

AGENDA
CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
April 27, 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

7. New Business

   A. REZONING - The applicant, CAROLYN TAKACS, is requesting approval of a Rezoning from I1 (Light Industrial) to PR (Planned Residential) at property located at 4401 Taylorsville Road (ZC 21-11).

   B. MINOR CHANGE - The applicant, MIKE MEHOLICK, is requesting approval of a Minor Change to add a Patio at the rear of the Building at 6182 Chambersburg Road (ZC 21-12).

8. Additional Business

9. Approval of Minutes

   A. Planning Commission March 23, 2021

10. Reports and Calendar Review

Major Change, Quail Ridge
Major Change, 6166 Apache Street

11. Upcoming Meetings

A. May 11, 2021

B. May 25, 2021

12. Adjournment

AI-7540 **7. A.**

Planning Commission

Meeting Date: 04/27/2021

Rezoning

Information

Agenda Title

REZONING - The applicant, CAROLYN TAKACS, is requesting approval of a Rezoning from I1 (Light Industrial) to PR (Planned Residential) at property located at 4401 Taylorsville Road (ZC 21-11).

Purpose and Background

Attachments

Staff Report

Decision Record

Map

Memorandum

Staff Report for Meeting of April 27, 2021

To: Huber Heights City Planning Commission

From: Scott P. Falkowski, Assistant City Manager

Date: April 22, 2021

Subject: ZC 21-11 (Rezoning from I-1 Light Industrial to PR Planned Residential District) 1.01 Acres 4401 Taylorsville Road

- Application dated March 30, 2021

Department of Planning and Development City of Huber Heights

APPLICANT/OWNER: Carolyn Takacs – Applicant & Owner

DEVELOPMENT NAME: 4401 Taylorsville Road

ADDRESS/LOCATION: 4401 Taylorsville Road

ZONING/ACREAGE: Light Industrial (I-1) / 1.01 acres

EXISTING LAND USE: Residential

ZONING ADJACENT LAND: PR

REQUEST: The applicant requests approval of a rezoning from I-1 Light Industrial to PR Planned Residential District at 4401 Taylorsville Road.

ORIGINAL APPROVAL:

APPLICABLE HHCC: Chapter 1130

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

OVERVIEW:

The applicant requests rezoning from I-1 Light Industrial to PR Planned Residential District.

STAFF ANALYSIS AND RECOMMENDATION:

The applicant has requested a rezoning for a parcel of land that has a residential house with one accessory structure. The current zoning is I-1 Light Industrial, which does not include residential uses as part of the Principle Permitted uses. The rezoning request to PR Planned Residential will bring the property into compliance with the City's zoning code. The surrounding uses at this area are solely residential on the north side of Taylorsville, so this use fits to remain as being used for residential purposes. The size of the lot also, does not make for a high potential of finding the proper user for a light industrial use. The property already has a residential use and structures constructed, so a new plan is not required, and the request is to approve all the current locations and structures as they are currently built.

The following City Codes are used in analyzing a Planned Residential Development:

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

Footnotes:

*--- (**42**) ---*

***Cross reference—** General provisions—See Ch. 1171.*

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, quadrominiums 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.

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

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.

(Ord. 89-O-339, Passed 2-6-89; Ord. No. 2019-O-2398 , § 1, 10-14-19)

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.

(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O-1664, Passed 10-23-06)

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.

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

1172.05 - Utilities.

The distribution systems for utilities are required to be underground.

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

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, streetlight 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)

Recommendation:

Staff recommends approval of the request for rezoning from I-1 Light Industrial District to PR Planned Residential District in accordance with the conditions contained in the proposed Decision Record for Planning Commission's consideration.

Planning Commission Decision Record

WHEREAS, on March 30, 2021, the applicant, Carolyn Takacs, requested approval of a rezoning from I-1 (Light Industrial) to PR (Planned Residential) District for 1.01 acres located at 4401 Taylorsville Road, also known as Parcel P70 04009 0030 and P70 04009 0072 of the Montgomery County Auditor's Tax records (ZC 21-11); and

WHEREAS, on April 27, 2021, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

_____ moved to recommend approval of the request by the applicant, Carolyn Takacs, for a rezoning from I-1 (Light Industrial) to PR (Planned Residential) District for 1.01 acres located at 4401 Taylorsville Road, also known as Parcel P70 04009 0030 and P70 04009 0072 of the Montgomery County Auditor's Tax Records (ZC 21-11) in accordance with the recommendation of Staff's Memorandum dated April 22, 2021 with the following conditions:

1. The applicant shall submit for a Zoning Permit for any approved use within the PR District.

2. All existing structures are approved in their current location on the above described property.

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

_____ _____
Terry Walton, Chair Date
Planning Commission



4401 Taylorsville Rd.

1 in = 188 ft

Date: 3/30/2021

AI-7555 **7. B.**

Planning Commission

Meeting Date: 04/27/2021

Minor Change

Information

Agenda Title

MINOR CHANGE - The applicant, MIKE MEHOLICK, is requesting approval of a Minor Change to add a Patio at the rear of the Building at 6182 Chambersburg Road (ZC 21-12).

Purpose and Background

Attachments

Staff Report

Decision Record

Map

Drawing

Memorandum

Staff Report for Meeting of April 27, 2021

To: Huber Heights City Planning Commission

From: Scott Falkowski, P.E., Assistant City Manager

Date: April 22, 2021

Subject: ZC 21-12 (Minor Change – Alematic Patio Addition)

- Application dated April 5, 2021

Department of Planning and Zoning City of Huber Heights

APPLICANT/OWNER:	Alematic Artisan Ales - Applicant Columbia Building Company – Owner
DEVELOPMENT NAME:	Huber Centre
ADDRESS/LOCATION:	6182 Chambersburg Road
ZONING/ACREAGE:	Planned Commercial (PC) / 16.5 Acres
EXISTING LAND USE:	Commercial Center
ZONING ADJACENT LAND:	Planned Mixed (PM) and Planned Commercial (PC)
REQUEST:	The applicant seeks approval of a Minor Change for a new patio to be constructed outside the rear of Alematic Artisan Ales.
APPLICABLE HHCC:	1171 and 1176

Staff Analysis

The applicant is requesting to build a fenced in patio at the rear of their commercial space. This will allow for more usable seating and table space and allow for the applicant to apply for an extension of their liquor permit. The area is twenty (20) feet deep by thirty (30) feet wide. A four (4) foot fence with a gate will be installed surrounding the concrete patio. Drive aisles and fire lanes will not be blocked.

Recommendation

Staff recommends approval of the Minor Change in accordance with the conditions contained in the proposed Decision Record.

Planning Commission Decision Record

WHEREAS, on April 5, 2021, Alematic Artisan Ales requested approval of a Minor Change for the addition of a fenced in patio at the rear of their commercial space at the Huber Centre, located at 6182 Chambersburg Road (ZC 21-12); and

WHEREAS, on April 27, 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 request by Alematic Artisan Ales for approval of a Minor Change for the addition of a fenced in patio at the rear of their commercial space at the Huber Centre, located at 6182 Chambersburg Road (ZC 21-12) with the following conditions:

1. The approved plan shall be those depicted on the documents stamped received on April 5, 2021.

2. No other PUD agreements are modified unless expressly directed in this Decision Record.

3. Patio shall adhere to Ohio Fire Code.

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

_____ _____

Terry Walton, Chairman Date
Planning Commission



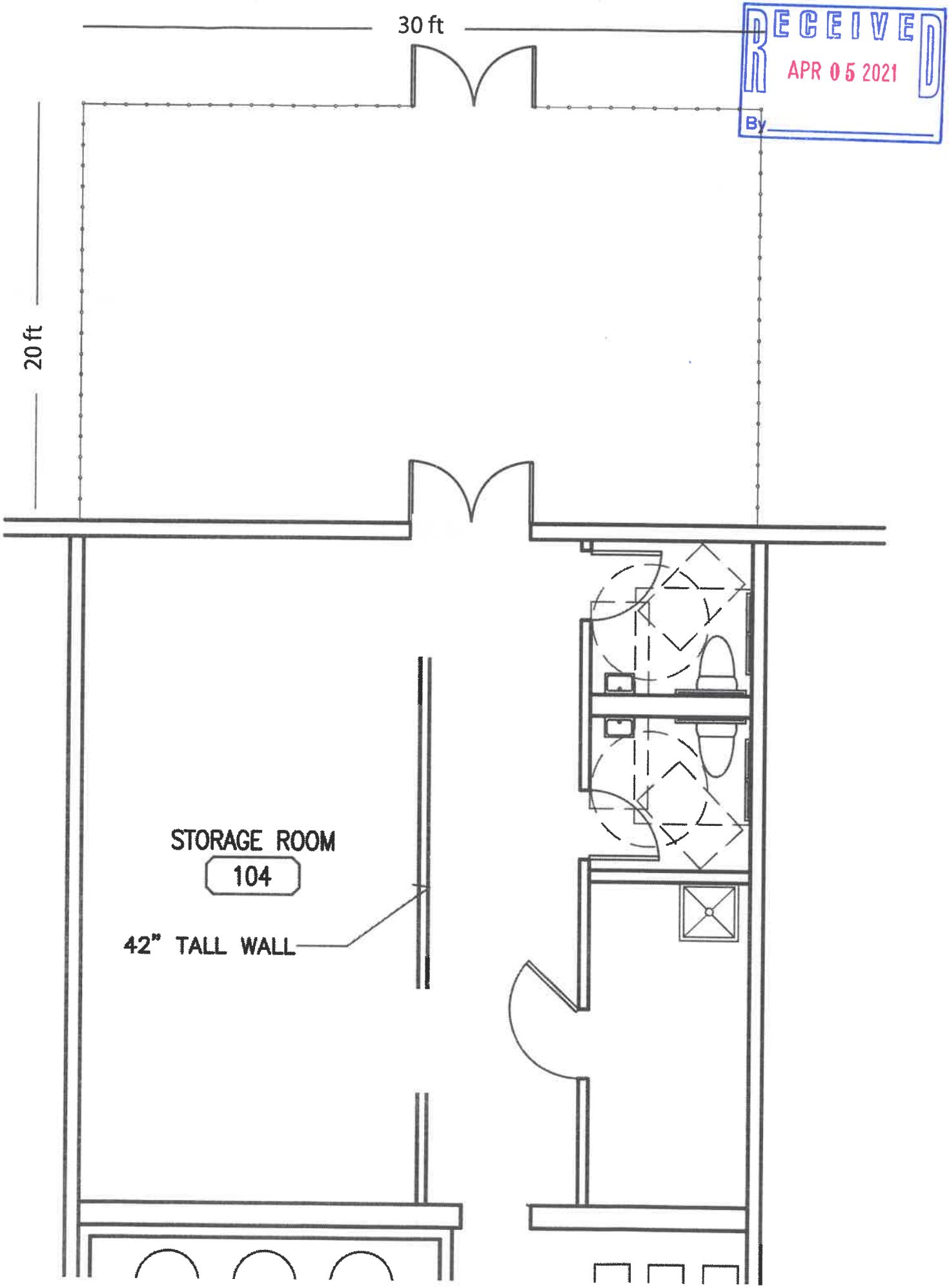
6182 Chambersburg Alematic Brewing

1 in = 47 ft

Date: 4/7/2021

RECEIVED
APR 05 2021

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RECEIVED
APR 05 2021
By

AI-7578 **9. A.**

Planning Commission

Meeting Date: 04/27/2021

Minutes

Information

Agenda Title

Planning Commission March 23, 2021

Purpose and Background

Attachments

Minutes

Planning Commission
March 23, 2021 Meeting
City of Huber Heights

I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.

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

Members absent: None.

Staff Present: Scott Falkowski, Interim 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

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 persons present responded in the affirmative.

VI. Pending Business

None.

VII. New Business

1. **REZONING - The applicant, JING REALTY, LLC, is requesting approval of a Rezoning and Basic Development Plan for 14.18 acres at the corner of Bellefontaine Road and Fishburg Road (ZC 21-08).**

Mr. Falkowski stated that the applicant requests approval of a Rezoning to Planned Residential and a Basic Development Plan.

The applicant is looking to develop a lot that was split from the original Oaks of Huber Heights residential development. The lot is currently approved for construction of a church on the 14.2-acre parcel.

The applicant requests to build thirty-four (34) single family residential lots, with two (2) open space lots on 14.2 acres. Street access will come off Bellefontaine Road. Streets will be public and have a typical residential cross section. The lots will be served by public utilities. An existing 8-inch water main is located along the Fishburg Road frontage and an 8-inch sanitary sewer main is stubbed at the north end of the lot. The

property slopes from the west to the east. The plan calls for a detention area to be placed at the northeastern corner of the lot to handle stormwater runoff. Fishburg Road and Bellefontaine Road are proposed to be improved with sidewalks and curbs to meet the section of eighteen feet from center line to back of curb.
The proposed lots in general have 75 to 80-foot frontages. The minimum depth is 142 feet. The lots that abut existing homes have a minimum of 80 feet frontages. The setbacks are proposed to be 25-foot minimum front yards and 40-foot rear yards. Side yards shall be a minimum of 10 feet. Berming will be installed along Bellefontaine and Fishburg Roads on the rear of the lots that abut said Roads. Said mound shall be ten feet (10') at the base, two to three feet (2'-3') high and planted/landscaped with four to six feet (4'-6') of a combination of trees, evergreens and shrubs. An open space lot is proposed in the center of the development for use by the residents. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house. Fifty percent (50%) of the dwellings built on perimeter lots (#15-23 inclusively) shall have houses with at least fifty percent (50%) masonry on the exterior of the house. If the house is not a single-story construction, to count toward the fifty percent (50%) of houses with at least fifty percent (50%) masonry exterior, the masonry must include a full wrap of the house. All single-story houses backing up to Bellefontaine and Fishburg Roads shall have fifty percent (50%) masonry on the exterior, excepting trim, soffits, gables, etc. There shall be a blend of elevations, designs and masonry styles of dwellings fronting on the same street. Model or spec homes must utilize the highest percent of masonry exterior product. The following building specifications shall also be required:

a. At all times at least ninety percent (90%) of all single story (ranch) dwellings shall have a minimum floor area of 1,600 square feet of heated, air conditioned, fully finished living area exclusive of any basements, garages, or porches. Up to ten percent (10%) of all single story (ranch) dwellings may have a minimum floor area of 1,500-1,600 square feet of heated, air conditioned, fully finished living area exclusive of any basements, garages, or porches.

b. At all times at least ninety percent (90%) of all two story and multi-story dwellings shall have a minimum floor area of 2,000 square feet of heated, air conditioned, fully finished living area exclusive of any basements, garages, or porches. Up to ten percent (10%) of all two story and multi-story dwellings may have a minimum floor area of 1,800-2,000 square feet of heated, air conditioned, fully finished living area exclusive of any basements, garages, or porches. The fully finished partial lower level living area in the multi-story will be included as part of the total square footage.

City Ordinance 2003-O-1405 amended the original zoning ordinance to rezone 116.9 acres situated on Bellefontaine Road, approximately 1300 feet north of Fishburg Road, section 16, Town 2, Range 8 M.R.s, Huber Heights, Ohio from R-1 Residential to PR Planned Residential District. This lot that is being requested for a Major Change was originally located within the above described Ordinance for approval of single-family residential lots. Said ordinance is attached in the packet including conditions for approval.

City Ordinance 2005-O-1566 amended the above described ordinance to change the layout of the streets in the subdivision to accommodate the addition of a church in the southeast corner at Fishburg and Bellefontaine Roads.

The following City Codes are used in analyzing a Planned Residential Development:

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

Footnotes:

*--- (**42**) ---*

***Cross reference—** General provisions—See Ch. 1171.*

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(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.

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The following accessory uses are permitted:

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

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(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.

(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O-1664, Passed 10-23-06)

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.

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

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The distribution systems for utilities are required to be underground.

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

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, streetlight 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)

We did receive emails from quite a few neighbors, located in the packet. One was in favor and quite a few had issues ranging from density. The original plan showed 29 lots with a different street network. Other concerns were drainage, request for a bike path here but there is no bike path connection anywhere nearby.

Mr. Jeffries wanted clarification on street access off of Bellefontaine and Fishburg? Mr. Falkowski revised it today to just Bellefontaine. Mr. Jeffries asked if the whole outer ring has 80 ft lot width. Mr. Falkowski stated yes. Discussion on lot #6 showing 73 ft width.

Ms. Vargo asked about the improvements on Bellefontaine including sidewalks. Mr. Falkowski stated that is correct, on west side of the street. Discussion on sidewalks.

Mr. Chris Koehler asked existing part of The Oaks and the 10 acres to the west, what is the density of that. Discussion on the sections having different density within itself.

Mr. Koehler stated that they are changing the name, they won't be rentals. The estate lots are just wooded area, density is the same on what is built. It is the same layout, only one that works. A couple in The Oaks that are 80 ft wide at the setback. Also, a handful under the 1200 sq ft per acre. It's not that different.

Mr. Jeffries asked about the green space being accessed by the walkway? Any other setbacks need discussed. Mr. Falkowski said lots next to it would both still have 10 ft side yard.

Mr. Ron Deak, resident, decent plan, better than last one. Stick with the master plan, slab house vs. basement, square footage, 2 access points, calculation for pond, sidewalks on both sides. Mr. Falkowski said standard public street. Mr. Koehler said no street access to match one entrance. Retention 10 acres to West, tapping into Oak's retention. Planning our own. Mr. Deak said lot size never changes. Mr. Koehler said there are 2 80 ft lots in the Oaks and a couple under 1200 sq. ft.

Mr. Jason Williams, resident, catch basin and drainage. Mr. Falkowski said majority of water will all flow into new storm sewers that go into a new detention basin. Less water that flows to that northern boundary line than does today. Mr. Clark commented on basements, all proposed houses should have basements to match current development.

Mr. William Clark, resident, similar to what was presented earlier. Minimum lot size, frontage requirements, 10% that fall under that 1600 sq ft. Two story homes also fall beneath 2000 ft requirement. Consistent in structure and masonry. Takes away the whole value when you add it up. Mr. Falkowski said the language is exactly the same. Lot width is only difference. Basements are not part of original plan or in our zoning code.

Ms. Cindy Smith, resident, wanted to clarify 5 ft sidewalks on exterior or interior part? Mr. Falkowski stated 5 ft sidewalks and the interior residential streets it is 4 ft sidewalks. Ms. Smith asked about bike path width on Bellefontaine project, how wide. Mr. Falkowski said 5 ft. and it is not a bike path. Ms. Smith asked about the outflow to Bellefontaine from their retention pond on same side as their project or opposite side. Mr. Falkowski said it will go into the storm sewer system then connect to catch basins to get it across the street. Natural drainage. Discussion on the culvert. Ms. Smith said you intend them not to be rentals. Mr. Koehler said not rentals. Discussion on rental community. Density on project by DR Horton. Density discussion, proportion of green space. Precedent in 2006 to reduce lot size and the Planning Commission denied. Will there be an HOA? Mr. Falkowski said yes there is an HOA. Discussion when zoned for a Church 2 detention areas water flow issues. Mr. Falkowski said two thin retention basins, amount of area is smaller than when you have a larger one. Wider areas to hold more water. Drainage flows west to east. Discussion on children safety for park area. Discussion on fire assessment 2 roads in. The Oaks has a boulevard, all lots 85 ft., 1200 sq ft and basements and berms. Mr. Falkowski said the fire chief has the ability to approve a boulevard entrance.

Mr. Koehler said the last time it was all about density, lot size was mentioned. Now it's all about lot size.

Mr. Don Stewart, resident, stated basements, children safety, clustered, drainage.

Mr. Brad Smith, resident, green space, no fences.

Mr. Nick Witter, resident, clarification selling to a developer. Mr. Koehler said the builder will be under same requirements in this document. Mr. Koehler said improving the lots, adding infrastructure for the roads and sidewalks. Then selling to a builder. Mr. Falkowski stated most sell to production builder, submit a set of drawings to the City. Ms. Vargo said Sam Knobler did exactly the same thing.

Mr. Ron Deak said whatever gets built will have a basement. Horton has not pulled one permit yet. Waiting to see what is approved here. Mirror everything.

Mr. William Clark said the statement that no one will notice a 5 ft difference. If not a big deal, why are we talking about it.

Mr. Koehler said we are a separate PUD, separate development. Visually there isn't a big difference. We've comprised down this far.

Ms. Cindy Smith discussion on what if this project fails. Houses line up across the street from each other. Lots lined up back to back. Discussion on green space. Mr. Koehler said Planning Commission last time recommended a mound completely surround. We've taken out the mound. If we put that back might that elevate some concerns. It is a separate development. Mr. Jeffries brought up discussion on the berm. Mr. Falkowski said it would not change the lot size.

Ms. Cindy Smith wants to clarify children safety in this development.

Mr. Deak, everything built the same including the basement. Mr. Koehler said he didn't want to commit to it. Leave it up to the buyer. It isn't relevant to the zoning at hand.

Ms. Vargo commented that Callamere Farms has homes with no basements. Evergreen Woods has homes with no basements. Older people aren't having basements because they have steps. Having a hard time reaching the same conclusion about the basements. Mr. Stewart said the HOA didn't make the basements.

Mr. Falkowski said some items could be revised. #13 lot requirements could be revised, #12 no greater than 34 could be stricken, #16 could add every home shall have basements, #14 remove green space. Mr. Vargo asked #14 is the mound still there? Mr. Falkowski answered that's the mound that goes along the frontage.

Mr. Jeffries wants the boulevard entrance, green space taken out, not on board telling a builder he has to dig a basement. 90% will end up with basements anyway and 75% will have 3 car garages.

Ms. Vargo asked about fire report 2 entrances. Mr. Falkowski said fire code stated that you need more than 1 entrance when you have over 30 single family residential lots. The Fire chief has the ability to modify that. Carriage Trails has a boulevard entrance and in The Oaks. Ms. Varo asked do we need a report from him saying 1 is sufficient. Mr. Falkowski said if the variance is not given then there can't be more than 30 homes built. At Detailed Development stage.

Ms. Thomas on board with boulevard, agree that adding basements as a requirement is not for us to make a decision on, removing the green space as well.

Ms. Opp same. Boulevard should be put in there, no green space, not requiring basements.

Ms. Vargo if boulevard is put in do you lose some lots? Mr. Falkowski said that could be reconfigured. Lot size would affect that.

Mr. Jeffries discussion on lot #10, north property line comes in from lot #9. If they put a fence up, Mr. Falkowski said they still have a 10 ft side yard. Mr. Jeffries said looks like the developer has made a lot of adjustments based on the Oaks. Not fair to say too much density in their case, but we can look at exceptions of The Oaks and say it's ok that they are over dense if we combine with the entirety of The Oaks. Mr. Falkowski said these lots are smaller than the lots that are directly to the west. Where density comes in is this has some open space. It has more open space than the section directly to the west. These are smaller than the lots that are directly to the west.

Mr. Walton said we are all in agreement to eliminate the green space, Mr. Falkowski said the open space lot in the center shall be removed. There shall be a boulevard entrance off Bellefontaine Road. Those are two additions. The plan proposed is for 34 single family lots.

Ms. Vargo asked for the Decision Record to have highlighted bullet points read. Mr. Falkowski read through the Decision Record, remove #7, add #17 and #18.

Action

Ms. Thomas moved to approve the request by the applicant, Jing Realty, LLC, for Rezoning to Planned Residential and Basic Development Plan for 14.18 acres at Bellefontaine Road and Fishburg Road located as Parcel P70 03908 0146 of the Montgomery County Ohio Records (ZC 21-08) in accordance with the recommendation of Staff's Memorandum dated March 17, 2021, and the Planning Commission Decision Record attached as amended.

Seconded by Ms. Opp. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, Ms. Opp, Ms. Thomas, and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

Mr. Falkowski said this was a recommendation to City Council so it will go to a Work Session and then a Public Hearing.

2. DETAILED DEVELOPMENT PLAN – The applicant, GENERATIONS CONSTRUCTION, LLC, is requesting approval of A Detailed Development Plan for Section 6, of the Callamere Farms Development (ZC 21-09).

Mr. Falkowski stated the applicant requests approval of a Detailed Development Plan for Section 6 of the Callamere Farms Development, which includes 14 single-family lots.

Section 6 is a new section of 120 foot lots at the southeastern portion of the development. Section 6 is proposed to contain 14 new houses, along with all applicable utilities, streets, and easements.

The 14 proposed single-family lots meet the minimum dimensional and area requirements of the Basic Development Plan conditions of approval with 120-foot widths and 130-foot depth minimums. This phase extends Callamere Farms Drive to the south, including one cross street with a cul-de-sac. The lots are served by public water and sewer. The sanitary sewers flow to an existing lift station to the southwest of the Section. The drainage flows into public storm sewers and into an existing detention basin which meets the flow requirements of the City. Callamere Farms Drive has a 60-foot-wide right of way and Barronwood Place has a 50-foot-wide right of way.

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.

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

Mr. Jeffries asked about the added pictures. Mr. Falkowski stated the resident was here who had concern about some debris from previous sections. One of the points is about a 30 ft area that will not be disturbed. Our engineering will be watching for trash throughout the build process.

Discussion on the buffer, not an official no disturb easement, but their plan has shown to leave that area not for construction. About 30 ft.

Jaclynn Shook, resident, discussion on debris found in her creek and would like preventive measures taken. Clearly construction debris. Mr. Falkowski stated it will be an enforcement issue, erosion measures in place.

Jeff Grisez, Generations Construction, apologized for not being a good neighbor, not aware of chemicals or petroleum product. Did hire a new support person, will have dumpsters. Keeping tree lines for privacy. No intention of taking trees down.

Mr. Falkowski we will watch this site during construction as it moves forward. That back is planned not to be disturbed.

Action

Ms. Thomas moved to approve the request by the applicant, Generations Construction, LLC, of a Detailed Development Plan for Section 6, of the Callamere Farms Development (ZC 21-09) in accordance with the recommendation of Staff's Memorandum dated March 17, 2021, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Opp, Ms. Vargo, Mr. Jeffries, Ms. Thomas, and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

Mr. Falkowski said the next step is to finalize the engineering comments and apply for the permits.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the March 09, 2021, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Falkowski stated there is about a 2 ½ week break, we have one Minor Change coming for the April 13, 2021 meeting.

XI. Upcoming Meetings

April 13, 2021
April 27, 2021

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:09 p.m.

_____ _____

Terry Walton, Chair **Date**

_____ _____

Geri Hoskins, Administrative Secretary **Date**