

AGENDA
CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
February 23, 2021
6:00 P.M.

1. Call Meeting To Order

2. Roll Call

3. Opening Remarks By The Chair and Commissioners

4. Citizens Comments

5. Swearing of Witnesses

6. Pending Business

   A. None

7. New Business

   A. DETAILED DEVELOPMENT PLAN - The applicant, DEC LAND CO I, LLC, is requesting approval of a Detailed Development Plan for Section 6, Phase VI and Phase VII of the Carriage Trails Development (ZC 21-05).

8. Additional Business

   A. None

9. Approval of Minutes

   A. Planning Commissin February 9, 2021

10. Reports and Calendar Review

A. Rezoning, Broad Reach Retail Partners, LLC

11. Upcoming Meetings

A. Tuesday, March 9, 2021

B. March 23, 2021

12. Adjournment

AI-7445 **7. A.**

Planning Commission

Meeting Date: 02/23/2021

Detailed Development Plan

Information

Agenda Title

DETAILED DEVELOPMENT PLAN - The applicant, DEC LAND CO I, LLC, is requesting approval of a Detailed Development Plan for Section 6, Phase VI and Phase VII of the Carriage Trails Development (ZC 21-05).

Purpose and Background

Attachments

Staff Report

Decision Record

Drawings

Fire Assessment

Memorandum

Staff Report for Meeting of February 23, 2021

To: Huber Heights City Planning Commission

From: Scott Falkowski, Assistant City Manager

Date: February 17, 2021

Subject: ZC 21-05 (Detailed Development Plan Carriage Trails Sec. 6, Ph. VI & VII)

- Application dated January 29, 2021

Department of Planning and Zoning City of Huber Heights

APPLICANT/OWNER:	DEC Land Co I LLC – Applicant/Owner
DEVELOPMENT NAME:	Carriage Trails - Section 6, Phase VI & Phase VII
ADDRESS/LOCATION:	South Side of Carriage Trails Parkway
ZONING/ACREAGE:	Planned Mixed (PM) / 24.28 acres
EXISTING LAND USE:	Residential
ZONING ADJACENT LAND:	Planned Mixed (PM)
REQUEST:	The applicant requests approval of the Detailed Development Plan for Section 6, Phase VI & Phase VII of Carriage Trails.
ORIGINAL APPROVAL:	ZC 08-02
APPLICABLE HHCC:	Chapter 1171
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STATEMENT OF FACT:

The applicant requests approval of a Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII of the Carriage Trails Development, which includes 32 single-family lots in Phase VI and 50 single-family lots in Phase VII.

STAFF ANALYSIS AND RECOMMENDATION:

Overview

Section 6, Phase VI and Section 6, Phase VII is a new section of 60 and 70-foot lots south of Carriage Trails Parkway and North of the existing H.C. Huber Plat No. 60. Section 6, Phase VI is proposed to contain 32 new houses, along with all applicable utilities, streets, and easements. Section 6, Phase VII is proposed to contain 50 new houses, along with all applicable utilities, streets, and easements.

Lot Analysis

The 82 proposed single-family lots meet the minimum dimensional and area requirements of the 2008 Basic Development Plan conditions of approval with 60-foot widths and 130-foot depth minimums for Section 6. The lots are considered small single-family lots per the Basic Development Plan and fit within the "Bubble Plan" that was approved at the rezoning.

One condition in the Basic Development Plan that affects this Section is as follows:

10. Lots in Sections 6, 8, 10 and 13, which are located along the southern project line and/or abut existing single family lots shall have dimensions equal to or greater than the dimensions of the existing lots outside of Carriage Trails to create a transition between the existing and new development.

After reviewing the lot sizes of the southern neighboring properties, the southern lots will be required to be 70 feet wide or wider. This condition affects lots 31 through 50 and 199, which comply with the lots having widths of 70 feet.

This is the sixth and seventh phase of Section 6 which continues the growth to the south of Carriage Trails Parkway and to the east of Section 6, Phase I.

The southern property line has a line of mature trees. There are some dead that will be required to be removed. The Developer has agreed to save as many existing living mature trees as reasonable.

This Section also makes a connection to Trowbridge Way to the south. All construction traffic shall come from within the Carriage Trails development and not from the existing neighborhood to the south.

Engineering

The drainage from these sections flow to the east into existing and proposed detention basins. Public water and sewer are being extended through this Phase to service the lots from the west. Engineering has worked through a set of comments and is working with the applicant's engineer on any issues.

Platting

Pending the approval of this Detailed Development Plan application, the final legislative approval needed will be a final subdivision for this section of the development.

Recommendation

After review of the applicant's proposal, staff recommends approval of the Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII in accordance with the conditions contained in the proposed Decision Record for Planning Commission's consideration.

Planning Commission Decision Record

WHEREAS, on January 29, 2021, the applicant, DEC Land Co I LLC, requested approval of a Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII of the Carriage Trails Development (Zoning Case 21-05), and;

WHEREAS, on February 23, 2021 the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approved the request.

_____ moved to approve the application by the applicant, DEC Land Co I LLC, for approval of a Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII of the Carriage Trails Development (Zoning Case 21-05) in accordance with the recommendation of Staff's Memorandum dated February 17, 2021, with the following conditions:

1. All previous PUD regulations shall remain in full force and effect unless specifically modified herein.

2. The Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII shall be the plans stamped received by the City of Huber Heights Planning Department on January 29, 2021.

3. No construction traffic shall use Trowbridge Way except for utility work on Trowbridge Way.

4. Prior to issuance of Permits, the applicant shall address comments from the Fire and Engineering Departments.

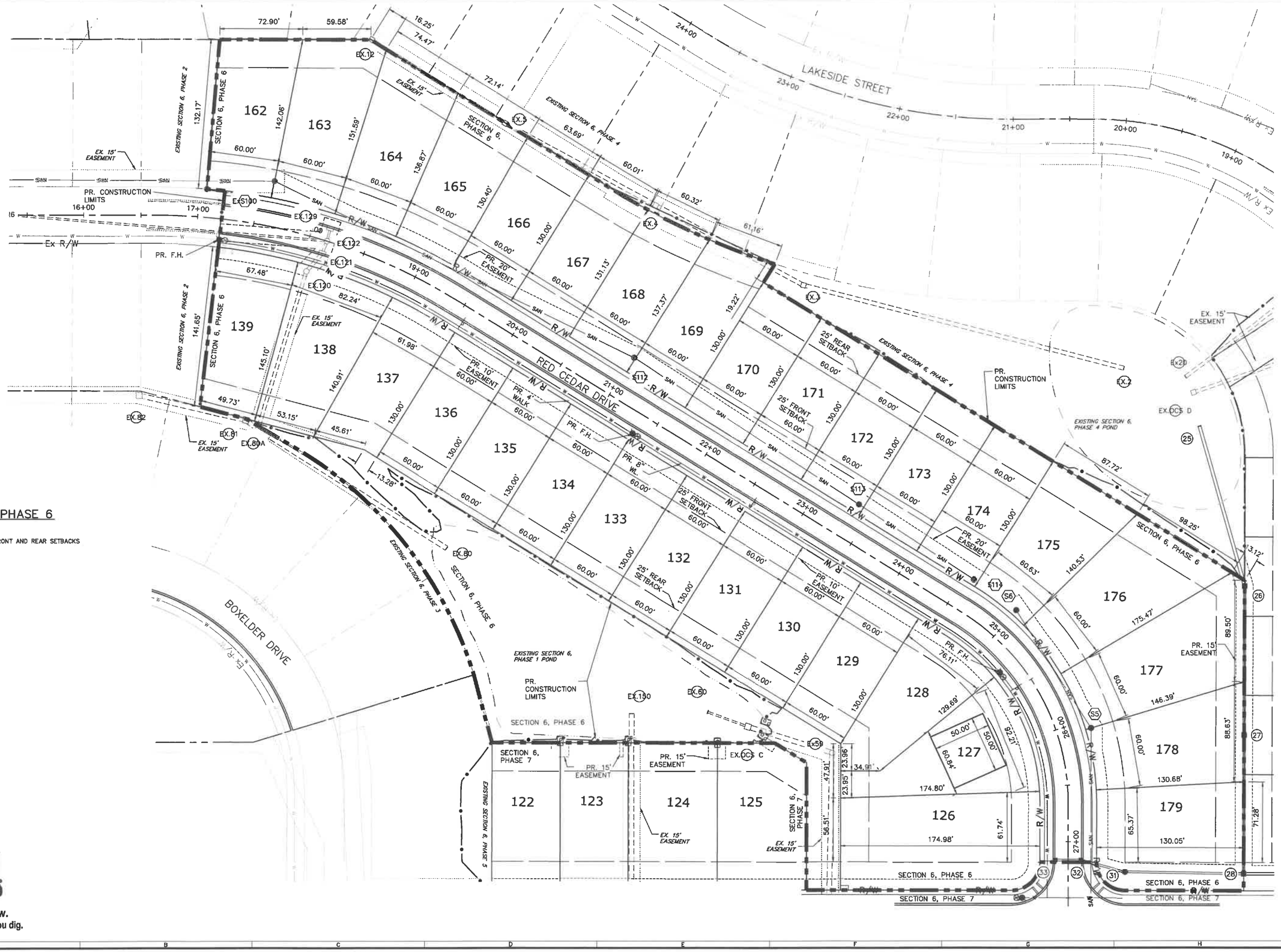
5. Prior to construction of Section 6, Phase VI and Section 6, Phase VII, the applicant shall obtain a grading permit and pay all inspection and review fees.

6. Prior to the issuance of a permit for any of the lots within Section 6, Phase V! and section 6, Phase VII of the development, the applicant shall obtain approval of a final subdivision for the subject area.

7. Prior to the issuance of a zoning permit for any of the lots contained in Section 6, Phase VI and Section 6, Phase VII, the applicant shall enter into a PUD Agreement with the City for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning and Development Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning and Development Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning and Development Department, and upon determination by the Department that the landscaping has been completed in accordance with the approved landscaping plan, 80% of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons, or letter of credit equal to 20% of the initial performance bond or letter of credit to ensure maintenance of the landscaping, is submitted to and accepted by the Planning and Development Department. The term of the maintenance bond shall be three growing seasons.

Seconded by _____. Roll call showed: YEAS: ____. NAYS: ____. Motion to approve carried ____.

_____ _____
Terry Walton, Chair Date
Planning Commission



SECTION 6, PHASE 6

TOTAL 32 LOTS;

*ALL LOTS HAVE 25' FRONT AND REAR SETBACKS

Know what's below. Call before you dig.

GRAPHIC SCALE

40 20 0 40

(IN FEET)

1 inch = 40 ft.

IBI GROUP
23 Triangle Park Drive
Cincinnati OH 45246
tel 513 942 3141
fax 513 881 2263
Contact: Jeff Koehn Ext: 51907
ibigroup.com

REVISION:

SUBMISSION:

12/04/20	INITIAL PERMITTING
01/28/21	DDP SUBMISSION
02/10/21	CITY RESUBMITTAL

- ☐ PRELIMINARY ENGINEERING SET
- ■ AGENCY REVIEW SET
- ☐ CONSTRUCTION DOCUMENT SET
- ☐ AS-BUILT DOCUMENT SET

STAMP:

RECEIVED
JAN 29 2021
By

HUBER HEIGHTS

CARRIAGE TRAILS

SECTION 6, PHASES 6 & 7

DESIGN	DRAFT	CHECK
EFR	RLH	JBK

IBI NO.: 126545

DATE: FEBRUARY, 2021

SCALE: HORIZONTAL: 1" = 40'

SHEET TITLE:

PLANNING AND ZONING

SHEET NO.: 1/3

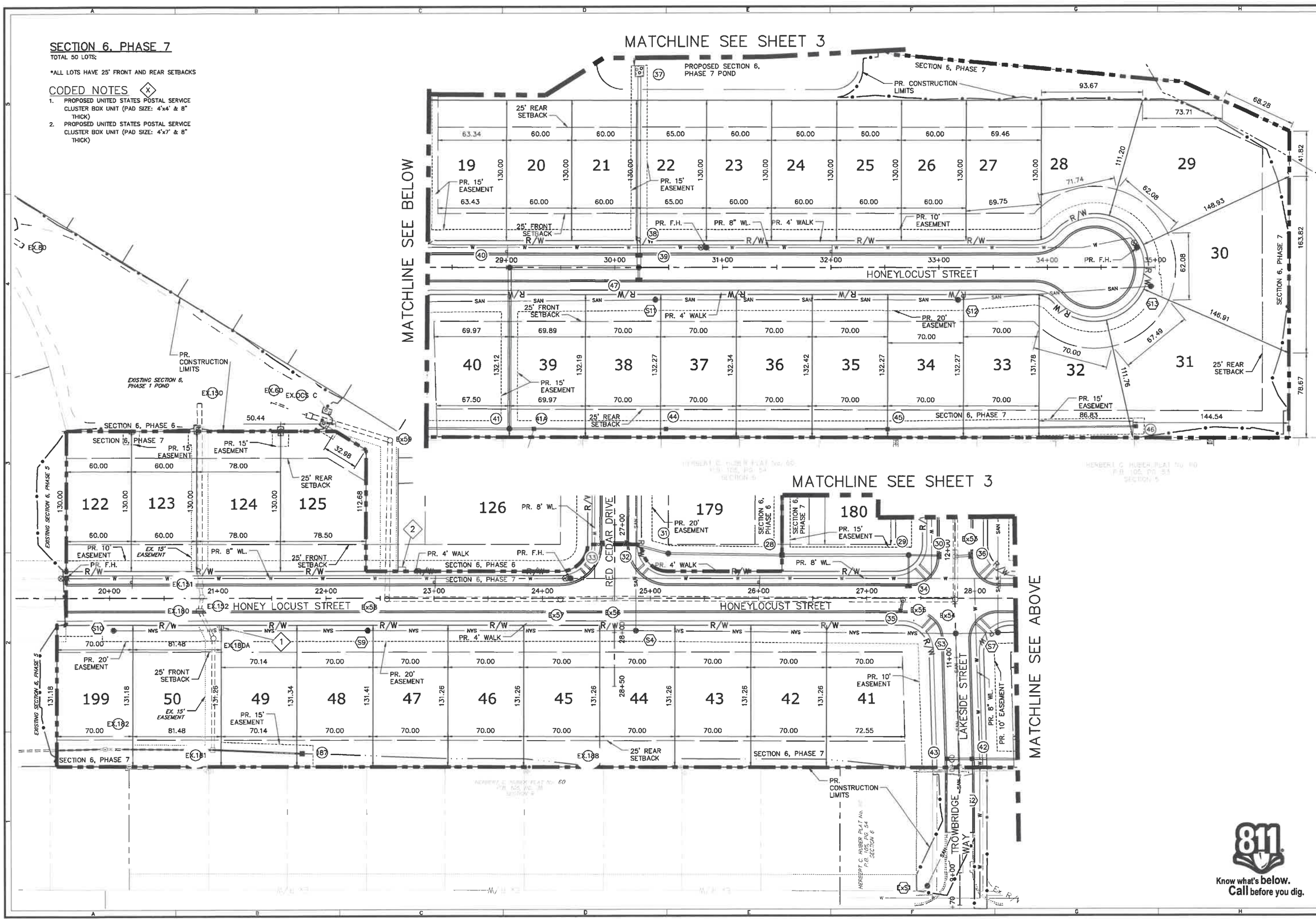
SECTION 6, PHASE 7

TOTAL 50 LOTS;

*ALL LOTS HAVE 25' FRONT AND REAR SETBACKS

CODED NOTES (X)

1. PROPOSED UNITED STATES POSTAL SERVICE CLUSTER BOX UNIT (PAD SIZE: 4'x4' & 8" THICK)
2. PROPOSED UNITED STATES POSTAL SERVICE CLUSTER BOX UNIT (PAD SIZE: 4'x7' & 8" THICK)



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HUBER HEIGHTS

CARRIAGE TRAILS

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EFR	RLH	JBK

IBI NO.: 126545

DATE: FEBRUARY, 2021

SCALE: HORIZONTAL: 1" = 40'

SHEET TITLE: PLANNING AND ZONING

SHEET NO.: 2/3

811 Know what's below. Call before you dig.

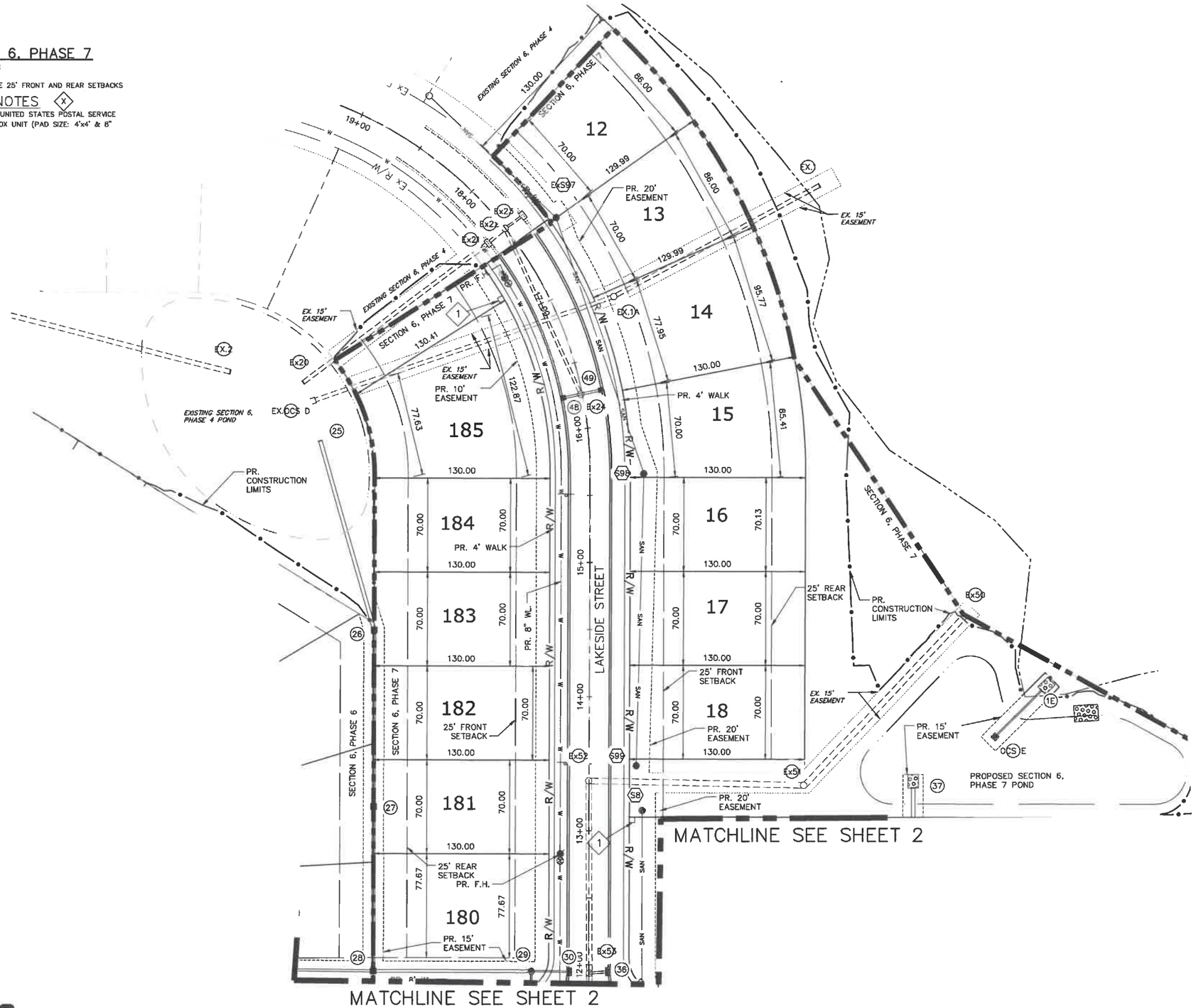
SECTION 6, PHASE 7

TOTAL 50 LOTS:

*ALL LOTS HAVE 25' FRONT AND REAR SETBACKS

CODED NOTES (X)

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- [x] AGENCY REVIEW SET
- [ ] CONSTRUCTION DOCUMENT SET
- [ ] AS-BUILT DOCUMENT SET

STAMP:

HUBER HEIGHTS

CARRIAGE TRAILS

SECTION 6, PHASES 6 & 7

DESIGN	DRAFT	CHECK
EFR	RLH	JBK

IBI NO.: 126545

DATE: FEBRUARY, 2021

SCALE: HORIZONTAL: 1" = 40'

SHEET TITLE:

PLANNING AND ZONING

SHEET NO.: 3/3

Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Carriage Trails
Occupancy Address:	Section 6, Phase 6 & 7

Type of Permit:	HHP&D Site Plan
Additional Permits:	Choose an item.

MCBR BLD:	N/A	HH P&D:	N/A
MCBR MEC:	N/A	HHFD Plan:	21-030
MCBR ELE:	N/A	HHFD Box:	49
REVIEWER:	Susong	DATE:	2/9/2021

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

Approved per Review of Ohio Fire Code and adopted Life Safety Standards related to Drive Access and Hydrant Placement.

Requirements:

- **Fire Hydrants: Hydrants shall be spaced no greater than 500 feet apart and within 400 feet from any opening in any building. Please confirm locations.**
- **In accordance with Huber Heights Codified Ordinance 1521.06 (b)(1), "The Fire Code Official shall make a determination if a double Storz hydrant is needed in residential areas with single family homes greater than 3600 square feet." If homes in this area exceed 3600 sq. ft. please advise.**

Recommendations:

- **2017 Ohio Fire Code: 503.2.1 and 503.4 fire lanes shall maintain a width of 20 feet exclusive of shoulders, and cars cannot be parked to obstruct that 20 feet width. Consider fire lane on one side of street to meet 2017 Ohio Fire Code. (The recommendation is to place the "No Parking Fire Lane" signage on the side of the street with Fire Hydrants).**

Please reference contact information below for questions or concerns with this document.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2011 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statues and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

Administrative Office: 7008 Brandt Pike Huber Heights, Ohio 45424
Telephone: (937) 233 - 1564 Fax Number: (937) 233 - 4520

AI-7457 **9. A.**

Planning Commission

Meeting Date: 02/23/2021

Minutes

Information

Agenda Title

Planning Commissin February 9, 2021

Purpose and Background

Attachments

Minutes

Planning Commission
February 09, 2021 Meeting
City of Huber Heights

I. Vice Chair Jan Vargo called the meeting to order at approximately 6:0 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Thomas, and Ms. Vargo.

Member absent: Mr. Walton

Staff Present: Scott Falkowski, Assistant City Manager, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. Opening Remarks by the Chairman and Commissioners

None.

IV. Citizens Comments

None.

V. Swearing of Witnesses

Ms. Vargo 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 persons present responded in the affirmative.

VI. Pending Business

None.

VII. New Business

1. **REZONING - The applicant, CAMPBELL BERLING HUBER HEIGHTS, LLC, is requesting approval of a Rezoning from R-4 (Residence) to PR (Planned Residential) for property located on Chambersburg Road (ZC 21-04).**

Mr. Falkowski stated that the applicant requests rezoning from R-4 (Residence) to PR (Planned Residential).
The applicant is looking to develop 21.4 acres on the south side of Chambersburg Road. In 2003 the owner rezoned the property from R-1 to R-3. The intent was to build forty-six (46) residential lots. The next request was to rezone from R-3 to R-4 to allow for a higher density. This was approved by City Council and is the current zoning designation. The current request is to rezone to PR Planned Residential to allow for a little more flexibility.

The Zoning Code for each are as follows:

CHAPTER 1147
"R-4" Residence District (Existing Use)
1147.01 PRINCIPAL PERMITTED USES.
The following uses shall be permitted of all property located in this District:
(a) One-family dwellings; and
(b) Home occupations.
1147.02 ACCESSORY USES.
Only the following accessory uses shall be permitted in this District:
(a) Uses customarily incident to all principal permitted uses;
(b) One (1) name plate for each dwelling indicating the name of the occupant;
(Case 336, 9-30-73)
(c) A sign advertising sale, rent, lease or trade of the property upon which such sign is placed; and
(d) Temporary buildings and uses for construction purposes not to exceed twelve (12) months.
1147.03 HEIGHT STANDARD.
No building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
1147.04 AREA STANDARD.
All lots shall have an area, frontage and yard requirements as follows:

				Side Yard Widths		
	Lot (square feet)	**Lot Frontage (feet)**	***Front Yard Depth (feet)**	**Least Width (feet)**	**Sum of Least Width (feet)**	**Rear Yard Depth (feet)**
Dwellings	7,500	60	25	8	20	40

* The front yard depth shall be measured from the established right-of-way lines as shown on the legal Official Thoroughfare Plan.
1147.05 SPECIAL USES. (Case 101, 6-29-87)
The following shall be permitted as a special use:
(a) Kindergartens, day care centers or nurseries in accordance with the provisions of Chapter 1135A.

The R-4 District matched the zoning of the Stoney Creek Development directly to the east and is similar to the R-4B zoning of the Lexington Place development to the west. To the south, the residential development is R-1, but Aaron Lane will not be connected through to this development or Chambersburg Road.

CHAPTER 1172 - (PR) PLANNED RESIDENTIAL DISTRICT[42]

1172.01 - Principal permitted uses.

The following principal uses are permitted, provided that they are approved as provided for in this chapter:

(a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family dwellings, including garden apartments, row houses, quadraminiums and condominiums;

(b) Churches and other places of worship;

(c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;

(d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and

(e) Uses designed solely to serve in a complimentary way the needs of this District above.

1172.02 - Accessory uses.

The following accessory uses are permitted:

(a) Uses customarily incidental to all permitted uses; and

(b) Temporary structures and uses required during construction in this District.

1172.03 - Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions", shall govern. In addition, the following development standards apply:

(a) *Minimum "PR" Land Area Requirement.*

(1) A minimum of one acre shall be required.

(b) *Dwelling Unit Density—Five Dwelling Units.*

(1) The average dwelling unit density for the entire district shall not exceed five dwelling units (DU) per acre.

(2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved detailed final development plans, except that:

A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(c) *Dwelling Unit Density—Eight Dwelling Units.*

(1) Dwelling unit density for the entire district shall not exceed eight dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 16 dwellings.

(2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that:

A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(d) *Dwelling Unit Density—Twelve Dwelling Units.*

(1) Dwelling unit density for the entire district shall not exceed 12 dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 24 dwellings.

(2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved detailed final development plans, except that:

A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.

(e) *Character of Neighborhood.* Use of the Planned Residential Zoning District for developments with a proposed dwelling unit density greater than five dwelling units per acre shall be considered only when the district is bounded at least on one side by R-5, R-6, R-7, O-1, B, I, or Planned Development Districts.

1172.04 - Parking and loading.

(a) The provisions of Chapter 1185, "Parking and Loading", shall apply, except that at least two permanently maintained parking spaces shall be provided for each family unit, except for detached single family dwellings.

(b) Required parking spaces shall not be part of public thoroughfares, private roads leading to and serving the sites of the various uses in this district.

1172.05 - Utilities.

The distribution systems for utilities are required to be underground.

The request is for the following:

Development Standards

General:

1. The PRD is intended to establish a subdivision platted as Single-Family homes.

Principal Permitted Uses:

1. Permitted use is Single Family Homes.
2. Consists of traditional single-family homes of one individual dwelling units as defined in this standards document.
3. In the event that development is unable to proceed for any reason after the property has been rezoned, the existing use of the property shall be permitted to continue.

Accessory Uses:

1. Allowable accessory uses shall meet “R” uses in Chapter 1191 of the Huber Heights Zoning Code.

Architectural Guidelines

1. Homes shall have a minimum of 25% masonry on the front façade.
2. Any other details of design of new homes and regulations for future homes in the community shall be governed by the Declaration of Covenants, Conditions

& Restrictions document.

Maximum Number of Units, Density, and Units per Building:

1. The maximum number of units for the PUD shall not exceed 68 dwelling units.
2. The maximum density shall not exceed 3.17 dwelling units per acre.

Phasing:

1. Dependent upon market conditions, the development is expected to be phased over Four (4) years from the time development commences.

Lot Size and Minimum Setbacks:

1. Minimums for lot size, setbacks, and more are listed in the table below.

	Minimum
Lot Area	9,000 Sq. Ft.
Lot Width	60' at the setback line
Front Yard Setback	25'
Home Size One Story	1200 square feet
Home Size Two Story	1600
Side Yard Setback	5' minimum, 10' total.
Rear Yard Setback	30'
Structure Height (Principal)	35'
Structure Height (Accessory)	15'
Floor Area	35%
Impervious Surface	40%

Open Space:

1. Open space shall consist of areas at the front entry around the monumentation.
2. All open space parcels shall be owned and maintained by a Homeowners Association established for the entire development.

Perimeter Buffer:

1. This development will consist of single-family homes which demand and gain value from the existing perimeter buffers and trees along the property boundaries. Every care and precaution will be taken to preserve as much of the trees and vegetation in these areas as much as possible.
2. A 10' Preservation Zone shall be located on the rear property line of the South, East, and West lots.

Vehicular Access and Circulation:

1. All streets shall be public to be maintained by the City of Huber Heights
2. Streets shall meet Huber Heights development regulations except as follows. Requirements to meet Subdivision Design Standard 1109.10 (b) shall be waived. 1109.10 (b) states *on stop streets grade shall not exceed two percent positive or three percent negative within a distance from the intersection of*

100 feet plus one-half of the intersecting street right-of-way width, unless approved by the Director of Public Safety and Service, or his designee.

3. A 12' wide emergency access easement shall connect the new subdivision street to Hialeah Park.

Pedestrian Access and Circulation:

1. Sidewalks (6 feet wide concrete) shall be provided along one side of the public street at the outside loop to be constructed as the homes are finished. The sidewalk shall be a minimum of 4' behind back of curb.

Utilities Service:

1. All utilities shall be public.
2. All new utilities shall be constructed, installed, and maintained to the standards of the City of Huber Heights engineering department
3. All new utilities shall be located underground.
4. Stormwater shall be detained onsite following the City of Huber Heights storm water guidelines.

Signage:

1. Free standing signage shall be either monument or temporary; not exceeding the following height limits:
    a. Entrance Monument (Ground-Mounted) - 10 feet at Chambersburg Rd entrance to neighborhood.
    b. Street Signs (Ground-Mounted) – Custom street and stop signs.
    c. Temporary (Construction/Sales) - 10 feet One sign at the entry of the neighborhood.
2. Monumentation will no closer than 5' from any curb line.
3. The copy area size and illumination of signs shall be professionally designed and shall avoid unnecessary glare onto adjacent properties.

Homeowners Association Requirement and Responsibilities:

1. A homeowners association consisting of all dwelling unit lot owners will be established.
2. The HOA for the neighborhood shall own and maintain all common areas, facilities, and amenities.

Mailboxes

1. Mailboxes shall be gang type as per USPS mandate to serve the entire community and screened as needed or allowed.

The City's Comprehensive Plan calls for this area to be Single Family Residential with a maximum of 6 units per acre. The maximum proposed density is 3.17 dwelling units per acre.

Sanitary and water will connect into the City's public main system. Water is located along Chambersburg Road and at the end of Hialeah Park in the Lexington Place subdivision. Sanitary is located at the end of Hialeah Park in the Lexington Place subdivision. Drainage will be handled through a public storm sewer system including

detention basins, following the City's Code for storm water drainage. Chambersburg Road will be improved to a forty-five (45) foot half right-of-way section per our City's Thoroughfare Plan. Staff recommends sidewalks be placed along all street right of ways. Development signage is being requested at the entrance. Staff recommends that it follow the City Code of six (6) feet tall and be located behind the right of way line. While the typical code is fifteen (15) feet behind the right of way, we feel ten (10) feet is sufficient.

1171.05 - Contents of basic development plan.

(a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:

(1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;

(2) Typical elevation views of the front and side of each type of building;

(3) Planning location and dimensions of all proposed drives, service access road, sidewalks, and curb openings;

(4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;

(5) Landscaping plan, walls and fences;

(6) Storm water detention and surface drainage;

(7) Exterior lighting plan;

(8) Vehicular circulation pattern;

(9) Location and square footage of signs;

(10) Topographic survey; and

(11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.

(b) The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.

(Ord. 2006-O-1655, Passed 9-25-05)

1171.06 - General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No

approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

(a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;

(b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;

(c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;

(d) Shall not impose an undue burden on public services such as utilities, fire and police protection, and schools;

(e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;

(f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;

(g) Shall preserve natural features such as water courses, trees, and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

(h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

(i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;

(j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;

(k) Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and

(l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety or welfare.

(Ord. 93-O-602, Passed 3-22-93)

1171.07 - Review and recommendations by planning commission.

The Planning Commission shall review the proposed PUD as presented in the application and basic development plan in terms of the standards in Section 1171.06 and the specific requirements as outlined in all Planned Unit Developments. The Commission shall hold a public hearing on the proposed PUD. At least ten days in advance of such hearing, notice of time and place of such hearing shall be published in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. The Planning Commission shall make its recommendation, indicating approval, approval with modifications, or disapproval. If the Commission recommends approving rezoning of land to a PUD District and also approves a basic development plan for the area to be rezoned, it may impose upon that plan any additional requirements or conditions deemed appropriate by the Commission to ensure that the development shall meet the standards described in Section 1171.06 and shall comply with the intention and objectives of this Zoning Ordinance.

If the owner chooses to submit a combined development plan, the Planning Commission shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. The detailed development plan aspects shall be reviewed in the same manner as provided herein for review of detailed development plans.

(Ord. 93-O-602, Passed 3-22-93)

1171.08 - Action by council.

Council shall hold a public hearing for application for rezoning and approval of the basic development plan (or combined development plan) after receiving the proposal from the Planning Commission. At least 15 days' notice of the time and place of such public hearing shall be placed in a newspaper of general circulation in the City. Written notice of such hearing shall be mailed at least ten days before the public hearing to the owners of property located within 200 feet of the property proposed for the PUD. Council shall approve, reject or approve with modifications the rezoning and basic development plan in the same manner as other rezoning requests. If the applicant has chosen to submit a combined development plan, Council shall review the aspects of it constituting the basic development plan pursuant to the standards set out in Section 1171.06. If Council approves the basic development plan aspects of a combined development plan, the detailed development plan shall be deemed to be approved and no further action shall be required for the area covered by the combined development plan. If the basic development plan aspects of a combined development plan are modified, the combined development plan shall be changed in all aspects to meet that modification. The City staff in charge of plan review shall determine when the basic development plan or combined plan meets the modification required by Council.

(Ord. 93-O-602, Passed 3-22-93)

1171.11 - Changes in the basic and detailed development plans.

A PUD shall be developed only according to the approved and recorded detailed development plan and supporting data together with all recorded amendments and shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the PUD as set forth therein.

(a) Major Changes. Changes which alter the concept, uses or intent of the PUD including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15 percent modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new basic plan and supporting data in accordance with Sections 1171.03, 1171.04 and 1171.05.

(b) Minor Changes. The Zoning Officer recommends to the Planning Commission approval or disapproval of the minor changes in the PUD. Minor changes are defined as any change not defined as a major change.

(Ord. 89-O-339, Passed 2-6-89)

Staff recommends approval of the Rezoning in accordance with the conditions within the proposed Planning Commission Decision Record.

Mr. Jeffries asked about the sidewalk design. Mr. Falkowski stated that typically when we do a bike path on a main street it is 8 foot or larger. This is a street scape thing with people walking with strollers. 6 ft easier to pass each other. Not a depth issue, these lots are 160 feet deep. With that depth there is plenty of room for house and the sidewalks are within the 50 ft right of way so it's not trying to change the right of way. The request is also to surround the property completely with a 10 ft buffer. That matches the previous approval by City Council.

Mr. Jeffries asked why are we not connecting to Aaron Lane? Mr. Falkowski said the previous discussions in 2003 Aaron Lane, there were concerns from the neighbors about the traffic, sight distance at Fishburg, and also Aaron Lane itself is not constructed in the standards it would be built at today.

Mr. Jeffries brought up the emergency access. Mr. Falkowski said the emergency access is not necessarily going to be grass. It has to be able to support a fire truck. It could be concrete or asphalt. This matches the previous approvals and the fire department is accepting of that. With a width of 20 feet.

Mr. Jeffries asked about density of 60 ft lots. Mr. Falkowski said the choice is for Planning Commission to decide whether to vote to recommend approval, but the difference is the current zoning allows for a higher density this is actually

reducing the density of the current zoning. The difference on the other, they were requesting a higher density.

Ms. Vargo asked why are they asking for a change in the zoning? Mr. Falkowski said the side yard requirements and the masonry requirements. Their request for the sidewalk, differs from the straight zoned.

Ms. Vargo asked about Aaron Lane and retention pond and Hialeah Park. Mr. Falkowski said Hialeah dead ends into Churchill Downs and that goes straight into Chambersburg.

Mr. Jeffries brought up the 5 ft side yard setbacks. Mr. Falkowski said that meets what was approved over in Lexington Place.

Ms. Opp asked about buffer area on outer perimeter of all of this. Mr. Falkowski said yes on all three sides. Ms. Opp asked about the house off to itself, will it be getting sidewalks? Mr. Falkowski said not with this development. The City has applied for grant funding for all of Chambersburg from Old Troy Pike down to the City limits in the next several years.

Ms. Opp asked if houses facing Chambersburg or inner street. Mr. Falkowski said facing inner street.

Ms. Opp asked if there will be a separate HOA? Mr. Falkowski said yes there will be an individual HOA for Quail Ridge.

Ms. Opp asked about 10 ft sign? Mr. Falkowski said yes, 10 ft on both sides of street. Staff's recommendation is it meets the City standard of 6 ft tall.

Ms. Vargo asked for clarification on the sign. Mr. Falkowski said our standard code is 6 ft tall, 75 sq ft of sign area. They requested 10 ft tall signage. That would come back at the Detailed Development Plan.

Mr. Jeffries asked about the neighboring side yards are they 5 ft or 8 ft? Mr. Falkowski said it varies. Lexington Place R4B there are a little wider lots there. Some are 60 ft. This site is already approved for 60 ft lots. Stoneycreek has larger lots as well.

Mr. Bob Krohngold, Campbell Berling Development gave an introduction to the Development company. Discussed the 60 ft lot and 5 ft side yard. The traffic patterns are pretty clear. The emergency egress would be a paver type system not in the detention area. Part of the open space. Ground sign and sidewalks, we typically like good visibility. The sidewalk is what we've done in other communities. Street scape issue.

Ms. Opp asked about the name of development. Mr. Krohngold said the owner likes that name.

Mr. Jeffries wanted to make a statement about the emergency egress, single point of access. Mr. Falkowski said this emergency access handles that situation. There will be a gate on it. 17 or 18 years ago there were concerns about making that connection as a public access.

Ms. Vargo asked about access road, will there be a gate there. Mr. Krohngold stated yes. Mr. Vargo said sixty homes with only one egress. Who has a key and how do you get access to it and get it open. Mr. Falkowski said there will be a KnoxBox for the fire department that they will have the access to open those gates. Chambersburg is a two-lane road through there, but it will be widened. So that intersection will be an improved area.

Ms. Vargo asked about mailboxes. Mr. Krohngold stated they typically put in open space areas. Ms. Vargo asked that you'll have more than 1 location? Mr. Krohngold stated yes.

Ms. Vargo asked about where fire hydrants will be. Mr. Falkowski said that will come at the Detailed Development Plan stage.
Ms. Vargo asked if any homes will have basements and Mr. Krohngold stated yes, a large percentage will have basements.
Mr. Jeffries asked about the KnoxBox and the time it takes to open.

Stephen Corcoran brought his concerns about being promised some things that didn't happen. Why isn't there a plan? Properties promised 20 ft not 10 ft. Barrier not what they said it would be. He was offered the land; has it been sold yet? Who owns this land? Mr. Falkowski stated Mr. Eavenson's company, Quail Ridge, LTD. Mr. Corcoran said we have no high-end houses in Huber, he would rather have that. Confused why he was offered the land. We assumed the detention ponds would be put on the east side. Southeast corner will have problems. All the water comes off the hill and into the corner. Relief valve for Stoneycreek. Had to put a drainage system in. Will have to control all the water. Wetlands back there. All one zoning there. Is there any way of getting some blockage there? The water problem is going to be worse. They will have to take all the trees out. A buffer or mound? Dogs barking, chain link fence. Huge trees are hanging over the property.
Ms. Vargo asked who looked at the location for the retention pond? Mr. Falkowski stated the two ponds that are shown are at the low points of the site. There will be a lot less water than currently does today. Discussion on the street, storm sewer and the slope of the property.
Mr. Corcoran asked about the buffer between the properties. Mr. Falkowski said it is a 40 ft rear yard. So, it doesn't affect where the house would go. These are a minimum of 160 ft of depth. Take 25 ft for the front yard off of that you are down to 135 ft, 40 off of that and you have room for 95 ft of the house. 20 ft in the rear as a buffer staff doesn't see an issue with that. Where they place a shed could come into play. Unfortunately, there are the force main and the water line that runs through there so that is in an easement anyway so there won't be as many trees as a buffer next to your property because that easement has to be clear. Staff doesn't see that negatively affecting the development.

Ms. MaryBeth Allen said there is a dangerous intersection at the end of Aaron Lane. Big trucks have to back down. We have septic tanks that could collapse under weight of fire trucks. There are no sidewalks, doesn't want it going straight through. 5 ft distance between the houses. How do you get anything back there? Concerned if the water runs into the yards. Big sewer runs to the water treatment plant. Sump pumps will be running constantly. Sidewalks in front of houses.

Mr. Krohngold said they are responsible developers. They want to work with the City and listen to the neighbor's concerns. There is a water line along the buffer. No problem granting a 20 ft buffer on that southside of property. We will work with the City on the sidewalk. We can put a yard drain back there to try and address that.

Mr. Jeffries asked about the buffer being a mound. That would take more space. Mr. Falkowski said the mound would cause a drainage problem because it would block the natural flow of water in that area.

Mr. Jeffries asked about preservation areas, make it very clear that they are properly notified that their house will not have sidewalks.
Ms. Vargo agreed that better to have narrow sidewalks on both sides.

Ms. Allen asked if these are single family homes and Mr. Falkowski stated yes, single family homes.

Mr. Corcoran read that the maximum height is 35 ft, for a two story or three story? Mr. Falkowski said that is for a two story.
Mr. Corcoran asked where the construction road will be? Mr. Falkowski said we will require the construction entrance to be on Chambersburg Road not through the residential neighborhoods.

Mr. Jeffries asked again if the land is sold or on contingent? Mr. Falkowski said that has nothing to do with the zoning case.

Ms. Vargo asked that we have sidewalks on both sides of the street and Mr. Falkowski said that is currently #5 on the Decision Record. Do you want to add a condition about increasing the buffer? Mr. Jeffries said yes.
Mr. Falkowski asked, to add 20 ft just on the South side or east and west also?
Mr. Jeffries would prefer 20 ft.
Mr. Krohngold would like to keep it to the South side only.
Mr. Jeffries asked about 10 ft buffer already at Stoneycreek and Lexington Place on their property sites. Mr. Falkowski stated I don't believe so.

Action

Ms. Thomas moved to approve the request by the applicant, Campbell Berling Huber Heights, LLC, of a Rezoning from R-4 (Residence) to PR (Planned Residential) for property located on Chambersburg Road (ZC 21-04) in accordance with the Staff's Memorandum dated February 3, 2021, and the Planning Commission Decision Record as amended attached thereto.

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

Mr. Falkowski said the next step is that this goes to City Council.

2. MINOR CHANGE – The applicant, JOHN KOPILCHACK, is requesting approval of a Minor Change for building modifications at the Huber Health Center located at 8701 Old Troy Pike (ZC 21-03).

Mr. Falkowski stated that the applicant requests approval of building modifications.
The submitted materials referred to in this analysis are those stamped received on January 20, 2021 by the Planning Department. The applicant seeks to install a new two-story entrance at the Emergency Department. This addition provides for a larger waiting area and additional stairs to the second level. The entry to the Urgent Care area will be removed. The building materials of the new addition will match that of the existing building. The signage above the Urgent Care area

will also be removed. Signage will be updated at the new main entrance, reducing the overall area of signage along the frontage of the building. The letter heights will remain the same and the current logo will be removed.

The parking lot in front of the entrance is also being adjusted, which reduces the total number of spaces by 11. Staff would recommend that the ADA spaces are relocated with the new layout. Six spaces are required in this area, so only 2 would be required to be replaced.

1171.11 - Changes in the basic and detailed development plans.
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(a) *Major Changes.* Changes which alter the concept, uses or intent of the PUD including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15 percent modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new basic plan and supporting data in accordance with Sections 1171.03, 1171.04 and 1171.05.

(b) *Minor Changes.* The Zoning Officer recommends to the Planning Commission approval or disapproval of the minor changes in the PUD. Minor changes are defined as any change not defined as a major change.

Staff recommends approval of the request as described in the Decision Record attached hereto.

Ms. Thomas asked the urgent care door, doing away with that. Where is that entrance going to be, at the Emergency Room. Mr. Falkowski said yes, one main entrance.
Ms. Thomas asked about the Doctor's offices staying there?

Mr. John Kopilchack said they are not changing any services being provided. Just eliminating confusion of people coming in and going to wrong spot, so one landing spot with a check-in desk. Patient centered change.
Ms. Opp asked about coming in one central area?
Mr. Kopilchack said further south there are still some outpatient doctors' entrances. Moving urgent care up to the Emergency Department.

Action

Mr. Jeffries moved to approve the request by the applicant, John Kopilchack, in their request for approval of a Minor Change for building modifications at the Huber Health Center at 8701 Old Troy Pike (ZC 21-03).

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

The next step will be for the applicant to submit for their Zoning Certificate and building permits from Montgomery County.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the January 26, 2021, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Falkowski stated that we have an application for a Detailed Development Plan, Carriage Trails, Section 6, Phase VI & VII for 2/23/2021, Marion Meadows Replating coming soon and BroadReach for 3/9/2021.

XI. Upcoming Meetings

February 23, 2021
March 9, 2021

Mr. Jeffries asked about previous cases.

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 7:25 p.m.

_____ _____

Jan Vargo, Vice Chair **Date**

_____ _____

Geri Hoskins, Administrative Secretary **Date**