. Jeffries brought up about the trash all over the roads and yards. We can reach out to the builder. They should be responsive.

Ms. Opp asked about cracked porch and driveways being the builder responsibility. Mr. Falkowski said yes. Ms. Opp asked if the city ever steps in if the builder continually has complaints. Mr. Falkowski said this is to approve the lots, not the builder.

Ms. Vargo asked if there is a standard for mixing concrete. Who keeps track of that? Mr. Falkowski said when we have curb work done, we have standards of certain PSI. Bowser Morner does are testing for us. There are requirements through the county for strength of concrete.

Mr. Jeffries asked about the standard of sidewalk, apron and curb, is that different than the driveway. Mr. Falkowski said yes there is a city spec. Mr. Jeffries asked if we can approve the driveways down the road. Mr. Falkowski will look into how far we can go.

Nancy Byrge, 5198 Rainwood Court. When you have a home built there is a warranty list. The homeowner should identify the initial problems.

There has got to be a requirement that home builders at least clean the streets on a Friday night. Do we have a bond that we hold back to pay the homeowners to have these instances corrected if the developer won't come out and do that?

Mr. Falkowski there is a bond for public utility work. You mentioned DDC, homebuilder, there is a difference. DDC is developing the streets, the DPL service line is on the home builder. Depends on the case. The bond is for correcting an issue that is not per plan. If they go over a property line and they do damage, that is a court issue. In an easement that is a different story. Not something a bond is for. The city doesn't regulate property lines.

Ms. Byrge said we should hold our developers accountable.

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Mr. Falkowski said there is not a bond to fix a neighboring yard unless it's within an easement or a public infrastructure issue.

Mr. Byrge asked if they knocked down some trees, would the bond cover that?

Mr. Falkowski said the city doesn't have verification whether they were over the property line or not.

Ms. Byrge said we should take better care of our citizens.

Mr. Jeffries asked couldn't this be put in #6. Mr. Falkowski stated a violation can be issued but it's not a release of a bond.

Mr. Jeffries asked what is the violation process? Mr. Falkowski explained it.

Ross Behnfeldt, DDC Management. There is an HOA that will oversee the approval process in regard to property improvements.

Ms. Vargo asked if it is actually in existence? Mr. Behnfeldt said there is an HOA that is not functioning. For the lots rezoned in 2017 they are managed under an HOA today.

Mr. Behnfeldt said he isn't aware of any conflicts with property lines currently.

Sherri Sadowski, 4569 Pimlico Place. Her concern is multiple times they block access to the cul-de-sac. One way out. It continues to happen.

Mr. Falkowski will reach out with that issue. Call us and an inspector will address.

Ms. Sadowski said the noise complaint was about the music being played. Workers blasting music on a school night.

Action

Mr. Jeffries moved to approve the request by the applicant, DDC Management, LLC, for approval of a Detailed Development Plan for Lexington Place, Section 9 (ZC 19-38) in accordance with recommendations of Staff's Memorandum dated 8-20-19 and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Opp, Ms. Vargo, Mr. Jeffries, and Mr. Walton. NAYS: None. Motion to approve carried 4-0.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the August 13, 2019, Planning Commission meeting are approved.

X. Reports and Calendar Review

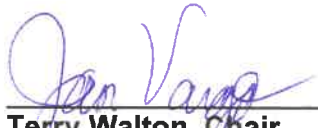
Tabled item

Carriage Trails Section 17, The Brown Farm – DDP
Placement of houses

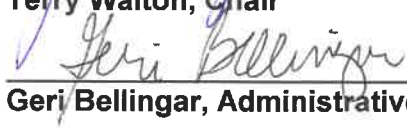
XI. Adjournment

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There being no further business to come before the Commission, the meeting was adjourned at approximately 8:08 p.m.



Terry Walton, Chair



Geri Bellinger, Administrative Secretary

9/10/19

Date

9/10/19

Date