

**Planning Commission
December 14, 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: Jason Foster, Economic Development Coordinator, 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**

Mr. Walton asked for a motion to amend tonight's agenda by moving item 7E to 7A to be at the beginning of the Agenda.

Action

Ms. Thomas moved to amend the agenda, 7E to 7A.

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

1. **MINOR CHANGE - The applicant, Kap Signs, is requesting approval of a Minor Change for signage for property located at 6170 Brandt Pike (ZC 21-48).**

Mr. Foster stated that the applicant requests approval of a Minor Change for signage for Marian Lanes.

The applicant, KAP Signs, wishes to alter the existing ground sign at the south entrance drive. The standard code for ground signs states the sign must be located fifteen (15) feet behind the right-of-way line, be a maximum of seventy-five (75) square feet and be a maximum height of six (6) feet.

The existing ground sign is one hundred fifty (150) total square feet and twenty-one and a half (21.5) feet tall. The proposed alteration would bring the total square footage to ninety-nine (99) and the overall height to eleven (11) feet. Per code section 1187.07, shown below, structural changes can be made if the sign becomes less non-conforming. This request reduces the size of the sign by nearly half.

No landscaping is shown on the plan. Staff recommends a landscaped area beneath the sign equaling the area of the sign face.

This request conforms to the Brandt Pike Revitalization Plan.

Mr. Jeffries asked if straight zoned it would not have to come for approval and Mr. Foster said correct.

Dave Williams from Kap Signs said southbound traffic the grade is much higher southbound on Brandt. Line of site better.

Ms. Thomas asked if adding landscaping and Mr. Williams said there won't be a problem.

Ms. Vargo asked about the height of the pedestal. Mr. Williams said 62 inches.

Action

Ms. Thomas moved to approve the request by the applicant KAP SIGNS for approval of a Minor Change for signage for property located at 6170 Brandt Pike, Marian Lanes (ZC 21-48) in accordance with the recommendation of Staff's Memorandum dated December 1, 2021, and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Ms. Opp, Mr. Jeffries, Ms. Thomas, and Mr. Walton. NAYS: Ms. Vargo. Motion to approve carried 4-1.

Next step is to get permits from the Zoning Dept.

2. MAJOR CHANGE - The applicant, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and detailed Development Plan in a Planned Commercial District for 2.55 acres at property located at 5840 Old Troy Pike (ZC 21-45).

Mr. Foster stated that the applicant requests approval of a Major Change to the Basic and Detailed Development Plan in a PC (Planned Commercial District) for a used car dealership.

The proposal before Planning Commission calls for re-use of the property at 5840 Old Troy Pike, currently a vacated auto detailing business, to Kirmon Khalilov for use as a used car dealership.

In 1989, the building was constructed in its current form and was a complimentary use to an adjacent business. Recently, the former use, as well as the complimentary use ended. The property is zoned PC-Planned Commercial which allows the City to more effectively ensure that specific site and design characteristics are in place for future development to promote sustainable development and mitigate, as best as possible, adverse impacts to existing neighboring uses. The PC-Planned Commercial zoning designation also allows the City to guide the general development character of properties more effectively and better promote development that is based on good planning principles and focuses on the coordination of all development within this region of the City.

The site in question is currently a vacated commercial structure. The applicant is requesting approval of a Major Change that would allow the re-use of the existing building and grounds for the sale of used automobiles. Staff's analysis of the proposal is broken into several segments as follows.

The building is constructed of painted block and has roll-up doors on the front and rear. No improvements to the building were submitted. No dumpster enclosure is present on the property nor is one proposed.

The use proposed fits within item (a) retail, office and commercial establishments. The City's Comprehensive Plan shows this area along Old Troy Pike, south of Fishburg Road, north of Powell Road, as Commercial Business on the Future Land Map. The Commercial Business category includes retail, office, and service uses and represents traditional automotive oriented development. This land requires high levels of access and visibility.

This proposal calls for the use of an existing curb cut to access the property from Old Troy Pike and an alteration to the internal curb cut within the property boundaries. The parking requirement for the proposed use is one (1) space for every four hundred (400) square feet of building space, which calculates to eleven (11) parking spaces with one (1) of those spaces being designated accessible. The proposal shows eleven (11) spaces and two designated spaces. A new paved area is also proposed on the western and northwestern portion of the property abutting the right-of-way.

The building is to be serviced by connections to public water and the office will connect to the public sanitary sewer. Gas, telephone, and electric are also currently available at the site. Drainage is being collected through catch basins and storm sewer routing the flow through the public storm system. Lighting shall comply with the City Code 1181.21.

A landscaping buffer is present along the north property line. The existing ground sign also has proper landscaping. No new landscaping is proposed on this plan. No modifications to the ground were submitted.

Ms. Vargo asked about existing sign being used without a change. Mr. Foster said correct. Ms. Vargo asked about grassy area turned into parking lot. Mr. Foster showed paved area on the left is added pavement. Western property line and portion of northern

property line, that's where the ground sign is. Ms. Vargo asked about sidewalk and Mr. Foster replied there is a sidewalk just to the west of ground sign. 25 ft. of grassy area. Ms. Opp asked how far towards the funeral home? The applicant stated 6 ft. Ms. Opp asked about the back of building. Will wait until the applicant is speaking to answer. Mr. Jeffries asked about the 6 ft property line to funeral line. Mr. Foster said the building setback is 15 ft. Mr. Jeffries asked about previous approval, setbacks and buffering. Mr. Foster said not complete records from before but buffering was required at that time. No match showing where buffer should be. Setbacks were met per the zoning code at that time. Mr. Jeffries asked if it was built to the agreed upon buffers and setbacks at that time? Mr. Foster said yes. There is no drawing about the buffer being completed at that time. Mr. Jeffries asked if plans to fix the rest of the pavement. Mr. Foster said not in the submitted drawings. Discussion on the zoning aspect of rest of pavement. Mr. Jeffries has concerns on agreement from the past. Also, no service center. Mr. Foster said application was for sale of vehicles not service of vehicles.

Mr. Khalilov's son spoke as translator. Ms. Vargo asked if he planned to resurface any asphalt that is there. He replied yes. New asphalt and new extended concrete prior to opening.

Mr. Jeffries asked about inventory. The applicant replied around 30 – 40. Parking spaces at front for customers. Discussion on lighting.

Ms. Opp asked about the building, are you going to work on vehicles. The applicant replied he does want to service cars since they are used cars.

Ms. Thomas said it's for sales only not service. Applicant said not changing the building, small repairs.

Mr. Foster said no indication on the drawing that there would be service on vehicles. New application requires new approval. The use should be spelled out.

Mr. Gary Heller, owner of funeral home. There since 1982. Worked with city on setbacks for a lot of visibility. Concerned with going out that far. Traffic and line of sight. Noise is a big factor. Buffer area never maintained. Drainage.

Ms. Vargo asked about noise. Mr. Heller said working on cars.

Mr. Walton concerned with the landscaping. Also should it have been extended, eliminate some spaces. Sales in the beginning now sales and maintenance. Ms. Opp has concerns about signage. Mr. Foster said it can be refaced without coming to Planning Commission. If altered for size it would go to Planning Commission.

Ms. Thomas asked about the dumpster area. Some idea of where it will go, be gated.

Mr. Jeffries surfacing, lighting, dumpster. Should we table and get more info. Mr. Foster suggested to table.

Action

Mr. Jeffries moved to table the request by the applicant KIRMON KHALILOV for approval of a Major Change to the Basic and Detailed Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).

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

3. REZONING - The applicant, Campbell Berling, is requesting approval of a Rezoning and Basic Development Plan to PR (Planned Residential) for property located on the East side of Bellefontaine and South of Chambersburg Road (ZC 21-47).

Mr. Foster stated that the applicant requests approval of a Rezoning to Planned Residential and Basic Development Plan for 22.968 acres on Bellefontaine Road for a residential subdivision.

The applicant, Campbell Berling, is looking to develop 22.968 acres on the east side of Bellefontaine Road. The applicant did appear for a pre-application conference several weeks ago. The intent is to build 132 residential lots. The request is to re-zone to Planned Residential for this development.

The Zoning Code is as follows:

Chapter 1172 – (PR) Planned Residential District

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.

(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)

The request is for the following:

The City's Comprehensive Plan calls for this area to be single family residential. The proposed density is 5.7 units per acre.

Sanitary Sewer and water will connect into the City's public, main system. Water and sanitary are located along Bellefontaine Road. A pump station will be installed to move waste to the sanitary sewer system. Drainage will be handled through a public storm sewer system including a detention basin, following the City's code for storm water drainage. Bellefontaine Road has already been improved; however, staff recommends a drop lane for right hand turns into the development and a short acceleration lane out of the development. The interior street network of the development will be public with curb and sidewalk throughout.

This subdivision is proposing attached, patio homes on two styles of lots, 60 foot and 68 foot. Of the 132 total lots, 62 are proposed to be 60-foot lots and 70 are proposed to be 68-foot lots. All lots are proposed to have a minimum lot depth of one hundred ten (110) feet, twenty-five (25) foot front yard setback, a minimum of twenty-five (25) foot rear yard setbacks, and six (6) foot side yard setbacks. The proposal also calls for forty (40%) percent masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25%) percent.

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.

Mr. Jeffries asked about the emergency safety access/boulevard. Mr. Foster said that would be for Council discussion. It was approved both ways.

Ms. Vargo asked about gas line. Mr. Foster said it does touch this property, there is an easement. Ms. Vargo asked about the electrical grid, Mr. Foster said to the south.

Mr. Jeffries asked about the creek on the northern edge. Defer to the applicant.

Mr. Walton asked how it ties into the Oaks directly across the street and Mr. Foster responded it is directly across the street but does not tie into the Oaks. The entrances would line up. Not part of that development.

Mr. Jeffries asked about the Oaks building materials and frontage, these being 40% is more than our requirement and Mr. Foster said the original approval for the Oaks was 25% and each case after didn't expand that number. Houses that back up to Shady Oak have to be full brick wrap. All PUDs in effect.

Ms. Thomas asked about the entrances lining up, will this have a Boulevard and Mr. Foster said no.

Bob Krohngold from Campbell Berling said rep from Fischer Homes is here also. Attached product, fee simple for sale, mixture of paired patio homes and attached two story town homes both with attached 2 car garages. 22-acre site, next to an electric substation, 3 pipelines, easements, and setbacks. We are open to exploring a Boulevard. Price point below single-family homes.

Ms. Vargo asked about price range. Jennifer Gonzalez from Fischer Homes said \$230,000.00. Up to \$250,000.00, semi-custom.

Mr. Krohngold talked about drop lane and acceleration lane coming out of the community. Significant road improvement on that frontage already, would like to amend decision record to say pending the results of a traffic impact study. We did increase setbacks but would like to revise the rear from 25 to 20 ft.

Ms. Thomas asked about proposed lighting and sidewalks. Mr. Krohngold said we team with Miami Valley Lighting and provide streetlights. Yes there will be sidewalks on both sides.

Mr. Jeffries said he wants to still see drop lane and acceleration lane. Mr. Krohngold said he would like to see some restriping. Concerning water, no additional run off? Mr. Krohngold said we'll provide detention.

Ms. Vargo would like staff to make decision if added words if needed. Mr. Krohngold would like guidance from traffic engineer. Mr. Foster stated that in a typical development like this a traffic study would be done.

Discussion on the setbacks and changing the minimum rear yard to 20 ft. Mr. Krohngold said about 10 – 15 range. Will try for 25 ft. max of 15 lots that won't meet that.

Mr. Jeffries asked how far away the nearest building is. Mr. Krohngold said next house is pretty far from property line, over 50 ft away.

Concerns from neighbors

Cindy Smith all houses in the Oaks required to have 25% of entire building be brick or stone. Unless they border Bellefontaine or Fishburg where they are required to have 50%.

Project doesn't meet City's Comprehensive Plan

Density 0.33, The Oaks 2.05, this project 5.7

Traffic issues

Parking issues

Water absorption

Farm animals

Large equipment

Aging in place housing

Rural area

Wildlife

Mr. Jeffries asked about the comprehensive plan and Mr. Foster said it was done 2011.

Ten-year plan. Does say single family detached homes.

2021 new comprehensive plan probably 2022.

Ron Deak

No downtown, expensive to correct now.

Plan doesn't compliment anything

Stick to original plan

3 car garage, 2500 sq ft basement

No storage, then sheds and fences

Parking

Wetland detention

Impervious surface

Single family homes
One entrance
Fire safety
Accommodate the developer

Mr. Jeffries said calculations would come at Detailed, that is Engineering. Drainage would not go into pond, tying into stormwater. 100% isn't going to retention pond. Mr. Foster deferred to developer. Emergency access point was presented in original presentation before email.

I personally take offense to saying we are here to accommodate the developer, we are volunteer residents.

Mike Harmon
Creek
Rural
Privacy
Fences
Water absorption
Visual peace, no noise
Dogs

William Clark, President of the Oaks HOA
Number of units
Density
Correcting prior mistakes
Retain 10-year plan
Property value
25% stone

Mellisa
Several ponds
Large animals
Farm equipment
Hunting/fishing

Don Stewart
Where do we stand, where do we go from here

Mr. Jeffries said this is a recommendation to Council
This product is selling in other communities
Life-style community patio homes do sell
Neighbor sold this property

Bob Krohngold stated impervious issue is an engineering scientific calculation. It will be retained and released at predevelopment rate. The Landings isn't a single-family home, it works as a transition zone. Providing a variety of housing stock. Property value is determined by comps.

Mr. Jeffries asked about barrier around property. Mr. Krohngold said significant buffer in place already. Also, no fences or sheds on this property. There will be people with dogs, I can't control dogs.

Mr. Jeffries asked about demographics, cars per house. Mr. Krohngold said typically not families, 55 or older, room for 2 cars in driveway. Storage in garage, cars parked on the street. Maybe provide off street parking.

William Clark countered and said homes of likeness are used to calculate property value but others are used also.

Ron Hines appraisals look for comps that are very similar. They do compare the surrounding areas.

Tracy Harmon
Living space looks out at this
Love this area
Sewage and pump

Mr. Foster said pump station. Mr. Krohngold stated sanitary sewer lift station. Lift station on Bellefontaine for the Oaks. Gravity sewer.

Action

Ms. Thomas moved to approve the request by the applicant, CAMPBELL BERLING, for an approval of a Rezoning from AG to PR and a Basic Development Plan for property located on the East side of Bellefontaine and South of Chambersburg Road, further identified as Parcel P70 03908 0126 of the Montgomery County Ohio Recorder's office (ZC 21-47) in accordance with the recommendation of Staff's Memorandum dated December 1, 2021, and the Planning Commission Decision Record written as amended.

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

Ms. Vargo said the only way to guarantee no one builds around you, you need to buy the land yourself.

Next step is the recommendation will be taken to a City Council meeting.

4. DETAILED DEVELOPMENT PLAN – The applicant, RJK ASSOCIATES, INC., is requesting approval of a Detailed Development Plan for 8.755 acres at 5060 US Route 40 (ZC 21-46).

Mr. Walton asked Mr. Foster to bring everyone up to date. Mr. Foster said Mr. Conaway is in the audience and perhaps he can give background.

Mr. Ken Conaway from Carriage Trails, they are the current owners of the subject property. Mr. Conaway gave background history of zoning being approved along with Basic Development Plan for the property. Residential and Commercial. Detailed Development Plan was approved and construction began. Only the first phase of Winbrooke was build initially. Approximately 30 lots. Oberer development walked away. City bought the property. City sole purpose was it needed a water tower site. So North of 70 the water system needed expansion. Great elevation. City did a lot split and build the water tower. Carriage Trails continued to grow. 2018 the City approached us about

buying the property and building it out. Targeted effort to achieve a million dollar sales price for remainder of Winbrooke.

Mr. Foster stated that the proposal before Planning Commission calls for development of the property at 5060 US Route 40, currently vacant for an Indoor Storage Facility.

STAFF ANALYSIS:

1171.09 - Detailed development plan.

The detailed development plan shall conform substantially to the basic development plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved basic plan which is proposed to be recorded and developed; provided however, that such portion conforms to all requirements of this chapter and other applicable ordinances. The requirement procedure for approval of a detailed development plan shall be:

- (a) The detailed plan and supporting data shall be filed with the City. The Planning Commission shall determine that such plan is in conformity with these regulations and in agreement with the approved basic plan.*
- (b) After review of the detailed plan and supporting data, the Commission shall approve or disapprove the plan submitted by the developer. Disapproval of the detailed plan shall be based on its failure to comply with the basic development plan and current applicable codes, standards, and regulations.*

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

1171.091 - Planning commission/council review.

It is the purpose of the Planning Development regulations to encourage property owners to develop their land in efficient and effective ways. It is the intent of these regulations to encourage land uses which may not always meet traditional zoning rules. Inherent in these Planned Development regulations is an opportunity for property owners to develop their sites without requiring strict compliance with all zoning regulations where the overall plan is deemed to be in the best interest of the City. During review of a Basic or Detailed Development Plan by the Planning Commission or City Council, all requirements within Part 11, Title 7 of the Code are to be used as guidelines and may be varied as part of the Basic or Detailed Development Plan if it is determined that such deviation will not materially adversely affect neighboring properties or the community as a whole, any such variation of these requirements does not change the overall plan and character of the proposed development, and the variance does not have the effect of nullifying the intent and purpose of these regulations or the Zoning Ordinance. In granting variances or modifications, the Commission or Council may require such conditions as shall, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.

(Case 427; Ord. 2002-O-1367, Passed 9-9-02)

The site in question is the one that currently is the remainder parcel at the north end of the Windbrooke Subdivision. The applicant is requesting approval of a Detailed Development Plan that would allow for the installation of fourteen new storage buildings with leasable space, split into four phases. The applicant had formerly applied for and withdrew an application for the same use after discussion. Staff's analysis of the proposal is broken into several segments as follows.

Building Elevations:

The buildings are made up of multiple materials. The office portion is covered with brick veneer and has a metal roof. The storage building that also faces Senna Drive has a brick veneer façade on the west face. The storage units have a combination of metal siding and tilt up piers. Each unit will have roll up doors. Any dumpster enclosure will be masonry with gates at the front.

Site Design and Engineering:

1179.06 Development standards.

Except when specifically modified herein, the provisions of the Planning and Zoning Code shall govern. The following development standards apply to a PM development:

- (a) *Minimum Land Area Requirement.* A minimum of 20 acres shall be required.

- (b) *Covenants.* The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this chapter and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed-Use District.
- (c) *Required Mix of Land Uses.* A developer shall be required to provide a mix of land uses in a PM Development. At a minimum, at least two of the following uses are required in a PM Development: residential, commercial, office, institutional, and/or industrial.
- (d) *Site Planning.*
 - (1) The combination of different uses whether as part of one building or as part of the overall development shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor, or any other annoyances for any uses within the development or neighboring properties.
 - (2) A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.
 - (3) The number of ingress and egress points onto the public streets shall be limited to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.
 - (4) Parking systems shall be designed to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Underground parking facilities are encouraged.
 - (5) The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bus stops, bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be required except, in the case of a golf course or specific open space development, the Planning Commission may determine them to be unnecessary.
 - (6) Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces

permitted, type size permitted, and permitted illumination. Compliance with the on-site comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.

- (7) Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:
 - A. With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings.
 - B. With multiple buildings on a single property, nonresidential buildings or mixed-use buildings shall be at least 20 feet or one-half the height of the taller building apart, whichever is greater from another nonresidential or mixed-use building.
 - C. All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.
- (8) No maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements.
- (9) Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.
- (10) Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.
- (11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.
- (12) The distribution systems for utilities are required to be underground.
- (13) The use of privately owned open space and public dedicated park land is encouraged as part of a PM development. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.
- (14) The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-of-way. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential property, fence height shall not exceed six feet.

(15) With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete. (Case 346; Ord. 99-O-1199, Passed 3-22-99)

The proposal calls for one curb cut to access the facility off Senna Drive. No access will be provided off US Route 40. In the September 28, 2021, Planning Commission meeting, it was discussed to relocate the entrance to US Route 40. The applicant did contact the Ohio Department of Transportation for a curb cut on US Route 40 in an attempt to comply with that discussion and was told he would “more than likely be denied because other reasonable access is available”. I then reached out to ODOT and spoke with The Real Estate Administrator. He stated “the applicant can apply for a review, however, typically a curb cut would be denied if other reasonable access is available”. The parking requirement for the office is one space for every 300 square feet of gross floor area, which calculates to 4 parking spaces, with 1 of those being designated accessible spaces. 5 total parking spaces are proposed at 9 feet by 19 feet. City standard is 10 feet by 18 feet. Staff recommends the 10-foot-wide space requirement. Paved drive aisles access each building with no dead-end drives. Six-foot wrought iron fencing is proposed at the north and west perimeter of the site with a gate at the front and an emergency gate at the rear and six-foot wood privacy fence is proposed at the south and east perimeters. The interior aisles are 25 and 30 feet in width and exterior aisles vary to allow for emergency vehicle turning movements.

Utilities:

The buildings are to be serviced by connections to public water and the office will connect to the public sanitary sewer. Gas, telephone, and electric are also currently available at the site. Drainage is being collected through catch basins and storm sewer routing the flow through proposed detention basins onsite. The detention basins are designed to meet current water quality and quantity detention requirements. All field tile encountered are to be routed around the proposed buildings and into the storm water drainage system. Lighting is shown on the submitted drawings and complies with City Code 1181.21.

Signage:

The proposal calls for a wall sign on the front of the office building. No dimensions are shown, but staff would recommend limiting the size to a maximum of seventy-five (75) square feet in area as per the standard City Code.

Landscaping:

Landscaping is being proposed to include street trees and buffering around the perimeter of the site. This landscaping includes a combination of deciduous trees, evergreen trees, shrubs, and grasses. A twenty-five-foot landscape buffer is proposed along the southern property line, protecting some of the vegetation and adding buffer type trees for year-round protection. The landscaping along the southern property line,

which backs up to residential will include Twelve (12) White Pine trees, thirty-five (35) Norway Spruce trees, and six (6) Black Spruce trees. Additional landscaping has been added from the original submittal. The Landscaping Plan complies with the City Standards.

Action

Ms. Vargo moved to table the request by the applicant, RJK ASSOCIATES, INC., for an approval of a Detailed Development Plan for 8.755 acres at 5060 US Route 40 (ZC 21-46) in accordance with the recommendation of Staff's Memorandum dated December 14, 2021, and the Planning Commission Decision Record.

Seconded by Ms. Opp. Roll call showed: YEAS: Ms. Thomas, Mr. Jeffries, Ms. Opp, and Ms. Vargo. NAYS: Mr. Walton. Motion to table carried 4-1.

- 5. DETAILED DEVELOPMENT PLAN – The applicant, GILLIGAN OIL COMPANY, is requesting approval of a Detailed Development Plan for 1.84 acres for property located at the Northeast corner of Taylorsville Road and old troy Pike (ZC 21-49).**

Mr. Foster stated that the applicant requests approval of a Detailed Development Plan for two retail buildings in the mixed-use development at the above-described location.

STAFF ANALYSIS AND RECOMMENDATION:

Overview:

The above-described property was rezoned from R-6, residential and B-3, commercial to PM-Planned Mixed Use in 2021. The site is located at the northeast corner of Taylorsville Road and Old Troy Pike. The overall proposal calls for the construction of six commercial buildings to be located on individual lots and 192 market rate apartment units housed in six multi-family buildings. The proposal before Planning Commission calls for the construction of two new restaurant uses which are permitted uses in the Planned Mixed Use zoning district as commercial uses. The first is a new 3,061 square foot quick serve restaurant and the second is a new 2,030 square foot restaurant of the same type. Staff's analysis of the proposal is broken into several segments as follows.

1171.09 - Detailed development plan.

The detailed development plan shall conform substantially to the basic development plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved basic plan which is proposed to be recorded and developed; provided however, that such portion conforms to all requirements of this chapter and other applicable ordinances. The requirement procedure for approval of a detailed development plan shall be:

- (a) The detailed plan and supporting data shall be filed with the City. The Planning Commission shall determine that such plan is in conformity with these regulations and in agreement with the approved basic plan.*
- (b) After review of the detailed plan and supporting data, the Commission shall approve or disapprove the plan submitted by the developer. Disapproval of the detailed plan shall be based on its failure to comply with the basic development plan and current applicable codes, standards, and regulations.*

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

1171.091 - Planning commission/council review.

It is the purpose of the Planning Development regulations to encourage property owners to develop their land in efficient and effective ways. It is the intent of these regulations to encourage land uses which may not always meet traditional zoning rules. Inherent in these Planned Development regulations is an opportunity for property owners to develop their sites without requiring strict compliance with all zoning regulations where the overall plan is deemed to be in the best interest of the City. During review of a Basic or Detailed Development Plan by the Planning Commission or City Council, all requirements within Part 11, Title 7 of the Code are to be used as guidelines and may be varied as part of the Basic or Detailed Development Plan if it is determined that such deviation will not materially adversely affect neighboring properties or the community as a whole, any such variation of these requirements does not change the overall plan and character of the proposed development, and the variance does not have the effect of nullifying the intent and purpose of these regulations or the Zoning Ordinance. In granting variances or modifications, the Commission or Council may require such conditions as shall, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.

(Case 427; Ord. 2002-O-1367, Passed 9-9-02)

Building Elevations:

Lot number 4 is proposed to be a 3,061 square foot Popeye's Restaurant. The building is made up of several different materials including, EIFS, painted brick look fiber cement wall panels, and metal. There is a good mix of color and depth to the building. The overall height of the building is 18 feet. The dumpster enclosure is shown on the plan with gated front. Staff recommends the dumpster enclosure be constructed of masonry materials matching the building.

Lot number 5 is proposed to be a 2,030 square foot Dunkin Restaurant. This building is also made up of several materials including, EIFS, fiber cement lap siding, metal, and glass. Again, a good mix of colors and depth are being used. The overall height of the building is 20 feet 9 inches. The dumpster enclosure is shown on the plan with gated front. Staff recommends the enclosure be constructed of masonry material matching the building.

Site Design and Engineering:

1179.06 Development standards.

Except when specifically modified herein, the provisions of the Planning and Zoning Code shall govern. The following development standards apply to a PM development:

- (a) *Minimum Land Area Requirement.* A minimum of 20 acres shall be required.

- (b) *Covenants*. The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this chapter and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed-Use District.
- (c) *Required Mix of Land Uses*. A developer shall be required to provide a mix of land uses in a PM Development. At a minimum, at least two of the following uses are required in a PM Development: residential, commercial, office, institutional, and/or industrial.
- (d) *Site Planning*.
 - (1) The combination of different uses whether as part of one building or as part of the overall development shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor, or any other annoyances for any uses within the development or neighboring properties.
 - (2) A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.
 - (3) The number of ingress and egress points onto the public streets shall be limited in order to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.
 - (4) Parking systems shall be designed so as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Underground parking facilities are encouraged.
 - (5) The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bus stops, bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be required except, in the case of a golf course or specific open space development, the Planning Commission may determine them to be unnecessary.
 - (6) Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic

design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces permitted, type size permitted, and permitted illumination. Compliance with the on-site comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.

- (7) Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:
 - A. With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings.
 - B. With multiple buildings on a single property, nonresidential buildings or mixed-use buildings shall be at least 20 feet or one-half the height of the taller building apart, whichever is greater from another nonresidential or mixed-use building.
 - C. All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.
- (8) No maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements.
- (9) Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.
- (10) Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.
- (11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.
- (12) The distribution systems for utilities are required to be underground.
- (13) The use of privately owned open space and public dedicated park land is encouraged as part of a PM development. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.

- (14) The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-of-way. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential property, fence height shall not exceed six feet.
- (15) With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete.

(Case 346; Ord. 99-O-1199, Passed 3-22-99)

Both lot number 4 (Popeye's) and lot number 5 (Dunkin) are setback approximately 64 feet from the right-of-way. Both dumpster enclosures are located at the rear of the lot and both restaurants are proposing a double drive thru.

Parking is as follows.

Restaurant, fast food: one space per seats, plus one space per two employees on the largest shift with a minimum of fifteen total spaces plus stacking for eight vehicles shall be provided for each drive-in window, with such stacking spaces to be located behind the point where a drive-in order is placed.

By Code, Lot 4 (Popeye's) would require twenty-six spaces with two of those being accessible. The proposal calls for twenty-seven spaces with two accessible. The proposal calls for ten-foot width parking spaces.

By Code, Lot 5 (Dunkin) would require fourteen spaces with one being accessible. The proposal calls for nineteen spaces with one being accessible. The proposal calls for ten-foot-wide spaces.

Both users are exceeding the parking requirement per Code.

Utilities:

Both buildings will be serviced by connections to public water and sanitary sewer connections. Gas, telephone, and electric are also available at the site limits. Drainage is being collected through catch basins and storm sewer routing the flow to the existing retention pond to the east. There is no need for additional storm water detention. Lighting shall meet the standards of City Code 1181.21.

Signage:

No sign package for either building has been submitted at this time. However, the signage shown is as follows:

Lot 4 (Popeye's)

Wall Signs (5 total)

1. West façade: 52.22 square feet
2. North façade: 48.33 square feet
3. North façade: 14.28 square feet
4. South façade: 10 square feet
5. West façade: 33 square foot chicken artwork

Four entry/exit signs are also shown on the plan

Lot 5 (Dunkin)

Wall Signs (3 total)

1. West façade: 24.9 square feet
2. South façade: 22.6 Square feet
3. North façade: 18.2 square feet

Three entry/exit signs are also shown on the plan.

Landscaping:

Landscaping is being provided around the perimeter of the buildings and sites. The landscaping consists of deciduous trees, shrubs, grasses, and perennials. Staff recommends adding Autumn Fantasy Maple trees along Old Troy Pike to match that was approved with the Discount Tire Store.

Action

Ms. Thomas moved to approve the request by the applicant, GILLIGAN OIL COMPANY, for an approval of a Detailed Development Plan for 1.84 acres for property located at the Northeast corner of Taylorsville Road and old troy Pike (ZC 21-49) in accordance with the recommendation of Staff's Memorandum dated December 14, 2021, and the Planning Commission Decision Record.

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

VIII. Additional Business

1. Approval of 2022 Meeting Schedule will be at the next meeting.

IX. Approval of the Minutes

Without objection, the minutes of the September 28, 2021, and the November 9, 2021, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Foster stated that G2 Tactical Special Use

XI. Upcoming Meetings

January 11, 2022
January 25, 2022

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:00 p.m.



Terry Walton, Chair

Geri Hoskins, Administrative Secretary

2/15/2022
Date

2/15/22
Date