

CITY OF HUBER HEIGHTS
STATE OF OHIO

City Council Work Session

January 19, 2021
6:00 P.M.
Hybrid In-Person/Remote Meeting

1. **Call Meeting To Order/Roll Call**

2. **Approval of Minutes**

   A. January 5, 2021

3. **Work Session Topics Of Discussion**

   A. City Manager Report

   B. Disposal of Surplus Property - IT Department

   C. Increase Not To Exceed Amount – SHI International - IT Department

   D. Request For Qualifications – Community Needs Assessment – Inclusivity, Diversity, and Equality

   E. Huber Heights Community Center

   F. ZC 20-31 - Major Change - Basic Development Plan - Koehler & Wang - The Oaks Subdivision

G. Request For Proposals - Comprehensive Plan

H. Marian Meadows – Site Improvement/Building Demolition Update

I. Metronet - City Wide Fiber Project

J. Streets Improvements Policy

K. Board and Commission Appointments

L. 2021 Rules of Council

4. **Adjournment**

AI-7386 **Topics of Discussion** **B.**

Council Work Session

Meeting Date: 01/19/2021

Disposal of Surplus Property - IT Department

Submitted By: Branden Payton

Department: Information Technology

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Disposal of Surplus Property - IT Department

Purpose and Background

This agenda item is to authorize the disposal of IBM AS400 Main Frame and 56k external modem which is obsolete and is no longer in production.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

DECLARING CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID SURPLUS PROPERTY.

WHEREAS, the City of Huber Heights is in possession of certain property; including one IBM AS400 Main Frame and modem; and

WHEREAS, the property is no longer needed for municipal purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. Consistent with the provisions of the Ohio Revised Code Section 721.15 and applicable City codified ordinances and purchasing procedures, the following equipment is declared surplus, no longer needed for municipal purposes, and authorization is hereby provided to dispose of the property consistent with the provisions of the Huber Heights Codified Ordinances.

ITEM	SERIAL NUMBER	ASSET TAG
IBM AS400 Main Frame	3BBZ3THL	C092, P1342, F744
IBM Option 56k External Modem	42-Q1852	

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____ , 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____ _____
Clerk of Council Mayor

_____ _____
Date Date

AI-7387 **Topics of Discussion** C.

Council Work Session

Meeting Date: 01/19/2021

Increase Not To Exceed Amount – SHI International - IT Department

Submitted By: Branden Payton

Department: Information Technology

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Increase Not To Exceed Amount – SHI International - IT Department

Purpose and Background

This agenda item is to authorize an increase in the not to exceed spending limit for SHI International in order to purchase the City's annual licenses for Office 365.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): Yes

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R

TO INCREASE THE NOT TO EXCEED AMOUNT FOR SHI INTERNATIONAL FOR THE CALENDAR YEAR 2021 AND WAIVING THE COMPETITIVE BIDDING PROCESS.

WHEREAS, SHI International services are needed to provide software and licenses for cloud-based applications for City business; and

WHEREAS, the City Charter requires that City Council approve all work performed by a single vendor in excess of $25,000.00 in any given year; and

WHEREAS, the City has determined to increase the not to exceed amount to pay SHI International as needed, without delay; and

WHEREAS, City Council agrees that it is prudent and cost effective to increase SHI International's amount to allow the company to perform additional work for the City due to additional services as needed, without delay.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to increase the not to exceed amount for SHI International by $15,000.00 for a new total of $40,000.00 to cover all additional expenses throughout the calendar year 2021 as needed.

Section 2. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

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_____Yeas; _____Nays.

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AUTHENTICATION:

_____ _____
Clerk of Council Mayor

_____ _____
Date Date

.

AI-7392 **Topics of Discussion** **D.**

Council Work Session

Meeting Date: 01/19/2021

Request For Qualifications – Community Needs Assessment – Inclusivity, Diversity, and Equality

Submitted By: Rob Schommer

Department: City Manager

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Request For Qualifications – Community Needs Assessment – Inclusivity, Diversity, and Equality

Purpose and Background

City Council has agreed to the recommendation of the Culture and Diversity Citizens Action Commission to seek statements of qualifications from firms to conduct a community needs assessment for inclusivity, diversity and equality. The scope and requisites of the firms for the Request For Qualifications (RFQ) to be published will be created by the commission, and the RFQ process will be facilitated by City Staff.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE STATEMENTS OF QUALIFICATIONS FROM FIRMS TO CONDUCT A COMMUNITY NEEDS ASSESSMENT REGARDING INCLUSIVITY, DIVERSITY AND EQUALITY.

WHEREAS, the City Council has created and appointed the Huber Heights Culture and Diversity Citizens Action Commission to act in an advisory capacity to promote equal opportunity and full exercise of civil rights for all persons without discrimination and to increase inclusivity and awareness of civil and human rights; and

WHEREAS, the Culture and Diversity Citizens Action Commission has recommended a community needs assessment to focus on inclusivity, diversity and equality is needed to identify the needs of the community and to prioritize the actions, programs and services needed to meet the goals of the Commission and the City; and

WHEREAS, the City Council has agreed to a process of which the scope will be developed by the Culture and Diversity Citizens Action Commission and facilitated by City Staff to identify the best qualified firm to conduct the needs assessment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit, advertise and receive Statements of Qualifications from firms to conduct a community needs assessment regarding inclusivity, diversity and equality.

Section 2. After receipt of all Statements of Qualifications, the responses will be reviewed and rated in accordance to the procedures set forth in the published Request For Qualifications (RFQ), and the top three (3) responses will be then solicited for proposals to conduct the needs assessment.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were taken in meetings open to the public and in conformance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

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Clerk of Council Mayor

_____ _____
Date Date

AI-7391		**Topics of Discussion**	**E.**
Council Work Session			
Meeting Date:	01/19/2021		
Huber Heights Community Center			
Submitted By:	Josh King		
Department:	Planning	**Division:**	Parks and Recreation
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	01/19/2021
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Huber Heights Community Center

Purpose and Background

This agenda item is for an update on the improvements the City has made to the community center; including plans for an announcement of availability and usage.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.

AI-7388 **Topics of Discussion** F.

Council Work Session

Meeting Date: 01/19/2021

ZC 20-31 - Major Change - Basic Development Plan - Koehler & Wang - The Oaks Subdivision

Submitted By: Geri Hoskins

Department: Planning

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/05/2021 and 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

ZC 20-31 - Major Change - Basic Development Plan - Koehler & Wang - The Oaks Subdivision

Purpose and Background

The applicant, Koehler & Wang, is requesting approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Drawings
Correspondence
Additional Information
Staff Report
Decision Record
Minutes
Additional Correspondence
Presentation
Ordinance
Amended Ordinance

Hoskins, Geralyn

From: Jing Wang <jingrealty@gmail.com>
Sent: Friday, November 27, 2020 11:52 AM
To: Falkowski, Scott; Hoskins, Geralyn; Chris Koehler
Subject: Fishburg / Bellefontaine Road Development
Attachments: preliminary_packet3.pdf

Hi Scott and Geri,
I am attaching our updated preliminary development packet.

The updated cover sheet has the requested details about how we will handle the mound, property maintenance/mowing, sheds, sidewalk, masonry, etc. Much of the new wording was taken directly from previous Oaks application.

We included more detailed drawings on the house designs. Also, the updated image of the mound/trees (page 2) shows it going all the way around the property, but there is a textual caveat that it may be adjusted to accommodate site lines and drainage per engineer specs in the final plan.

One item we did adjust was since our house design is long and skinny, a 25% masonry finish would require more than the entire front face to be masonry on every house, which we feel is excessive. Instead we are proposing a minimum of 50% masonry on the front of all houses, with the houses whose faces are visible from Fishburg getting full masonry fronts. Driving through The Oaks, we can see quite a few houses, including ranches, that don't appear to meet the 25% masonry coverage mark, so we are thinking our proposal is reasonable for the area.

We would like to schedule a planning commission meeting on December 15, 2020.

Thanks,
Jing & Chris

Housing Development

Fishburg Rd and Bellefontaine Rd Intersection
Huber Heights, OH 45424

Owner

Jing Wang
Ph: (513) 328-1800

Christopher Koehler
Ph: (937) 830-8450

Contractor

TBD

General Notes

- A sidewalk will be provided extending from the West property border to the cornerof the Fishburg and Bellefontaine intersection.

- There will be no exterior shed structures allowed in the development.

- Berming shall be installed along Bellefontaine and Fishburg Roads on the rear of the lots that abut said Roads. Berming will also be provided along the North and West property borders. Said berming shall include a mound to be ten feet (10') or more at the base, two to three and a half feet (2'-3.5') high and planted/landscaped with four to six feet (4'-6') of a combination of trees, evergreens and shrubs, as per the landscape design plan. Said mound may be modified for drainage and sight line purposes as approved by the City Engineer.

- All houses shall be constructed with a minimum of fifty percent (50%) masonry on the front face of the house. The remainder of the exterior materials will include a mix of lap siding, synthetic cedar shakes, and board/batten style siding

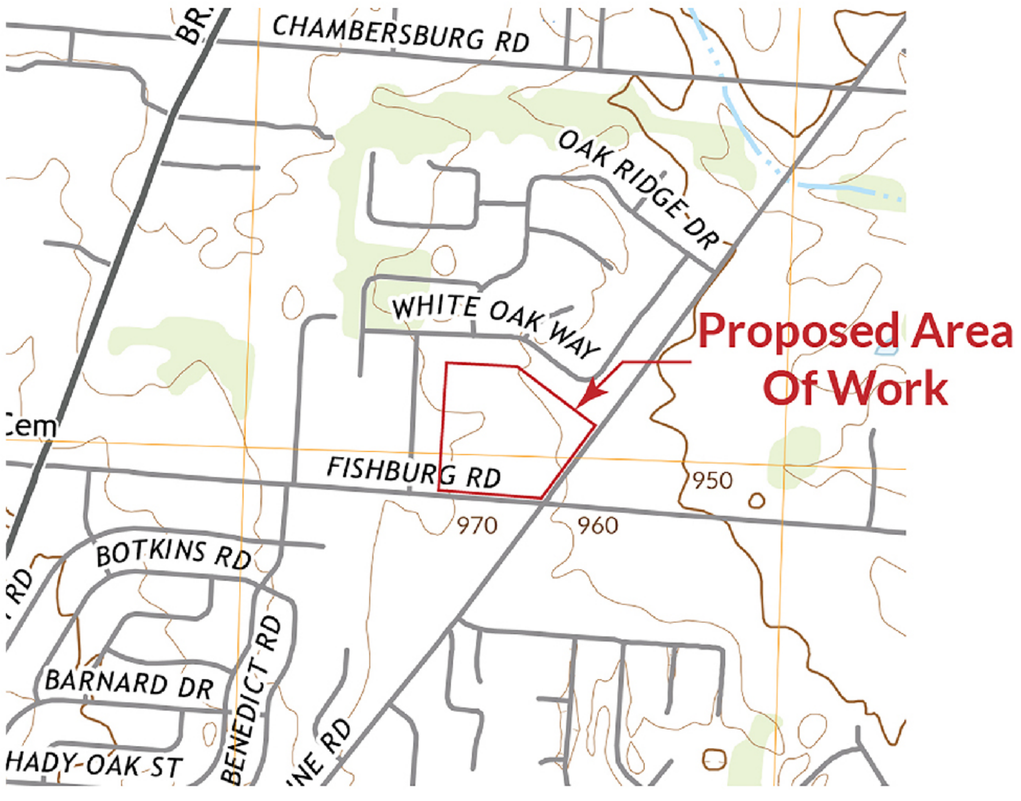
- Lots near the Fishburg Rd. entrance (#29 and 30) shall receive 100% masonry front faces.

- All shingles to be dimensional

- The development owner will provide grass mowing, as well as yard and property maintenance for all houses in the development.

- The comments of the Engineering and Fire Divisions shall be satisfied prior to approval of a Detailed Development Plan

Reference Plan



0 40 80 120

N

MOUND

38 0.4863 Acres
39 0.2760 Acres
40 0.1618 Acres
41 0.2471 Acres
42 0.2496 Acres
43 0.1618 Acres
44 0.1618 Acres
45 0.1618 Acres
46 0.1618 Acres
37 0.4004 Acres
36 0.2360 Acres
35 0.1966 Acres
34 0.1966 Acres
33 0.1966 Acres
32 0.1966 Acres
31 0.1966 Acres
30 0.2126 Acres
29 0.3066 Acres
18 0.2056 Acres
17 0.1996 Acres
16 0.1474 Acres
15 0.1474 Acres
14 0.1474 Acres
13 0.1474 Acres
12 0.1954 Acres
19 0.1474 Acres
20 0.1474 Acres
21 0.1474 Acres
22 0.1473 Acres
23 0.2210 Acres
24 0.1351 Acres
25 0.1351 Acres
26 0.1811 Acres
27 0.1828 Acres
28 0.1538 Acres
11 0.2300 Acres
10 0.1591 Acres
9 0.1685 Acres
8 0.1967 Acres
7 0.2511 Acres
1 0.1909 Acres
2 0.1591 Acres
3 0.1591 Acres
4 0.1614 Acres
5 0.1916 Acres
6 0.2331 Acres

STREET 'A'
STREET 'B'

DETENTION AREA
0.7520 Acres

OPENSPACE
41099 Sq. Feet
0.9435 Acres

98,709 Sq. Feet
2.266 Acres

20' BUILDING SETBACK
25' REAR BUILDING SETBACK
15' REAR BUILDING SETBACK

MOUND
DETENTION AREA

FUTURE ROW
EX IP
EX GM
EX GAS
EX UG GAS (APPROX LOC)
EX OHW
EX WATER
EX STORM
EX SAN
EX GAS MARKER

BELLEFONTAINE RD
FISHBURG RD.

1310.87'
TN 36°E

AREA SUMMARY
9.187 ACRES IN LOTS
1.696 IN OPENSPACE/COMMON AREA
2.266 ACRES IN RIGHT-OF-WAY
13.149 ACRES

REVISIONS

6	5	4	3	2	1		

Community Civil Engineers, LLC
2440 DAYTON-XENIA ROAD, SUITE B
BEAVERCREEK, OHIO 45434
TEL 937.490.9460 FAX 937.426.9798

SITE PLAN

KOEHLER
HUBER HEIGHTS

DESIGN: SMB	DATE: 11/20/2020
DRAWN:	
CHECK:	SP1
JOB #: 20-462	

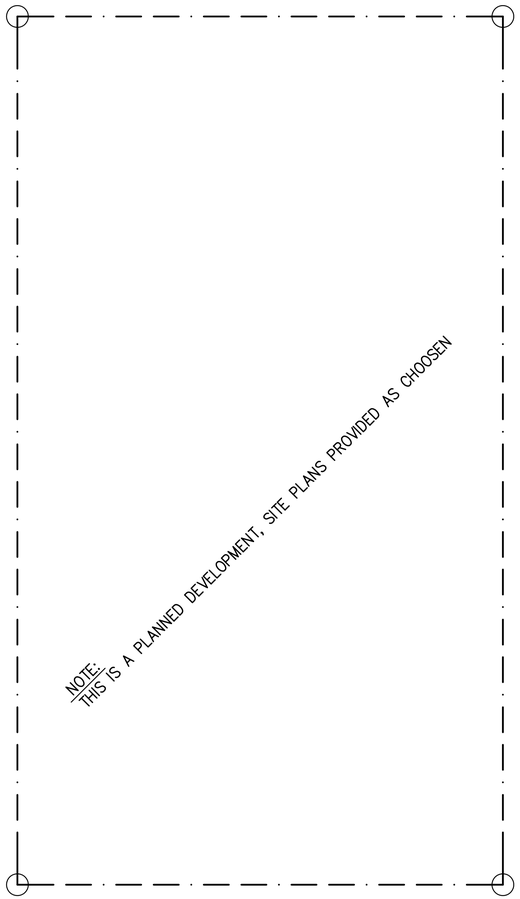
NEW HOUSE DESIGN

for: MR. & MRS KOEHLER

TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

SHEET INDEX

A-1 ——SITE PLAN, FLOOR PLAN & CONSTRUCTION NOTES
A-2 ——EXTERIOR ELEVATIONS
A-3 ——FOUNDATION & ROOF FRAMING PLANS
A-4 ——WALL SECTIONS & DETAILS



SITE PLAN
1/16"=1'-0"

CONSTRUCTION NOTES:

1. DESIGN LOADING
   ROOF – 25 P.S.F. LIVE
   20 P.S.F. DEAD
   FLOOR – 40 P.S.F. LIVE
   10 P.S.F. DEAD
2. MINIMUM SOIL PRESSURE MUST BE AT LEAST 1,500 P.S.F. A SOILS ENGINEER MUST BE ON SITE FOR CONDITIONS THAT MAY BE QUESTIONABLE.
3. PROVIDE LEAN CONCRETE FILL AT BAD SOIL CONDITIONS OR COMPACTED SOIL TO 95% STANDARD PROCTER
4. CONCRETE STRENGTHS AS FOLLOWS:
   3,000 P.S.I. FOR FOOTINGS AND SHORT STEM WALLS
   4,000 P.S.I. FOR ALL SLABS (INTERIOR AND EXTERIOR)
5. ALL FRAMING INFORMATION SHOWN ON THE ROOF AND FLOOR FRAMING PLANS
6. BRICK OR STONE ANGLES TO BE SUPPLIED AND SIZED BY THE SUPPLIER
7. 44" MAXIMUM WINDOW SILL HGT. FOR EGRESS WINDOWS
8. TEMPERED GLASS REQUIRED IN BATH AREAS AND WINDOW SILLS WITHIN 18" OF THE FLOOR LINE
9. HARD WIRED SMOKE & CARBON MONOXIDE DETECTORS REQUIRED WITH BATTERY BACKUP
10. MINIMUM 8" FROM FINISHED FLOOR TO FINAL GRADE
11. SILL PLATES TO HAVE ANCHOR BOLTS WITHIN 12" OF END BOARD CUT
12. BRICK WALL TIES AT 24"o.c. VERT. AND HORZ.
13. MINIMUM 3/4" FINGER JOINT AIR SPACE BEHING BRICK WORK
14. PROVIDE STANDARD BRICK FLASHING AND WEEP HOLES AT 32"o.c.
15. PROVIDE ICE PROTECTION 24" AT INSIDE OF WALL FRAMING
16. PROVIDE TYPICAL WALL VAPOR WRAP BARRIER
17. SUBMIT SEALED COMPUTATIONS WITH ALL ENGINEERED WOOD PRODUCTS, MAINTAIN AT JOBSITE
18. PROVIDE FIREBLOCKING BETWEEN FLOORS, BLOCK ALL AIR PATHS
19. PROVIDE SOFFIT AND RIDGE VENTS WITH A MINIMUM 2" AIR SPACE ABOVE ROOF INSULATION
20. METAL DRYER VENT MUST HAVE FLAP TYPE DAMPER
21. APPLIANCE MANUFACTURERS SPECIFICATIONS ON JOB SITE DURING CONSTRUCTION
22. PROVIDE COMBUSTION AIR AND PROPER EXHAUST FOR HOUSE FURNACE PER MFR. SPECIFICATIONS.
23. AT ALL GARAGE SEPERATION WALL PROVIDE TYPE "X" 5/8" DRYWALL
24. ALL BATH FANS TO EXHAUST TO OUTSIDE
25. PROVIDE 22"x30" ACCESSIBLE ATTIC ACCESS
26. FLUSH MOUNT OR COVERED LIGHT FIXTURES AT CLOSET LOCATIONS

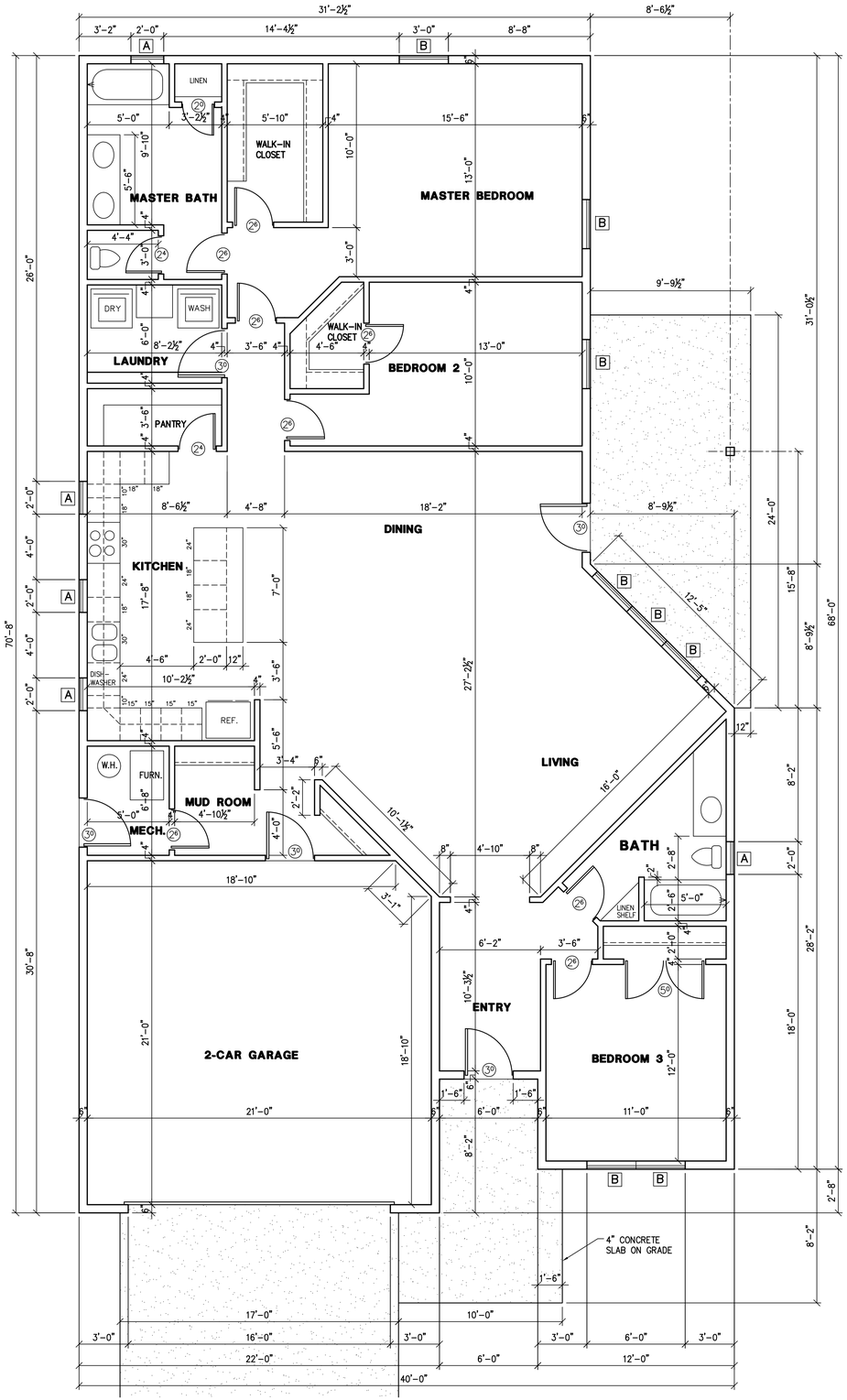
NOTE:
CODES MUST FOLLOW R.C.O. REQUIREMENTS AND ALL LOCAL CODES AS THEY PERTAIN TO THIS PROJECT.

WINDOW SCHEDULE

MARK	TYPE	QTY.	WIDTH	HEIGHT
A	DOUBLE HUNG	6	2'-0"	1'-0"
B	DOUBLE HUNG	8	3'-0"	5'-9"

NOTE:
WINDOW SIZES ARE BASED UPON THE ROUGH OPENING DIMENSION. CONTRACTOR TO CHOSE THE WINDOW THAT BEST FITS THIS SIZE AND THE WINDOW COMPANY PER THE OWNERS CHOICE. EGRESS LAWS MUST BE FOLLOWED AS THEY APPLY TO THE LOCAL CODES FOR NET WINDOW CLEAR OPENING WITH WINDOW OPENED.

INDICATES NEW DOOR LOCATIONS
ALL DOORS 6'-8" HIGH WITH DOOR WIDTH INDICATED AT EACH LOCATION



FLOOR PLAN
1/4"=1'-0"

1,970 SQ. FT. – LIVING AREA
460 SQ. FT. – GARAGE

DESIGN OPTION 'A'

contractor: CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title: NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
HOME ADDITIONS
LIGHT COMMERCIAL
(937) 902-4337
stevefleuryohio@gmail.com

date: 10-04-2020

sheet number: A-1

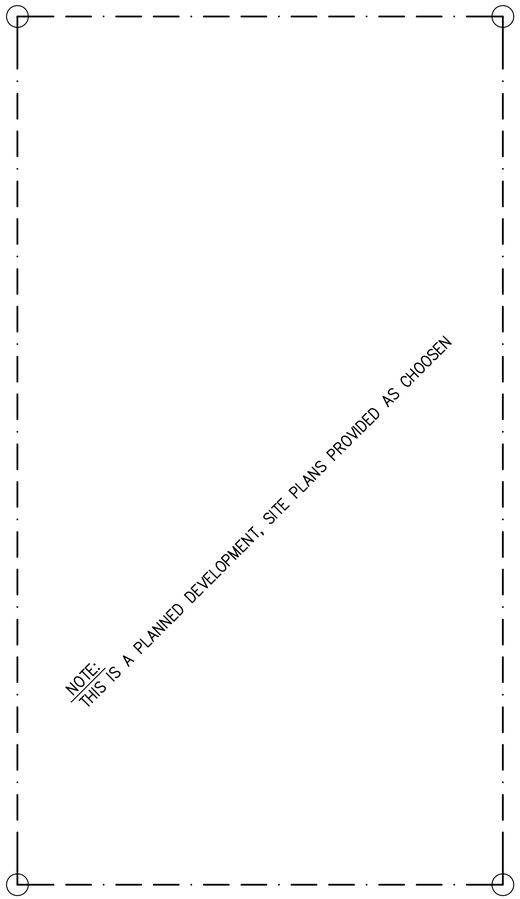
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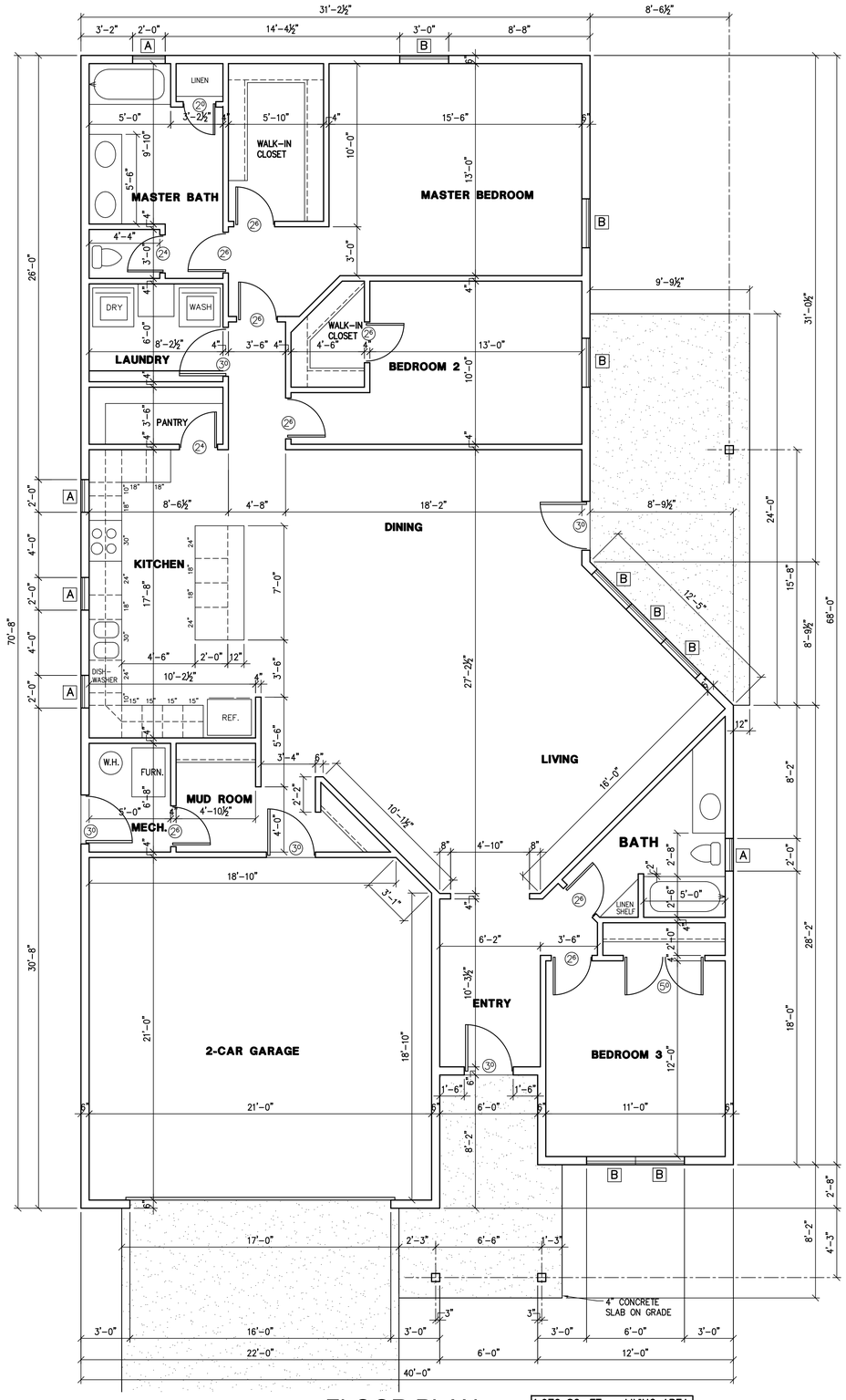
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contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
DECKS & PATIO
LIGHT COMMERCIAL
(937) 902-4337
stevefleuryohio@gmail.com

date:
10-04-2020

sheet number:
A-1

Outdoor Functional Layout

Sideyard as Primary Outdoor Space





FRONT ELEVATION

¼"=1'-0"



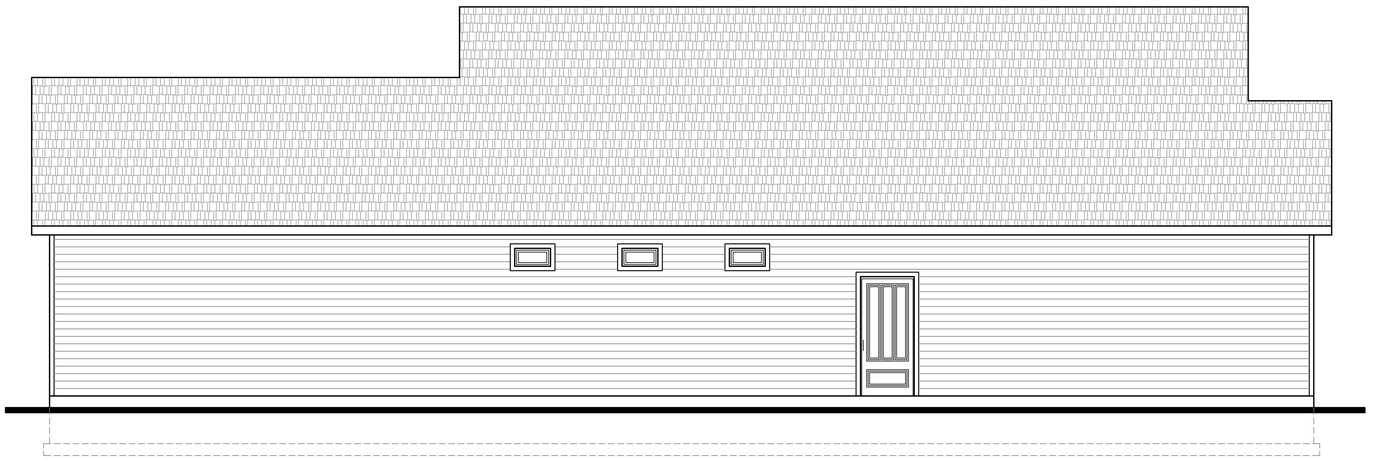
RIGHT ELEVATION

¼"=1'-0"



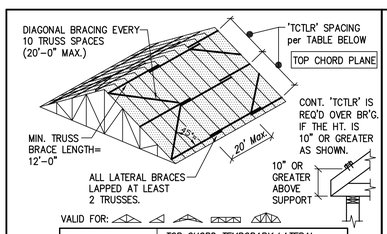
BACK ELEVATION

¼"=1'-0"



LEFT ELEVATION

¼"=1'-0"

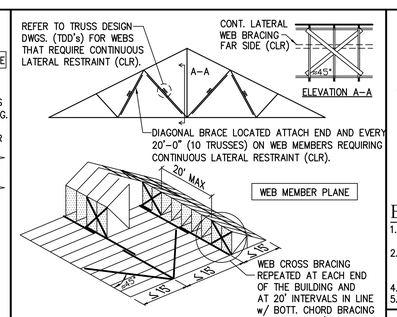


TRUSS SPAN	TOP CHORD TEMPORARY LATERAL RESTRAINT (TCTLR) SPACING
UP TO 30'	10'-0" ON-CENTER MAXIMUM
30'-45'	8'-0" ON-CENTER MAXIMUM
45'-60'	6'-0" ON-CENTER MAXIMUM
** 60'-80'	4'-0" ON-CENTER MAXIMUM

TOP CHORD BRACING (TCTLR)

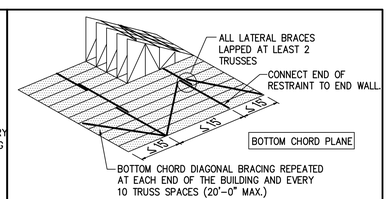
1. APPLIES TO ALL SLOPING CHORD TRUSSES, SCISSORS TRUSSES, 2x_ PARALLEL CHORD TRUSSES AND PIGGYBACK TRUSSES.
2. LOCATE A 'TCTLR' AT EACH PITCH BREAK ALONG THE TOP CHORD.
3. PROVIDE LATERAL BRACING AT TOP CHORD SCISSORS TRUSS SPLICES
4. INSTALL 'TCTLR' TO THE UNDERSIDE OF TOP CHORD TO ALLOW INSTALLATION OF ROOF SHEATHING.

TOP CHORDS THAT ARE LATERALLY BRACED CAN BUCKLE TOGETHER AND CAUSE COLLAPSE IF THERE IS NO DIAGONAL BRACING. DIAGONAL BRACING SHOULD BE NAILED TO THE UNDERSIDE OF THE TOP CHORD WHEN PURLINS OR SHEATHING ARE ATTACHED TO THE TOPSIDE OF THE TOP CHORD.



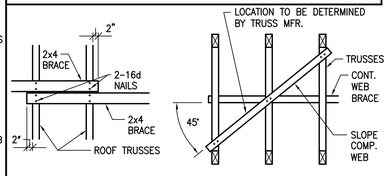
WEB MEMBER BRACING

1. INSTALL DIAGONAL BRACING ON WEB MEMBERS (VERTICAL WEBS WHENEVER POSSIBLE), AT OR NEAR BOTTOM CHORD LATERAL RESTRAINT (SEE BELOW).
2. WEB MEMBERS THAT REQUIRE MORE THAN ONE ROW OF 'CLR' SHALL HAVE THE CLRs AND DIAGONAL BRACING INSTALLED AS THE TRUSSES ARE INSTALLED.
3. MONO TRUSSES, DEEP FLAT TRUSSES AND OTHER TYPES OF TRUSSES WITH DEEP ENDS ALSO REQUIRE CLR's AND DIAGONAL BRACING ON THE LONG WEB MEMBERS AT THE DEEP END OF THE TRUSS.
4. REFER TO BCSI-B2 AND BCSI-B3 FOR ADDITIONAL INFORMATION PERTAINING TO WEB MEMBER RESTRAINT AND BRACING.



BOTTOM CHORD BRACING

1. INSTALL BOTTOM CHORD TEMPORARY LATERAL RESTRAINT (BCTLR) IN ROWS NO MORE THAN 15'-0" o.c.
2. IF NO SHEATHING IS TO BE INSTALLED TO THE UNDERSIDE OF THE BOTTOM CHORDS, INSTALL BOTTOM CHORD PERMANENT LATERAL RESTRAINT AT THE LOCATIONS REQUIRED BY THE TRUSS DESIGN DRAWINGS (OR 10'-0"o.c. MAX.).
4. ADDITIONAL BOTTOM CHORD BRACING IS REQUIRED AT ALL GABLE END WALLS.
5. PROVIDE LATERAL BRACING AT BOTT. CHORD SCISSORS TRUSS SPLICES



LAP DETAILS AT 2X4 ROOF BRACES

N.T.S.



FRONT ELEVATION

¼"=1'-0"

(STONE FRONT ELEVATION ON DESIGN OPTION 'A')

DESIGN OPTION 'A'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
ADDITIONS
LIGHT COMMERCIAL
(937) 902-4337
steveflueryohio@gmail.com

date:
10-04-2020

sheet number:
A-2



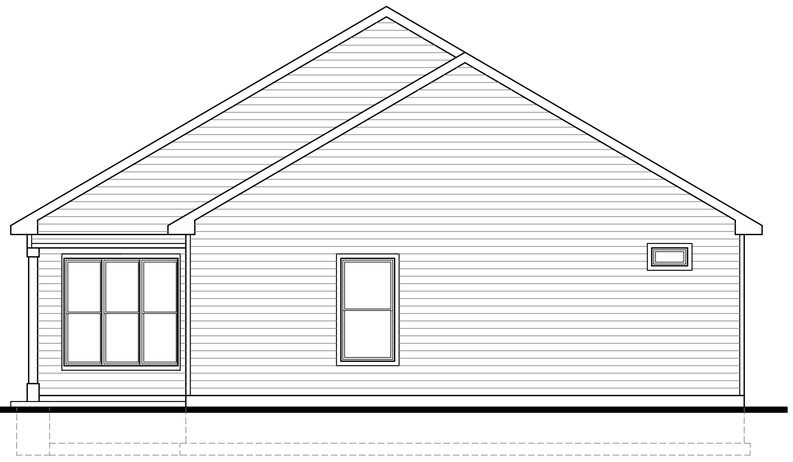
FRONT ELEVATION

1/4"=1'-0"



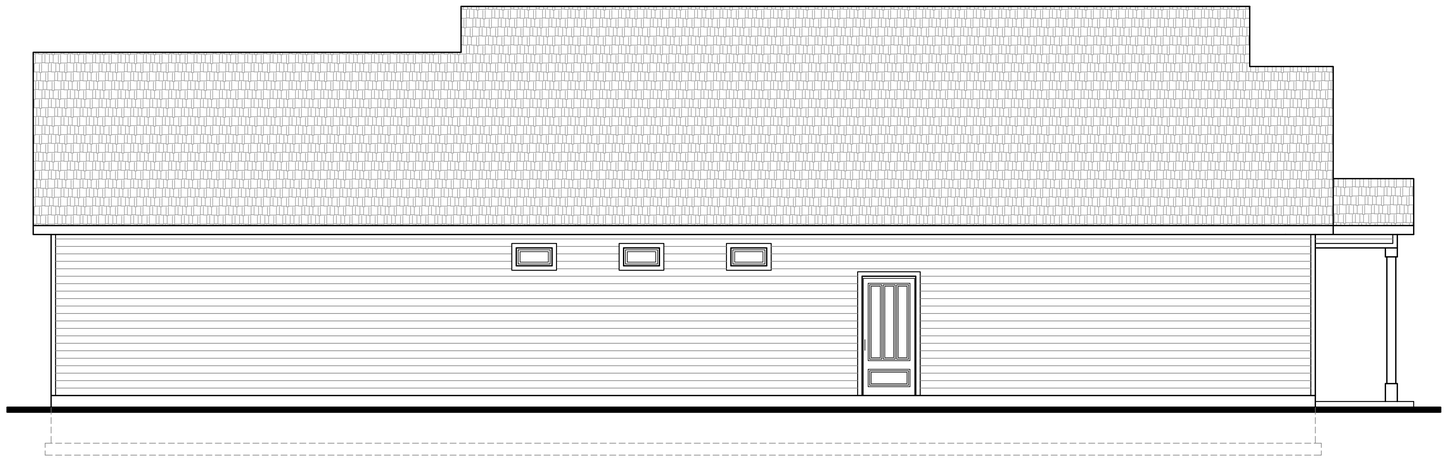
RIGHT ELEVATION

1/4"=1'-0"



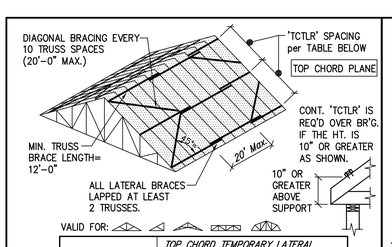
BACK ELEVATION

1/4"=1'-0"



LEFT ELEVATION

1/4"=1'-0"



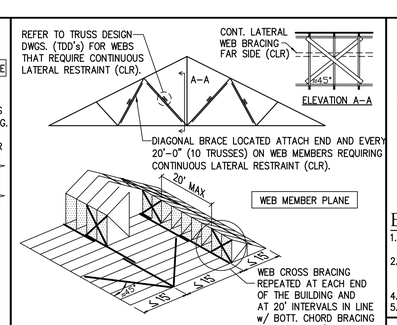
VALID FOR:

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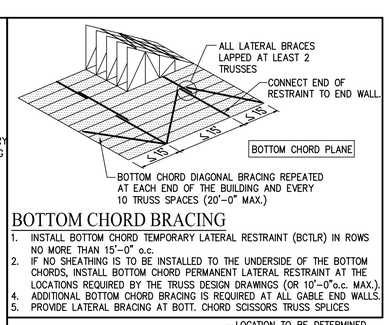
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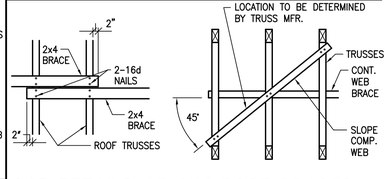
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4. ADDITIONAL BOTTOM CHORD BRACING IS REQUIRED AT ALL GABLE END WALLS.
5. PROVIDE LATERAL BRACING AT BOTT. CHORD SCISSORS TRUSS SPLICES



LAP DETAILS AT 2X4 ROOF BRACES

N.T.S.



FRONT ELEVATION

1/4"=1'-0"

(STONE FRONT ELEVATION ON DESIGN OPTION 'B')

DESIGN OPTION 'B'

contractor:
CHRIS KOEHLER

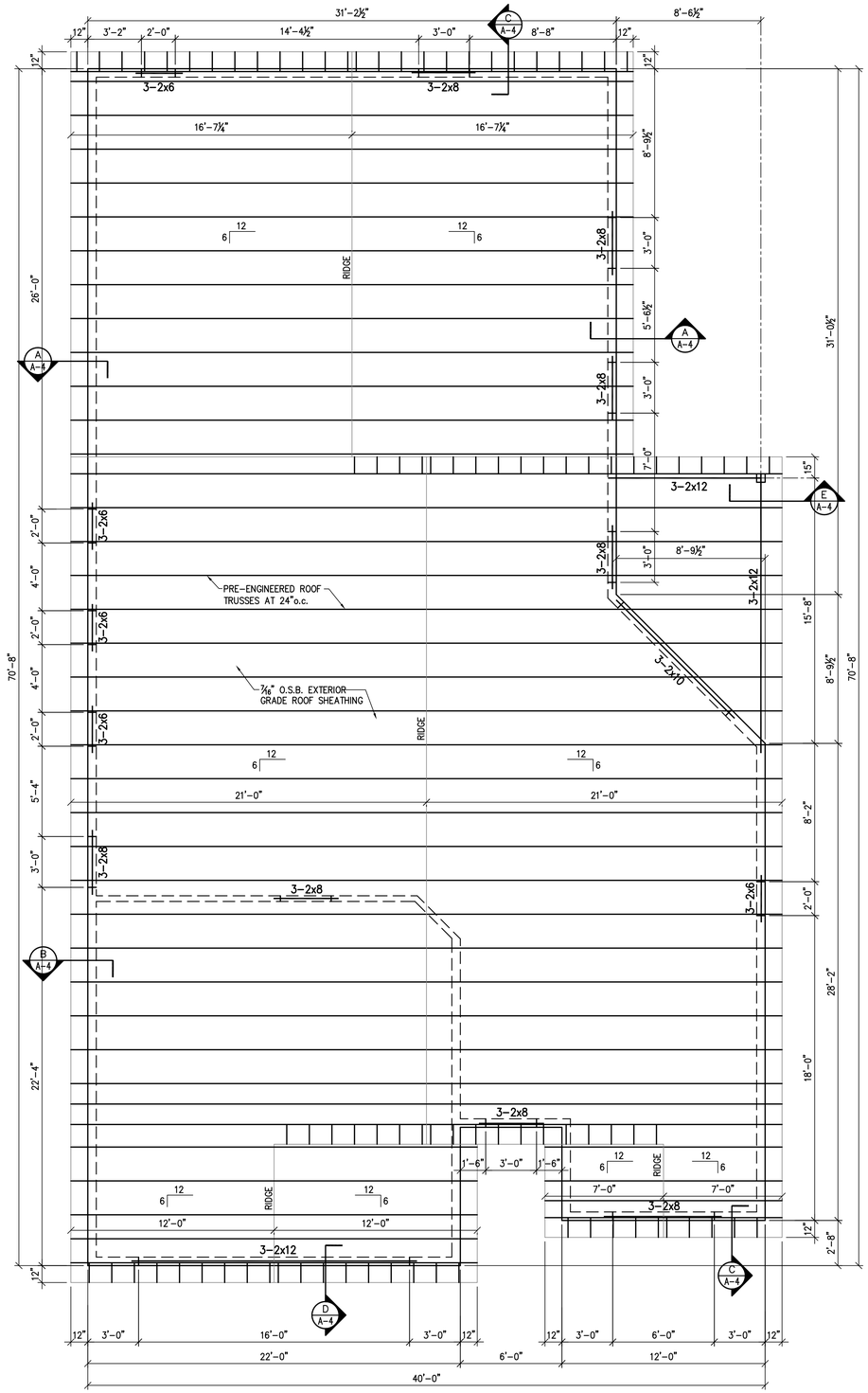
client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
ADDITIONS & ALTS
LIGHT COMMERCIAL
(937) 902-4337
stevefleuryohio@gmail.com

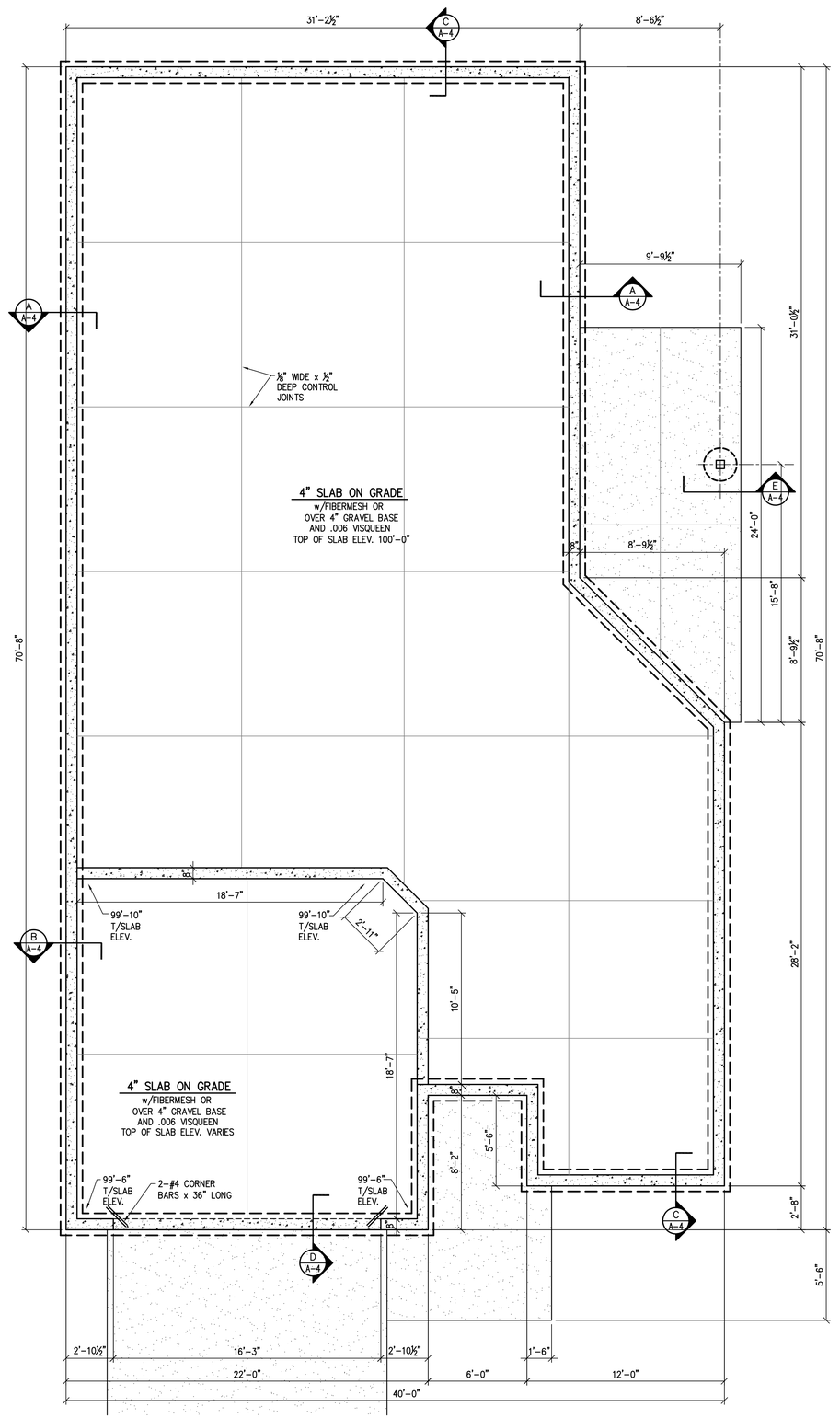
date:
10-04-2020

sheet number:
A-2



ROOF FRAMING PLAN

¼"=1'-0"



FOUNDATION PLAN

¼"=1'-0"

DESIGN OPTION 'A'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

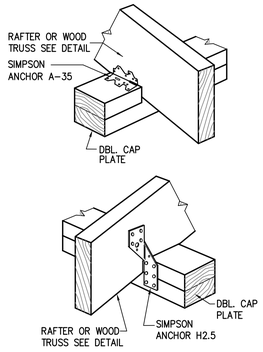
DESIGN DRAFTING SERVICE
HOUSE DESIGNS
OFFICE LAYOUT
LIGHT COMMERCIAL
(937) 902-4337
stevefleuryohio@gmail.com

date:
10-04-2020

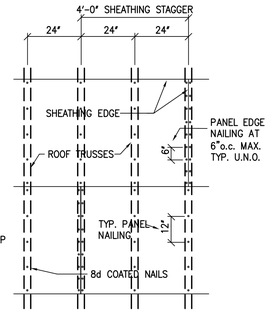
sheet number:
A-3

GENERAL TRUSS BRACING NOTES

1. TEMPORARY BRACING MUST BE APPLIED TO ALL OF THE FOLLOWING PLANES OF THE TRUSSES TO ENSURE STABILITY: TOP CHORD PLANE (Roof Plane), WEB MEMBER PLANE (Sloping or vertical plane perpendicular to trusses), BOTTOM CHORD PLANE (ceiling plane).
2. GROUND BRACING (NOT SHOWN) IS REQUIRED FOR ALL INSTALLATIONS.
3. ALL CONNECTIONS SHALL BE MADE WITH A MINIMUM OF (2) 16d NAILS GALVANIZED OR COATED. DRIVE NAILS FLUSH OR USE DOUBLE-HEADED (DUPLEX) NAILS FOR EASE OF REMOVAL.
4. ALL TEMPORARY BRACING SHALL BE NO LESS THAN 2x4 STRESS-GRADED LUMBER.
5. LATERAL BRACING ALONE IS NOT ADEQUATE WITHOUT DIAGONAL BRACING. ALWAYS DIAGONALLY BRACE FOR SAFETY.
6. TRUSS SPACERS ARE FOR SPACING ONLY! NEVER USE THE COMMERCIALLY AVAILABLE LIGHT-GAUGE METAL FOLD-OUT/NON-STRUCTURAL SINGLE UNIT SPACER PRODUCTS FOR TRUSS LATERAL RESTRAINT.
7. BRACING FOR WOOD TRUSSES IS THE RESPONSIBILITY OF THE CONTRACTOR AND THE ERECTOR. TRUSSES SHALL BE BRACED IN ACCORDANCE WITH THE "GUIDE TO GOOD PRACTICE FOR HANDLING, INSTALLING, RESTRAINING & BRACING METAL PLATE CONNECTED WOOD TRUSSES" JOINTLY PRODUCED BY THE WOOD TRUSS COUNCIL OF AMERICA AND THE TRUSS PLATE INSTITUTE.

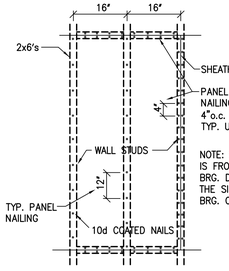


SIMPSON TRUSS CONNECTOR DETAILS



ROOF SHEATHING

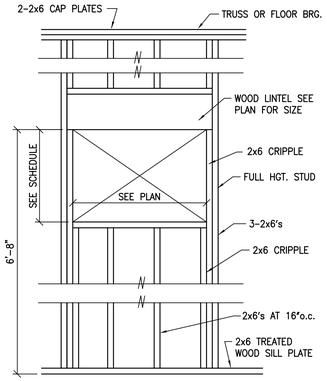
N.T.S.



WALL SHEATHING NAILING PATTERN

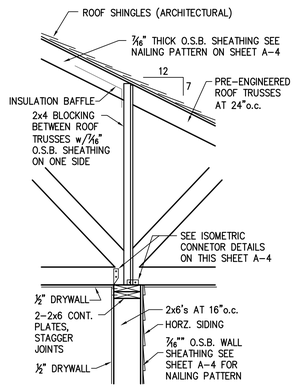
N.T.S.

ALL EXTERIOR WALL LOCATIONS
OUTSIDE FACE



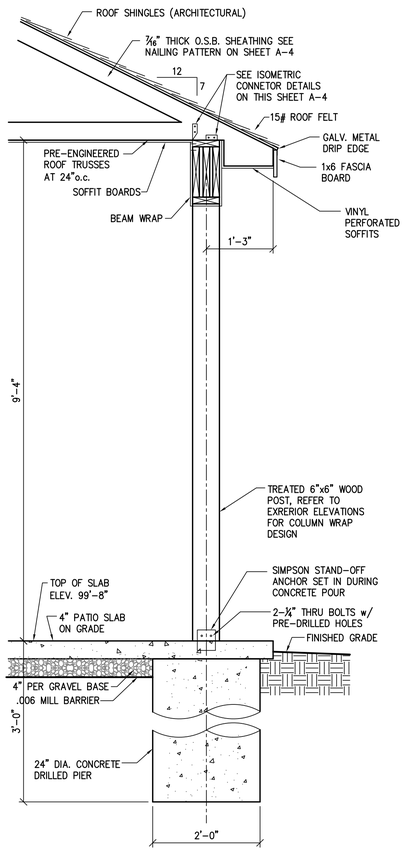
TYP. LINTEL IN BRG. STUD WALL

N.T.S.



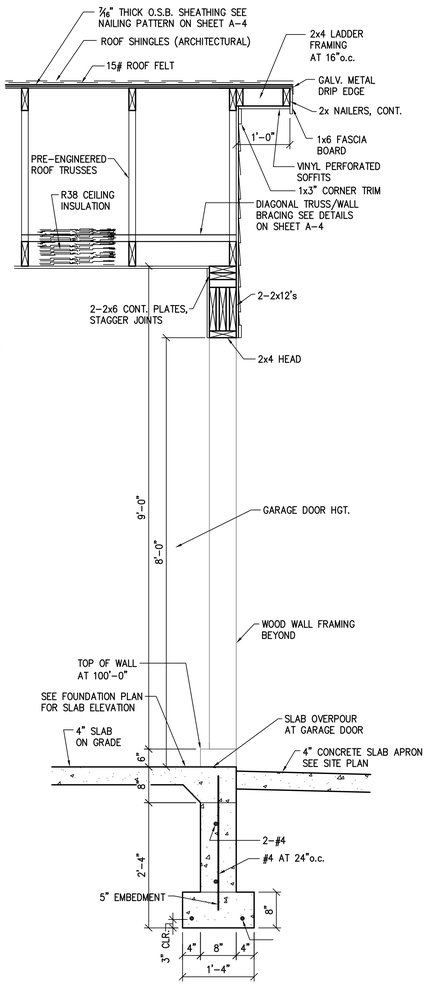
SECTION F

3/4"=1'-0"



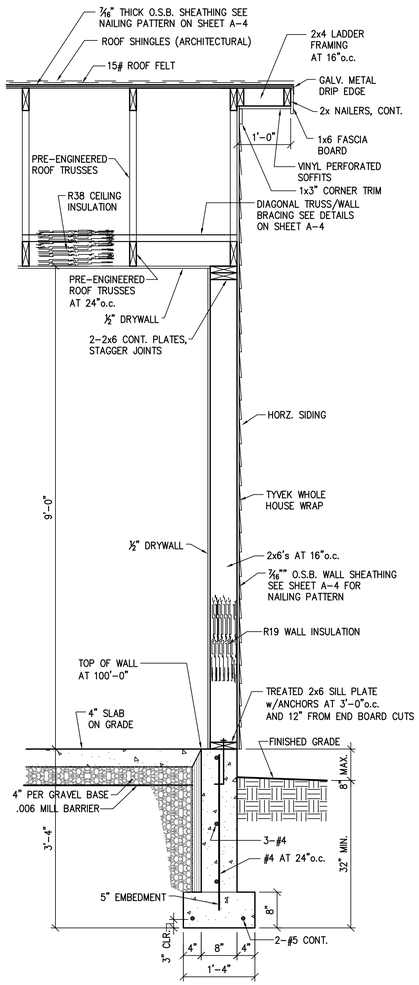
SECTION E

3/4"=1'-0"



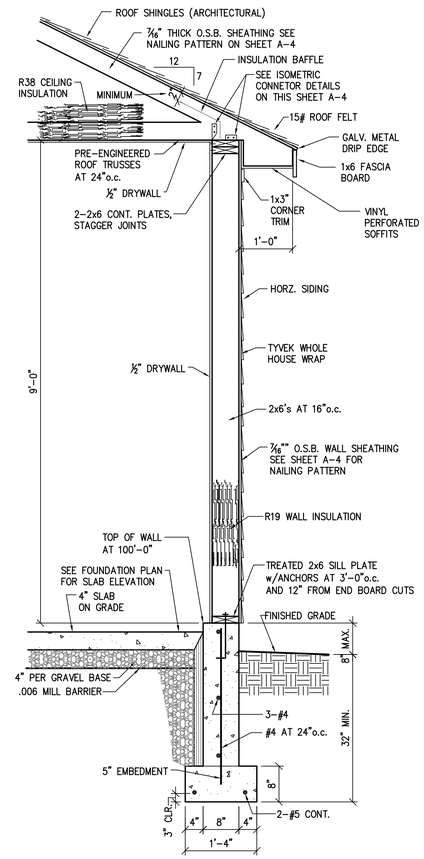
SECTION D

3/4"=1'-0"



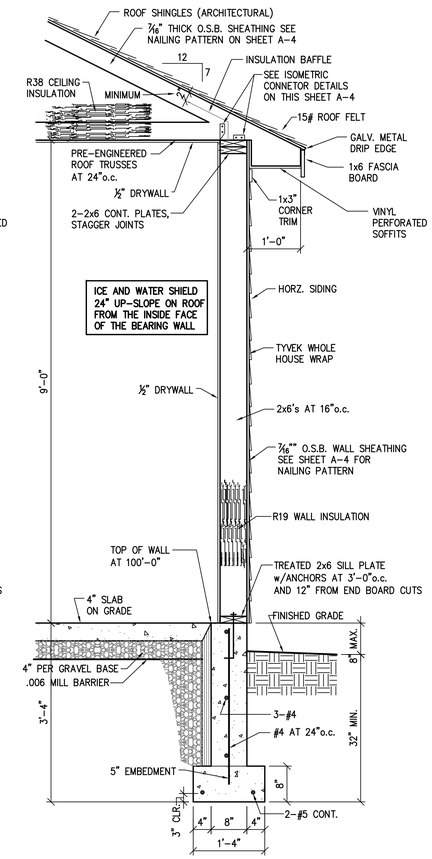
SECTION C

3/4"=1'-0"



SECTION B

3/4"=1'-0"



SECTION A

3/4"=1'-0"

DESIGN OPTION 'A'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
DECKS AND PORCHES
LIGHT COMMERCIAL
stevefleuryohio@gmail.com
(937) 902-4337

date:
10-04-2020

sheet number:
A-4

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Wednesday, December 9, 2020 9:13 AM
To: Hoskins, Geralyn
Subject: FW: Re-Zoning next to The Oaks Of Huber Heights

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org
If you have received this email in error please notify the sender or call 937.233.1423. Please note that any views or opinions presented in this email do not necessarily represent those of the City of Huber Heights. Ohio has a very broad public records law. As a result, most written communication created or received by City of Huber Heights employees, elected officials, agents and volunteers are subject to disclosure to the public and news media upon request, unless otherwise exempt. Under Ohio law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to this office or request that email be sent to you at a private email address. Instead, contact our office by phone at 937.233.1423.

-----Original Message-----
From: debbie mcneely <debbiemcneely@yahoo.com>
Sent: Sunday, December 6, 2020 1:57 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Re-Zoning next to The Oaks Of Huber Heights

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Dear Mr. Falkowski,
My name is Deborah McNeely and I am a resident of the Oaks of Huber Heights as well as the President of the HOA for the Oaks.

I would like to start by saying Thank you to the Planning Committee for all you do for the continued growth of our great City of Huber Heights. My Husband, Ben McNeely and I have made Huber Heights our home for the last 14 years and have embraced it as it has grown and look forward to many more years here.
We now have some serious concerns as do most if not all of the residents of the Oaks regarding the development of the property located next to our Housing Community.
We have all strived to be able to live in a certain Quality and Standard of housing and take pride in keeping our community to the set standards of the HOA and we have worked hard in life to be able to enjoy this quality of standard. We as a community welcome more growth in our city and encourage more housing, however, we feel that to disregard the Standards of Our housing development would be unfair to those of us living in The Oaks as to maintaining our quality and property values.

We welcome the development, however, we request that the developers would be required to adhere to the guidelines set forth for The Oaks in order to maintain continuity of Value and Marketing growth for both housing developments. To Re-Zone the property for housing is not the issue for us, we just want the quality and standard of housing to reflect and maintain like that of The Oaks.
We would like to request that the developers retain a copy of the by laws of The Oaks in order to be more aware of the community standards such as but not limited to,
75-85 foot frontages, the front of the houses must be brick or stone and wrap a quarter of the way around the front sides of the homes, any sheds be required to be wood built and match the color of the houses they are with, no above ground pools, a berm as well as fence at minimum of 6 feet or higher made of metal and privacy slats such as the one the city installed around the Aquatic center for privacy along the adjoins Oaks housing area and all land and vegetation be maintained by property owner to insure continuity of lawn maintenance.
Also, a separate drainage system, as the one on the Oaks property is not large enough to safely maintain two properties and could cause flooding.
These are a few of the requests we would like the Committee to take into consideration.

Also, I would like to request that I be allowed to attend this meeting in order to speak and represent on behalf of The Oaks of Huber Heights.

Thank you for your time and consideration.
You can email me at debbiemcneely@yahoo.com Phone number is 937-231-2166

Sincerely,

Deborah McNeely

November 9, 2020

City of Huber Heights

Attn: Planning Commission

6131 Taylorsville Road

Huber Heights, OH 45424

RE: Case No. ZC 20-31 (Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District 14.646 Acres)

To Whom it May Concern:

We would like to officially record that we are against the current application being filed by Koehler & Wang for the development of the 14.646 acres. When the original drawings of The Oaks were submitted 18+ years ago, we were present at the meeting to express that we were against the plan as submitted. At that time, the developers planned to do small starter type homes. Huber Heights has more than enough of these types of homes available and we pushed for more upscale-type homes to compliment our existing home, which is what was eventually passed by the Planning Commission. At that time, a church was planning to build at the corner of Fishburg & Bellefontaine Roads.

We understand that the church has recently sold that property. The homes being proposed are not of the same caliber of The Oaks or the homes in the surrounding area to include ours. Forty-six homes on 14 acres means that the lots have to be extremely small and the homes on top of each other....which again does not compliment our home or The Oaks. What is being proposed doesn't make sense on many levels. Besides the lot size just mentioned, the size of the homes are smaller than what is currently in the area, along with the different character and closeness of each house will detract from what is already built. I would assume that any homes built in this acreage would have to abide by the HOA currently being used by The Oaks.

This development, as proposed, would lower our home's value as well as every other home in the area. We hope that you will NOT approve the major zoning change for the proposed development across from our home and adjacent to The Oaks.

Sincerely,

George & Ann Verbanic

6180 Fishburg Road

Huber Heights, OH 45424

Att. Scott Falkowski
Asst. City Manager

6181 White Oak Way
The Oaks of Huber Heights
Huber Heights, Ohio 45424

City Council Members of Huber Heights, or to whom it may concern:

We feel compelled to write this letter due to our concerns regarding the proposed construction of small, single sized rental homes on the parcel of land at the corner of Fishburg and Bellefontaine Roads (case # 20-31) in Huber Heights, Ohio

The Oaks of Huber Heights is one of several upscale neighborhoods in the city of Huber Heights. We as home owners of one of these lovely homes feel that allowing (case # 20-31) to pass would be a severe detriment to all the home owners of the Oaks.

Not only would this development bring down the value of our homes significantly, which is a major concern, but would also increase the traffic flow on both Bellefontaine and Fishburg Roads. The Oaks has the beneficial feature of all underground utilities which we doubt would be the case in this proposed development. The building of any residential homes adjoining our properties that do not compare in size and value to our homes is absolutely unacceptable. As we all know, rental properties are usually not maintained as well as private homes to say the least.

Other concerns that should be brought to your attention are the sewer systems and our retention pond. Would these be used by these homes? We, the present residents of the Oaks, pay a yearly Home Owners fee for these amenities also. Not only due to the Covid pandemic and restrictions in place is this a very inopportune time to defend our objections to this proposal, but it is also a very difficult and trying time for most both mentally and physically. As our elected representatives, we would expect you to have our best interests at heart and refuse to allow one of the nicest neighborhoods in Huber to be devalued.

I trust you will give this proposal your immediate attention and render a decision in favor of the wishes of your constituents in the Oaks of Huber.

Thanking you in anticipation. Yours sincerely

Nick Winner & Carolyn Roark

Nick Winner Carolyn Roark

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 17, 2020 4:58 PM
To: Hoskins, Geralyn
Subject: FW: Case # 20-31

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Dist.Eld. Lane <2pjlane@att.net>
Sent: Tuesday, November 17, 2020 4:13 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Case # 20-31

I don't see the need for this project in our community at this time due to Fisher Homes are already doing a development of new homes. Also any properties not meeting the same value as the existing homes . If the homes that are built will lessen our property value We don't want them or for they are rental properties we don't want them either . Thanks for your concern in this matter. The Lanes 4221 Silver Oak Way
Sent from Mail for Windows 10

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 13, 2020 9:37 AM
To: Hoskins, Geralyn
Subject: FW: Oaks of Huber proposal for single family houses issue

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.233.1272
Email: sfalkowski@hhoh.org

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-----Original Message-----
From: Nancy Higgins <nertnybingo@aol.com>
Sent: Thursday, November 12, 2020 9:34 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Oaks of Huber proposal for single family houses issue

To whom it may concern,

I am writing this email in reference to the proposal for single family rentals at the corner of Fishburg & Bellefontaine Roads.

As a homeowner in the Oaks of Huber for the past 12 years I have a few major issues with your current proposal. First & foremost is the devaluation of our property if this proposal is passed. Secondly I am concerned with the drainage & water supply. We have had issues before with the drainage to the point of our backyard turned into a swimming pool. This was corrected at the time but I would hate to have to go through that again.

I hope the council reconsiders allowing the rental homes to be built.

Richard & Nancy Higgins
6075 White Oak Way
Oaks of Huber
Huber Heights, Ohio 45424

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 13, 2020 9:40 AM
To: Hoskins, Geralyn
Subject: FW: New constructions at Fishburg and Bellefontaine

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.233.1272
Email: sfalkowski@hhoh.org

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From: Stephanie Taylor <mssmtaylor@gmail.com>
Sent: Thursday, November 12, 2020 9:25 AM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: New constructions at Fishburg and Bellefontaine

Good morning,

I hope it isn't too late to voice my and my husband's concerts. We built our home in The Oaks a little over four years ago. And while we expected additional construction to the Fishburg and Bellefontaine side, we didn't realize it would be different from The Oaks.
I viewed the meeting online and it appears the new development will be blocked off from The Oaks and include a park?

My husband and I are fairly young and love that the Huber area is bringing more business. Starbucks, Canes etc, housing. We don't complain about the traffic as other residents do as the traffic here is of no comparison to major cities. Traffic is worse in Beavercreek if you ask me and I have no Issue with that either.

Our complaint or concern with the new development is that it will generally be two separate housing developments in the same space. Different look/feel.

There are also children of all ages in The Oaks. Most teenagers walk through the area where the development will occur to get to Cottonwood Park. They do this because The Oaks does not have a separate park. How will they get to the park now after this area is closed off?

There should at least be consideration to have access to both "neighborhoods". That way The Oaks has not only one but two entry/exit points. This could be beneficial for the new development as well.

Also, I don't remember what the outside structure of the new development will be. However, I do hope it's brick and not siding similarly to the Ryan Homes across the street.

Thank you,
Stephanie and Nathan Booker

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 13, 2020 9:40 AM
To: Hoskins, Geralyn
Subject: FW: Proposed zoning change

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.233.1272
Email: sfalkowski@hhoh.org

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-----Original Message-----
From: debbie mcneely <debbiemcneely@yahoo.com>
Sent: Thursday, November 12, 2020 8:23 AM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Proposed zoning change

Good Morning Mr. Falkowski,
I am the president of the HOA for the Oaks of Huber Heights and I have some serious concerns regarding the rezoning of the property located beside the Oaks.

I was watching the meeting Tuesday evening and was unable to participate live however, I along with many of the Oaks residents have similar concerns.

First and foremost the property value of our properties. We have all worked hard to be able to afford the luxury of a nice home and we pay HOA to maintain uniformity and keep our property values up.

Secondly the retention area located in the Oaks is not large enough for them to say they can use that area and it could cause tremendous flooding if they don't have their own

Third if rental properties are allowed then the renters have no investment in these homes and are not likely to maintain and care for their properties as we do ours.
Also, because they would be rentals, there is a true concern for the Oaks residents safety as there would be such a tremendous turnover of residents and that brings opportunities for higher crime rates.
We in our community know one another fairly well and our crime rate within our community is low.

I would love to meet with the committee or be part of the next meeting to represent the Oaks of Huber Heights.

Thank you
Deborah McNeely

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 13, 2020 9:41 AM
To: Hoskins, Geralyn
Subject: FW: Case No. 20-31; Corner of Fishburg and Bellefontaine Roads

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.233.1272
Email: sfalkowski@hhoh.org

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From: William <skimarks@hotmail.com>
Sent: Wednesday, November 11, 2020 11:38 AM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: RE: Case No. 20-31; Corner of Fishburg and Bellefontaine Roads

Hi Scott,
I watched the streaming of the Planning Mtg yesterday. I could only hear a few Board members as some of the members' mics were not working well. A couple comments for your awareness:
- We learned that these condos are not for sale, but are rentals. Placing a 100% transient neighborhood immediately adjacent to one of Huber Heights premier neighborhoods raises issues. The only acceptable means of having 100% rentals would be if they were part of a high end senior community. This would offer a transition for people to move to these rentals when they become too old to take care of their homes. Even then, it would be best to have home ownership with HOA fees to insure their properties are well taken care of. 100% rental property tenants typically aren't going to maintain their lawns, plant flowers, or beautify their properties. If the rental management doesn't do a good job of maintaining these properties or runs into financial difficulty, then this section will quickly become a source of bad tenants and crime, etc.
- The couple that owns this property did not garner my nor the Board's confidence. For instance, his comment that they will build 5 units and then they will try to re-arrange financing. This couple are not builders but business people with a fuzzy and risky business plan. Can the Board thoroughly review their business plan? Also their comment that they never built houses before but only constructed infrastructure raises more warning lights.
- I was not able to hear, but was there any discussion of the quality and reputation of the models they were planning to build? Did the couple mention the name of the builder or which builders they are considering competing? Did they mention how they would manage and maintain these houses?
- I could hear the questions from the lady Board member with the red hair and I liked her probing questions.
-Comments about having the couple come back with more info regarding the layouts and how the houses would appear on the layouts makes good sense. While it would be desirable to have similar lot sizes to the Oaks, I can now see that they could be reduced based on the narrow housing dimensions they are planning. In that case, the more important to have good buffering. And the more important that these houses are of the highest quality and architecture to blend in with the Oaks neighborhood.

- I didn't catch the name for this development. Sounded like "Orange Courtyard". Please publish the name in the minutes.
- I couldn't hear the discussion on the planned entrance ways from Fishburg and Bellefontaine other than Russ Bergman reviewed them and was happy. However, the Oaks entrance way to Bellefontaine Rd could be improved to have a full turn lane that would eliminate obstructed traffic during rush hours.

-Finally, I wanted to emphasize my comments in my email below. It would be nice if Huber Heights would maintain its great Vision for the entire footprint of the Oaks of Huber Heights, i.e., The Oaks is a neighborhood of great quality houses and a highly desired place to live. This "Orange Courtyard" will be the most visible neighborhood in the entire Oaks footprint because of its corner location, blocking out the view of the Oaks. So if they build houses of poor quality and poor esthetics, or if the rental business plan doesn't work well, then Huber Heights will have tarnished a great neighborhood. The speakers and the Board members indicated this will be a total separate neighborhood. Technically yes, but In reality this neighborhood will be viewed by everyone in our region of OH that it indeed is a part of the Oaks by reason of its proximity to the Oaks. And, it will affect the values of the homes in the Oaks. If we accept the building of smaller homes and smaller lot sizes for this final section, then we must insist that they maintain the consistent vision of fine quality and it must be a highly desirable place to live.

Respectfully,
William Marks

From: William
Sent: Tuesday, November 10, 2020 2:52 PM
To: 'sfalkowski@hhoh.org'
Subject: Case No. 20-31; Corner of Fishburg and Bellefontaine Roads

Hi Scott,
I appreciate all your hard work and effort on this project but wanted to give you some brief feedback on this topic. I always envisioned that Inverness Homes would continue to build in this section so building houses on this land is not a problem. I also concur with Mr. Deak's fine comments which are far more detailed. I too would rather have lot and home sizes & quality similar to those in the Oaks Development since they are directly adjacent. By pursuing the proposed plan, Huber Heights has lost an opportunity to have another neighborhood of larger homes and provide some diversity to the typical Huber Heights neighborhood in the southern part of the city that has smaller homes. When people think of the various Dayton suburbs, the typical perception of Huber Heights is the smaller Huber home of decades ago. This project will continue that perception since it sits at the highly visible intersection of Fishburg and Bellefontaine Roads.

Respectfully,
William Marks
5776 Oak Creek Trail

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 13, 2020 9:41 AM
To: Hoskins, Geralyn
Subject: FW: 10 Nov meeting questions

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.233.1272
Email: sfalkowski@hhoh.org

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From: Jason Williams <jasonwilliams39@icloud.com>
Sent: Tuesday, November 10, 2020 7:07 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Re: 10 Nov meeting questions

I'm listening to the meeting and it sounds like these are all RENTAL single family properties. Is that correct? There was a discussion of no HOA, so then who be responsible for lawn maintenance and code violations (as they mentioned) of the common areas and the yards. The Agenda documents mention that "property owners" will be responsible. I assume this means that it's the property owners will maintain and the tenants will not be responsible. Is that correct? I think the documents posted for this development are misleading. It never references a rental community. It references single family homes.

It was mentioned that there will be no fencing (since the property managers don't want to maintain). Will pets be allowed since there is no fencing available? Will there be a playground for children to play?

The plan is to table it to the next meeting (when is that?) and see if the lots will be widened, the definition between complex or single family. It sounds like there are a lot of unknowns.

Images show no buffering along Fishburg/Bellefontaine but it sounds like they are looking into it.

Thanks,
Jason Williams

On November 10, 2020 at 5:00 PM, Jason Williams <jasonwilliams39@icloud.com> wrote:

Scott,

The images show that there will be a berm behind the properties that are along White Oak Way. Is this correct? I read that the berm will be landscaped by the developer but will be the responsibility of the homeowner to take care of and replace as they die. Is this correct?

Is there any word of the kind of HOA that this subdivision be following?

I also am curious as the the side of the lots. The agenda on page 1 says that they will be 55-60 foot frontages. Can you tell me how this relates to the current development off of Fishburg (DR Horton) that was planned as part of the Oaks? Main point - the new lots will mostly be smaller than the lots on the Oaks and the DR Horton lots.

Also of interest is do you any information on the DR Horton planned subdivision on the south side of Bellefontaine across from the Oaks? What size are those lots projected to be?

Also, north of the Oaks there were estate lots parallel to Chambersberg in the old Oaks plan. I see the forest there is being logged. Have there been any plan to develop that area?

Thanks,

Jason Williams

RANDY A. VOGEL
6152 FISHBURG ROAD

RECEIVED
NOV 12 2020

SHOULD BE ALL BRICK HOMES
NO LESS 1/2 ACRE LOTS
SHOULD NOT BE A ROAD COMING OUT OF FISHBURG THAT WILL INTERFERE WITH MY DRIVEWAY OR NEIGHBORS DRIVEWAY
THEY SHOULD BE ON BELLEFOINTAINE ROAD
SHOULD PUT UP PRIVACY FENCE SO I DON'T HAVE TO LOOK AT BACK OF HOUSES
TRAFFIC GOING TO BE TERRIBLE WITH THE TRAFFIC FROM OTHER HOUSES

November 2, 2020

RECEIVED
NOV 05 2020

To Whom It May Concern:

In response to the notification of an application being filed by Vedic & Wang for a residential development in our neighborhood

Thank you for the late notice of the above as ground has been broken and work was under way weeks ago.

I am very much against it as do our neighbors Once again decisions made by crooked politicians as I am sure some were paid off

As usual our voices are not heard and have no meaning

Sincerely,

Roger W. Thurston
5891 Red Oak Court
Huber Heights, Ohio 45424

Falkowski, Scott

From: DEAK, RONALD J CTR USAF AFMC AFLCMC/WIIV <ronald.deak.1.ctr@us.af.mil>
Sent: Wednesday, November 4, 2020 7:59 AM
To: Falkowski, Scott
Subject: Case No. 20-31 Property Address Corner Fishburg and Bellefontaine Major Zoning Change

Scott, First let me say thank you for explaining the changes that the developer Koehler & Wang are proposing. To sum up the change is smaller lots ie ~60ft lots vs ~85ft lots similar to artisan development at the corner of Chambersburg and Bellefontaine.

I will lay out many reasons that this should not be granted and voted against. These will be objective criteria based on facts and my previous career in the Air Force as an engineer and comprehensive planner for installations around the world and my advance education.

1) Traffic and transition points-Fishburg and Bellefontaine are considered secondary arteries for travel and natural transition points to other types of development or similar. On the adjacent three sides we have an elderly living center, the next side single track homes with lot sizes 1+ acres (including a small farm) and the third side single family homes on 1+ acre lots, church, and city park. The fourth side includes the parcel in question, the planned Oaks subdivision, and the original single family brick homes on approximately 1 acre lots. Putting in density of unit almost double the Oaks does not complement the existing area and use type based on density. Since Huber Heights and many other cities are trying to correct the past fails of improper land use that compliments one another and not placed just hap hazard allowing this change to proceed would be going back on the gains made in the Oaks and other developments in Huber Heights. Yes the roads are a natural transition to different uses but one must look at beyond the road and ease into the land use changes. How do you do that by having a phased development that is planned like the Oaks with many standards and requirements that are required for each home built. With every area to be built on you need based on law to catch water runoff from rains etc. Where will that be. The retention lake that was built within the oaks subdivision is not large enough during heavy rains to retain the runoff (barely enough for the OAKS) and how will that be handled with as much built on area as approximately half of the Oaks. Bottom-line the proposed development will clash with not only the Oaks but the other three corners of the intersection and would be deemed incompatible.
2) Let's now discuss the Oaks subdivision in an objective way not subjective. First the Oaks Master Plan, yes a master plan that was originally submitted by the original developer Sam Knobler approximately 18 years ago was a 15 phase development with the corner proposed lot purchased by a church for their future construction of their new church. The church part never happened. But back to the master plan of the Oaks. I talked about transition between areas in the previous section. The Oaks development was required to have transition zones-what do I mean by that directly adjacent to the homes that were existing when the Oaks started are single family units, all brick on 1+ acre lots. As part of the approval of the Oaks land use was the transition zone of single family, one story all brick units the entire length of that area. The other side of the street could have two story homes. With the proposed zone change this new development would have no transition a violation of proper comprehensive planning. Along Bellefontaine the transition area is a berm that is heavily landscaped from the noise of the road and is built to eventually have a turn lane on Bellefontaine.
3) Let's go the size of units. The Oaks requires an 85 foot frontage (minimum) to allow variation of home types (one and 2-story), two car or three car garage, various floor plans, full basement, a minimum of three bedrooms with options of 4 and five bedrooms based on need, larger over all lots created with the 85 foot frontage directly creating a family friendly environment for their own personal space, full off street parking for each home. Each home is required to have the front of the home in full brick with wrap as a minimum for each unit. The minimum square footage for each unit is approx. 1800 SF not including the basement and having adequate personal private space for each unit. This is impossible unless there is a zero lot line development in the new area with very little personal/private space. Also the density of the units in the Oaks is about three per

acre. The prosed zoning change would increase it up to 5-6 per acre. This is another violation of proper comprehensive planning.

4) The Oaks is a standalone Home Owners Association as required for the development at the start. Everything that owners do the outside must conform to the rules dictated in the covenants. What will this development have? Proper planning would require it to be the same as the Oaks. This would negate the zoning change to a higher density.
5) The only subjective portion is value of homes especially that have their home butt up to the undeveloped parcel would go depreciate as the homes that would be built would not maintain the size, character, density for the Oaks planned community. This will directly correlate to a lower tax base for the city.
6) The good example other than the Oaks in Huber Heights that is a great planned community is the mixed used area currently being done on the North side of I-70, the Heights near Meijer and the Rose Music Center. It is planned well allowing proper buffers, transitions from entertainment, restaurants, shopping, professional space and luxury apartments. The city also has a goal to create the area of Brandt and Chambersburg as the identifiable downtown area with proper comprehensive planning to correct suburban sprawl of the past when proper planning was not on the radar screen yet.
7) With the above reasons I have provided to you I hope this is justification not to approved the major zoning change for the proposed development adjacent to the Oaks.

Should you have any additional questions or seek clariifaction please call me at 781-698-9177 or email at tadrjd@woh.rr.com. Please conifrm recept by rerurn email. Thanks in advance.

Respectly submitted
Ronald Deak
5908 Oak Creek Trail (The Oaks)
Huber Heights Ohio 45424

Falkowski, Scott

From: DEAK, RONALD J CTR USAF AFMC AFLCMC/WIIV <ronald.deak.1.ctr@us.af.mil>
Sent: Thursday, November 5, 2020 10:59 AM
To: Falkowski, Scott
Subject: RE: Case No. 20-31 Property Address Corner Fishburg and Bellefontaine Major Zoning Change

Scoot one additional thing is the run off of drainage. The drainage system and holding pond that the Oaks has is taken care of my the owners of the homes in the Oaks as part of the HOA dues. The developer needs to plan for that costs etc since we are part of an HOA and that develop would not.

VR Ron

Ronald J. Deak
MQ-9 Development Program Manager
Modernization Branch
Contractor Sumaria
Medium Altitude UAS Division
Clean Up Hitter
AVSIM Phase 4
Battery TME
Risk Analysis
Wright-Patterson AFB OH 45433
937-255-6812 (W)
781-698-9177 (C)

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From: Falkowski, Scott <SFalkowski@hhoh.org>
Sent: Thursday, November 5, 2020 8:02 AM
To: DEAK, RONALD J CTR USAF AFMC AFLCMC/WIIV <ronald.deak.1.ctr@us.af.mil>
Subject: [Non-DoD Source] RE: Case No. 20-31 Property Address Corner Fishburg and Bellefontaine Major Zoning Change

Received.

Thanks,

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 6, 2020 2:35 PM
To: Hoskins, Geralyn
Subject: Fwd: Opposition to Application/Case 20-31

Here is another letter for the PC case.

Thanks,
Scott

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Brad Smith <BTGeek@aol.com>
Sent: Friday, November 6, 2020, 2:28 PM
To: Falkowski, Scott
Subject: Opposition to Application/Case 20-31

Dear Mr. Falkowski,

We are writing in opposition to the application filed by Koehler & Wang seeking a Major Change to the Basic Development Plan for a Single Family Residential Development. The property is currently zoned for a church. According to the drawings submitted with this application, the lot size and building size are significantly smaller than the current residential lots/homes in the Oaks Development. For this reason alone, I believe the application should be rejected. When we purchased our home, we were advised The Oaks was a Planned Development and we were very pleased with the structure of the development that maintained a consistent residential plan with homes with 85 foot frontages, brick wrap fronts, full basements, minimum1800 sf, minimum 3 bed/2bath/2 car garage and a minimum lot size. This has created a wonderful family friendly neighborhood with an aesthetic flow.

We also have concerns with changing the population density of The Oaks development and the resulting environmental impact along with increases in traffic, street parking, water/flood control, sewage and other public services.

Thank you for your time and for submitting our concerns to the Planning Commission in time for the meeting on Tuesday, November 10, 2020.

Cynthia and Bradley Smith

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, November 6, 2020 7:22 PM
To: Hoskins, Geralyn
Subject: Fwd: Opposition to Request for Major Change to the Basic Development Plan for a Single Family Residential Development

Sent from my T-Mobile 5G Device
Get Outlook for Android

From: Mellanie Toles <tolesm@clarkstate.edu>
Sent: Friday, November 6, 2020 5:28:41 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Opposition to Request for Major Change to the Basic Development Plan for a Single Family Residential Development

Dear Mr. Falkowski:

We are writing in opposition to the application filed by Koehler & Wang seeking a Major Change to the Basic Development Plan for a Single Family Residential Development. The property is currently zoned for a church. According to the drawings submitted with this application, the lot size and building size are significantly smaller than the current residential lots/homes in the Oaks Development. For this reason alone, we believe the application should be rejected.

When we built our home, we were advised that The Oaks was a Planned Development, and we were very pleased with the structure of the development that maintained a consistent residential plan with homes with 85' frontages, brick wrap fronts, full basements, minimum 1800 sf, minimum 3 bed/2bath/2 car garage and a minimum lot size. This has created a wonderful, family-friendly neighborhood with terrific aesthetics that seemed would hold its property values well in the years to come.

We also have concerns with changing the population density of The Oaks development and the resulting environmental impact, along with increases in traffic, street parking, water/flood control, sewage and other public services.

All of these issues will most likely cause a decrease to our property values, which is a slap in the face to tax-paying residents who purchased/built here based on the plans already in place. Please protect our investment and insist that any new plans for development stay consistent with the residential plan The Oaks of Huber Heights was based on. Alternatively, keeping it zoned for a church would serve the community and property values well.

Thank you for your time and for submitting our concerns to the Planning Commission in time for the meeting on Tuesday, November 10, 2020.

Mellanie Toles and Gene Bell
6131 Oak Ridge Drive
Dayton, OH 45424

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Monday, November 9, 2020 9:08 AM
To: Hoskins, Geralyn
Subject: FW: Opposition to Application/Case 20-31

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Ron & Joyce D'Allessandris <rjdallessandris@gmail.com>
Sent: Saturday, November 7, 2020 10:49 AM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Cc: Joyce DAllesssandris <rjdallessandris@gmail.com>
Subject: Opposition to Application/Case 20-31

Mr. Falkowski,
Let me first start off saying that we are opposed to the application filed by Koehler & Wang that would change the development plan of the Oaks of Huber Heights. We have been residents of the Oaks since 2005, lot #3 was a model and we have been able to see this community grow to a premiere housing development in Huber Heights. We are truly concerned with the reduction in lot size and home builds that will not be consistent with the existing homes in the Oaks. Not being an engineer I can only presume that with smaller lots the environmental impact will be substantial especially with water runoff, sewage and other services.

Thank you for your time and we would like our opposition to Case 20-31 submitted to the planning commission.

Ron & Joyce D'Allessandris
rjdallessandris@gmail.com
Home Phone 937-254-0005

Ron Cell Phone 937-681-3492
Joyce Cell Phone 937-681-3498

Virus-free. www.avast.com

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Monday, November 9, 2020 1:39 PM
To: Hoskins, Geralyn
Subject: FW: Opposition to Application/Case 20-31

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: molly disken <mollydisken@yahoo.com>
Sent: Monday, November 9, 2020 1:24 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Opposition to Application/Case 20-31

Dear Mr. Falkowski,

We are writing in regards to opposing the application filed by Koehler & Wang seeking to change the housing development of the Oaks of Huber Heights. The area in question is currently zoned for a church and according to the drawings submitted with the application the building (home) sizes and lot sizes are smaller than the current homes/lots that are existing in the Oaks of Huber Heights, which will adversely affect the property values of the current owners. We are a few of the original owners at the Oaks who have lived here since March, 2005. We also have a major concern with traffic flow, street parking, sewage and other public utility services, and other water/flood control.

Thank you for your time on this matter and for taking our concerns to the Planning Commission meeting set for Tuesday, November 10, 2020.

Sincerely,

Molly and Bill Disken

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 10, 2020 3:25 PM
To: Hoskins, Geralyn
Subject: FW: Case No. 20-31; Corner of Fishburg and Bellefontaine Roads

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
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From: William <skimarks@hotmail.com>
Sent: Tuesday, November 10, 2020 2:52 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Case No. 20-31; Corner of Fishburg and Bellefontaine Roads

Hi Scott,
I appreciate all your hard work and effort on this project but wanted to give you some brief feedback on this topic. I always envisioned that Inverness Homes would continue to build in this section so building houses on this land is not a problem. I also concur with Mr. Deak's fine comments which are far more detailed. I too would rather have lot and home sizes & quality similar to those in the Oaks Development since they are directly adjacent. By pursuing the proposed plan, Huber Heights has lost an opportunity to have another neighborhood of larger homes and provide some diversity to the typical Huber Heights neighborhood in the southern part of the city that has smaller homes. When people think of the various Dayton suburbs, the typical perception of Huber Heights is the smaller Huber home of decades ago. This project will continue that perception since it sits at the highly visible intersection of Fishburg and Bellefontaine Roads.

Respectfully,
William Marks
5776 Oak Creek Trail

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 10, 2020 3:25 PM
To: Hoskins, Geralyn
Subject: FW: Request for Major Change by Koehler & Wang

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Kathi Davis <darandkat@gmail.com>
Sent: Tuesday, November 10, 2020 2:55 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Request for Major Change by Koehler & Wang

Mr Walton,

I wholeheartedly disagree with the requested change by Koehler & Wang for the property at the corner of Fishburg and Bellefontaine Roads. Smaller homes will negativity affect our home values. Additionally, we have an HOA to ensure our neighborhood is kept safe, clean, and orderly.

/r
Kathi Davis
6224 Oak Ridge Drive
Huber Heights
443-306-4535

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 10, 2020 4:51 PM
To: Hoskins, Geralyn
Subject: FW: Single Family Residential development on the corner of Bellefontaine and Fishburg.

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Debbie Barbee <dsbarbee@live.com>
Sent: Tuesday, November 10, 2020 4:48 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Single Family Residential development on the corner of Bellefontaine and Fishburg.

In regards to the notice we received regarding the application filed by Koehler & Wang for the development at the corner of Fishburg and Bellefontaine Rd, as a resident of the Oaks of Huber, I am opposed to this development. With so many houses added to such a small space, I feel that it is going to hurt the values of the properties in the Oaks development. Also, this will make our quiet neighborhood much noisier, increase traffic, both inside the development and on both roads it adjoins to. The two roads have already been getting a lot busier over the last several years. These smaller homes may have a detrimental effect on our sewer and water systems as well. I understand that it is a desirable property and neighborhood to add family homes.. However, adding 40+ homes on that small corner will cause overcrowding in that area. It is getting increasingly more difficult to get out of the Oaks on its single entrance now. Even if the streets are not connected to the Oaks streets, the traffic on Bellefontaine and Fishburg along will cause additional issues in the neighborhood.

Thank you for the opportunity to be heard.

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 10, 2020 4:56 PM
To: Hoskins, Geralyn
Subject: FW: Concern for Change in Residential Area - The Oaks

Importance: High

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: CLARK, WILLIAM S GS-14 USAF AFMC HQ AFMC/A4/10/A4NL <william.clark.7@us.af.mil>
Sent: Tuesday, November 10, 2020 4:54 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Concern for Change in Residential Area - The Oaks
Importance: High

Good Evening Mr. Walton and the Planning Commission,

My name is William Clark and I've been a resident of the Huber Heights community since 2009. I relocated here from Oklahoma City. I originally lived on Longford Road across from the school. In 2018 my wife and I decided to build our dream home from the ground up. We looked at a number of locations and home builders but decided to remain in Huber Heights because we love the area and have close ties to friends here. We moved into the Oaks because we felt that it met our needs for the size of home we wanted and lot size. I state this fact because we are opposed to any major change to the basic development plan for single family residential development. We feel this type of major change is not a move forward but reduces the quality and expectations for the areas growth. To reduces the required lots sizes directly impacts the size of the home being built in that area. This type of change also promotes inconsistency with the flow and size of homes already in the immediate area. Eventually impacting the property value of the existing home. Therefore, I respectfully and passionately request that you deny the application filed by KOEHLER & WANG seeking a Major Change to the Basic Development Plan for a Single Family Residential Development. I ask that your recommendation be in line with past Planning Commission recommendations from 2003, 2005, 2018 to deny this negative change to the area.

Respectfully,
William Clark
Concern citizen

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Tuesday, November 10, 2020 5:13 PM
To: Hoskins, Geralyn
Subject: FW: Case No. 20-31

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org
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-----Original Message-----
From: Michael Shaw <pythrox123@yahoo.com>
Sent: Tuesday, November 10, 2020 5:12 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Case No. 20-31

I hereby oppose any changes to the development plan of the residential development. As a resident of the Oaks of Huber Heights it will devalue the adjacent properties. Please vote against this application. Thank you in advance.

Sent from my iPhone

Telephone Call 11/9/2020 9:00am

Ronald Bertling
6044 Oak Ridge
Huber Heights, Oh 45424

Two (2) concerns, traffic and looks like low income

Planning Commission
Huber Heights Ohio 45424
RE Case # 20-31

RECEIVED
DEC 09 2020

Residents of the
Oaks of Huber Heights
November 15, 2020

To whom it may concern,
We, the undersigned residents of the Oaks of Huber Heights, vehemently object and oppose case # 20-31. This covers the construction of small, one family rental homes on the property adjacent to the Oaks of Huber Heights, at the corner of Fishburg and Bellefontaine Roads. We find this would be most detrimental to the value of our homes and the life style we enjoy in this upscale neighborhood. Only private, occupant owned homes of similar size and value would be acceptable to us the Residents of "The Oaks".

1	Mei Lin	5867 Red Oak court
2	Augustine Hoene	6237 WHITE OAK WAY
3	[illegible]	6251 White Oak Way
4	Ron Rondo	6265 White Oak WAY
5	GENE BELL	6131 OAK RIDGE DR
6	Ron DiLLESSANDRIS	6111 OAK Ridge DR.
7	[illegible] SMITH	6121 OAK RIDGE DR.
8	Wendy Straw	6245 White Oak Way
9	Jon Debbie Barber	6231 White Oak way
10	Herbert R King	6205 White OAK Way
11	George Rader	6191 White Oak Way
12	Dave Rybitski	6177 White Oak Way
13	Gulnara Abbasova	6163 White Oak Way
14	Carol Turman	6129 White Oak Way
15	Michael Anderson	6139 White Oak Way
16	Phylicia Samuels	6153 White oak Way
17	Jaimie Samuels	6153 White Oak Way
18	Qiana Brown	6167 white oak way
19	HOA - C - TOHN	6111 White oak Way

6/3/20

Planning Commission
Huber Heights Ohio 45424
RE Case # 20-31

Residents of the
Oaks of Huber Heights
November 15, 2020

To whom it may concern,
We, the undersigned residents of the Oaks of Huber Heights, vehemently object and oppose case # 20-31. This covers the construction of small, one family rental homes on the property adjacent to the Oaks of Huber Heights, at the corner of Fishburg and Bellefontaine Roads. We find this would be most detrimental to the value of our homes and the life style we enjoy in this upscale neighborhood. Only private, occupant owned homes of similar size and value would be acceptable to us the Residents of "The Oaks".

1	Eric Stephens	6236 Black Oak Place
2	Kayla Stephens	6236 Black Oak Place
3	Yolanda Stephens	6236 Black Oak Place
4	Raegan Williamson	6249 Black Oak Place
5	Dora Todd	6229 Black Oak Place
6	David Solomon	6211 Black Oak Place
7	Michael Shurtleff	6195 Black Oak Place
8	Don D. STEWART	6080 White Oak Way
9	Ruza Khaydarova	6099 White Oak way
10	Matt Greissle	6114 white Oak way
11	Carol Justice	6264 Oak Ridge Dr.
12	Molly Dueker	6101 Oak Ridge Dr.
13	William Dueker	6101 OAK RIDGE DR.
14	Donna K. Schesky	6081 OAK RIDGE DR
15	Linda Ogle	6370 Pin Oak Ct.
16	K. K. Ogle	6370 Pine Oak Ct.
17	Bob Estelle	6399 Pin Oak Ct
18	DAVID Best	6061 OAK RIDGE DR
19	Steve Burley	6045 OAK Ridge Dr.
20	Rebekah Hemming	6025 Oak Ridge Dr

Planning Commission
Huber Heights Ohio 45424
RE Case # 20-31

Residents of the
Oaks of Huber Heights
November 15, 2020

To whom it may concern,
We, the undersigned residents of the Oaks of Huber Heights, vehemently object and oppose case # 20-31. This covers the construction of small, one family rental homes on the property adjacent to the Oaks of Huber Heights, at the corner of Fishburg and Bellefontaine Roads. We find this would be most detrimental to the value of our homes and the live style we enjoy in this upscale neighborhood. Only private, occupant owned homes of similar size and value would be acceptable to us the Residents of "The Oaks".

1 Roger Zambito 6084 Oak Ridge Dr. 45424
2 Zachary Zambito " " " "
3 Jay Smeltzer 6094 Oak Ridge DR 45424
4 Carol & Kevin Lewis 6195 White Oak Way 45424
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Hoskins, Geralyn

From: Falkowski, Scott
Sent: Wednesday, December 9, 2020 4:48 PM
To: Hoskins, Geralyn
Subject: FW: Planning Commission Meeting 12/15/20 Citizen Statement on Case ZC 20-31

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Brad Smith <BTGeek@aol.com>
Sent: Wednesday, December 9, 2020 4:45 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Planning Commission Meeting 12/15/20 Citizen Statement on Case ZC 20-31

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Dear Mr. Falkowski:

Please present the following to the Planning Commission at the meeting on December 15, 2020. Please confirm your receipt of this communication. Thank you.

To the Planning Commission:

After listening to the applicants, Koehler and Wang, during the November 10, 2020 Planning Commission meeting and reviewing the voluminous Agenda Packet for said meeting, we submit the following:

We are in opposition to the current Koehler and Wang application for a Major Change to the Basic Development Plan for The Oaks of Huber Heights and request this application be denied.

We request that any homes built follow the mandated lot requirements: minimum lot area of 12,000 square feet; minimum lot depth of 142 feet; minimum frontage at the setback of 85 feet; minimum setbacks include 25' front, 40' rear, minimum of 10' side yard. Any house built must also conform to the building standards for The Oaks Planned Development.

We also ask that the Planning Commission address the 3 acres of green space/recreation area that was moved to that parcel of land in the revised Master Plan. This was done to allow for the realignment of streets to accommodate the church. There is no plan for this 3 acre green space in the Koehler and Wang proposal.

We provide the following summary as a basis for our requests to the Planning Commission.

In 2003, the Master Plan for The Oaks set minimum lot requirements for the entire community.

In 2006, the Planning Commission voted 5-0 to deny an application to reduce these requirements.

In 2020, the Planning Commission approved Phase 9 of The Oaks Development which maintains these minimum requirements.

The land Koehler and Wang have applied to develop is part of the original plan that included these minimum lot requirements. We reference the Master Plan for The Oaks of Huber Heights document dated Summer 2003.

In 2005, this parcel of land was sold for the purpose of building a church. In the revised Master Plan there is a 3 acre green space/recreation area with two easement accesses for the residents of The Oaks. The realignment of the streets to accommodate the Church caused a loss of previously planned green space from the original Master Plan. These two access easements and the 3 acre green space/recreation area are shown on the Master Plan for The Oaks of Huber Heights document dated as revised 4/22/05.

We believe that any development must follow the current mandated guidelines for lot size and building construction. Any development on that parcel of land must also contain the green space allocation and access easements shown in the current Master Plan.

Thank you for your consideration.

Cynthia and Bradley Smith

MEMO
GERRI

December 8, 2020

To: sfalkowski@hhoh.org

Subject: Huber Heights Planning Commission (Considering Approval for a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a Planned Residential District ZC 20-31) 14.646 Acres.

We are Don & JoAnn Stewart, residing at 6080 White Oak Way in The Oaks of Huber Heights.

We are responding to the Request of KOEHLER & WANG erecting a new subdivision adjacent to the Oaks. We are asking for consideration of the plans presented to the Board for approval to include the concerns of The Oaks of Huber Homeowners Association and Individual Homeowners that responded in Denial of authorizing the Major Change to Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District.

As many Homeowners have given their personal views on denying a Major Change to The Basic Development Plan for Single Family Residential Development We Bought into. We also reviewed and received the entire Blueprints of the layout of our Extravagant Neighborhood that would bring Economical Status to our Community and the City of Huber Heights. The wife and I also looked at the promising of Wright Patterson AFB Families would consider moving to Huber Heights instead of Fairborn, Beavercreek, Dayton, Centerville and surrounding Townships. Being that the majority if not all these Beautiful Homes are our Final Residences.

A quick narrative of our layout of the different Phases the Oaks has gone through to get where we are today. Personally, I was told, including the wife into (I) that this was going to be Beautiful Spacious Homes and Land to give it that mesmerizing appearance of Class. It would have Million Dollars Homes erected in the back of The Oaks Subdivision. These conversations were discussed by the Developer Sam Nobles getting The City on Board. Even though we the Homeowners never got the Million Dollars Homes, we continue to build homes

that would make anyone Proud to be a residence of The Oaks of Huber and their Property Value over time would Increase not Decrease. As you can see Ladies and Gentlemen, we have worked hard to get The Oaks in the running of a Classical Community to reside in.

The Geographical Layout of The Oaks individual lots were laid out whereby the drainage systems became a problem for many homeowners until different landscaping challenges rectified the existing Storm Drainage Problems. The existing homes the Basin for drainage of water has overflowed several times due to Heavy Storms in which we are beginning to have more frequent due to Global Warming. The Homes being erected under the Original Development Plan may even cause an Overflow of the Basin with the numbers being erected under the original Plan. We built in 2005 and was assured that the church across from the Oaks on Fishburg would be erecting their Synagogue behind our Homes with a 6ft. or better Burnum to do the Separation of their Property line and the Homeowners butted up to the Burnum That is a Brief Synopsis of the establishment and growth of The Oaks.

We are just as Proud of The Oaks of Huber Heights as Callamere Farms Homeowners; and would appreciate your consideration of the Homeowners of the Oaks. I know we are a continuous growing City of the Future and Welcome Entrepreneurs into our Gateway of Success. After reading this and you as a Planning member still are not sure of your decision: Please incorporate the Standards of The Oaks into the plans of responsibilities of the Developers to Have a full frontal Wrap; no two houses are the same Side by Side; Lots needs to remain 85' X 142' (12,000 s.f.); sheds need to match the sidings of their homes.

The Developer responsible for up keep of Development, Developer needs to have an Association Committee set up so any problems with their Development versus The Oaks Association can come to a resolution on issues of concerns, making sure the existing 8-inch Water Main and 8-inch Sewer Main will suffice an additional 46 Residential Homes; plus the Homes that are being built under the Original Basic Development Plan for The Oaks of Huber Heights as the last Phase can endure the masses. Please consider also that the previous meeting the Developers could not guarantee a completion of a New Elegant Subdivision adjacent to The Oaks do to funding from Start to Finish.

We encountered that hiccup a while back with the Golf Course Venture behind the YMCA. Forgive the Extensive Narrative, but I wanted you to have the concerns of us as Citizens, Taxpayers, but Greater than The Huber Heights Family Strong Commitment. Also, we know that we cannot convene at this time due to the Pandemic. We also know that it may become inevitable that homes may be erected under a name that is not the Oaks of Huber Heights, but request that if the Developers are approved, that our requirements if feasible will adhere to your Decision Making. We do not want the Value of our Elegant Homes to depreciate.

Thank You all for your Attentiveness for The Families of The Oaks of Huber Heights!

Sincerely Don & JoAnn Stewart

Hoskins, Geralyn

From: Falkowski, Scott
Sent: Friday, December 11, 2020 9:55 AM
To: Hoskins, Geralyn
Subject: FW: Second Statement for Case ZC 20-31/Planning Commission Meeting 12-15-20

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org

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From: Brad Smith <BTGeek@aol.com>
Sent: Friday, December 11, 2020 9:52 AM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Second Statement for Case ZC 20-31/Planning Commission Meeting 12-15-20

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THIS IS IN ADDITION TO OUR EMAIL OF DECEMBER 9, 2020.

Dear Mr. Falkowski:

Please present the following to the Planning Commission at the meeting on December 15, 2020. Please confirm your receipt of this communication. Thank you.

To the Planning Commission:

This is in addition to our email of December 9, 2020. As the Agenda Packet for the December 15, 2020, meeting has been posted, we wanted a chance to comment on the new documents/plans provided by the applicants, Koehler and Wang. As residents of The Oaks, this will directly impact us.

We submit the following for your consideration:

A statement on their General Notes section states that a sidewalk with be provided extending from the West property border to the corner of the Fishburg and Bellefontaine intersection.

QUESTION: Will sidewalk also be provided from the corner of the Fishburg and Bellefontaine intersection to the North property border?

A statement on their General Notes section states that the remainder of exterior materials that is not masonry will include a mix of lap siding, synthetic cedar shakes and board/batten style siding.
QUESTION: What materials will these be made of? The current homes have vinyl siding, synthetic cedar shakes, brick and stone. We do not think that board/batten style is currently in our Planned Development, nor do we see any information on what material this is made of. Nor is there an explanation of what type of masonry will be used.

Looking at the mechanical drawings provided, there is a utility room with a furnace and a water heater. There is no indication of a compressor area outside the home.
QUESTION: Will these homes have central air-conditioning?

QUESTION: Are these homes to be built on site or are they fully or partially manufactured homes?

Looking at the building designs, it looks like they are basically 40 feet wide and 70 feet deep. **The majority of the homes in Huber Heights are wider than they are deep.** This allows for a front yard that can be landscaped and for the home, not the garage, to be the centerpiece. These designs have more garage than house in the front schematic. Also, a two car driveway on a 60 foot wide lot is a higher percentage of concrete in the front yard than on an 85 foot wide lot. A different aesthetic for the neighborhood.

Having the setback at 20 feet and the garage to be the first point of contact, means that the driveway will be 20 long. Assuming a hellstrip of 6 feet and a sidewalk of 4 feet, that leaves 10 feet of usable driveway (without blocking the sidewalk). Is this sufficient for both tenant and guest parking? With 60 feet lot width and a two car driveway, with a 5 foot access on each side of the driveway, that only leaves a maximum 30 feet of street parking, not counting fire hydrants, other public use blockage and curves in the road. **This is an argument to maintain the minimum 85' width at the setback point and a minimum 25' setback in the front yard.**

QUESTION: Will there definitely be sidewalks in front of these houses? Huber Heights prides itself on being walkable and bike able. Many residents of the Oaks enjoy our walkable, bike able and pet friendly neighborhood. If the developers are marketing toward a baby boomer demographic as they have stated, we would think that sidewalks would be required.

Their "Outdoor Functional Layout which shows Sideyard as Primary Outdoor Space" points out a patio (?) area of approximately 8x15 with a corner removed. With a 40 foot wide house on a 60 foot lot, that leaves approximately 10 feet on each side of the house. While there is 20 feet between houses, all cannot be used without infringing on neighbors.

Some lots are as narrow as 52', which causes significant crowding issues and does not allow for the the minimum 10' side yard as mandated for the Oaks Planned Development. It also places some homes as close as 12' rather than 20' apart.

The lot depths vary from approximately 107' to 135'. With their suggested 20' frontage, the 70' house and the 25' rear setback, that adds to 115 feet. This does not function for all lots so they just cut some rear setback to 15'. There seem to be no firm guidelines. The 25' rear setback in some lots includes the 10' berm, reducing the backyard to 15'. The Oaks minimums are 25' frontage, 85' width at the frontage, 10" side yard and 40' rear yard.) **These houses/lots appear to be more crowded than any others in Huber Heights.**

QUESTION: What will their position be on pets and children if they are a fence free neighborhood, as previously stated? Of a particular concern are the lots that ring the outside of the development and are on Fishburg or Bellefontaine. In some cases, the lots are 119' deep, with the aforementioned 90 feet of house and front setback, leaves the back of the house and their "Functional SideYard" less than 30' from a major street. **We believe this presents a potential public safety issue.**

QUESTION: Considering the high density of this development and less grassy areas for water absorption than normally required in the Oaks, is the detention pond sufficient to hold all their storm water without impacting the areas covered by and paid for by the Oaks HOA? The previous detention pond was sized for the church plan which had more than 50% of area as grass/landscape, allowing for considerable water absorption before needing the detention pond. Has the pond been reevaluated for this proposed development?

Overall, we believe that this proposed development is poorly designed. Huber Heights planning has maintained family friendly, neighborhood consistent plans. The idea of having planned communities supports this. The Koehler and Wang application goes counter to all this work and planning. All of The Oaks Planned Community built so far has maintained consistent lot sizes and building standards. There have been no problem selling these houses. **We believe this property can be developed with the current lot and building standards in place and there is no substantive reason for a Major Change to the Basic Development Plan for The Oaks of Huber Heights.**

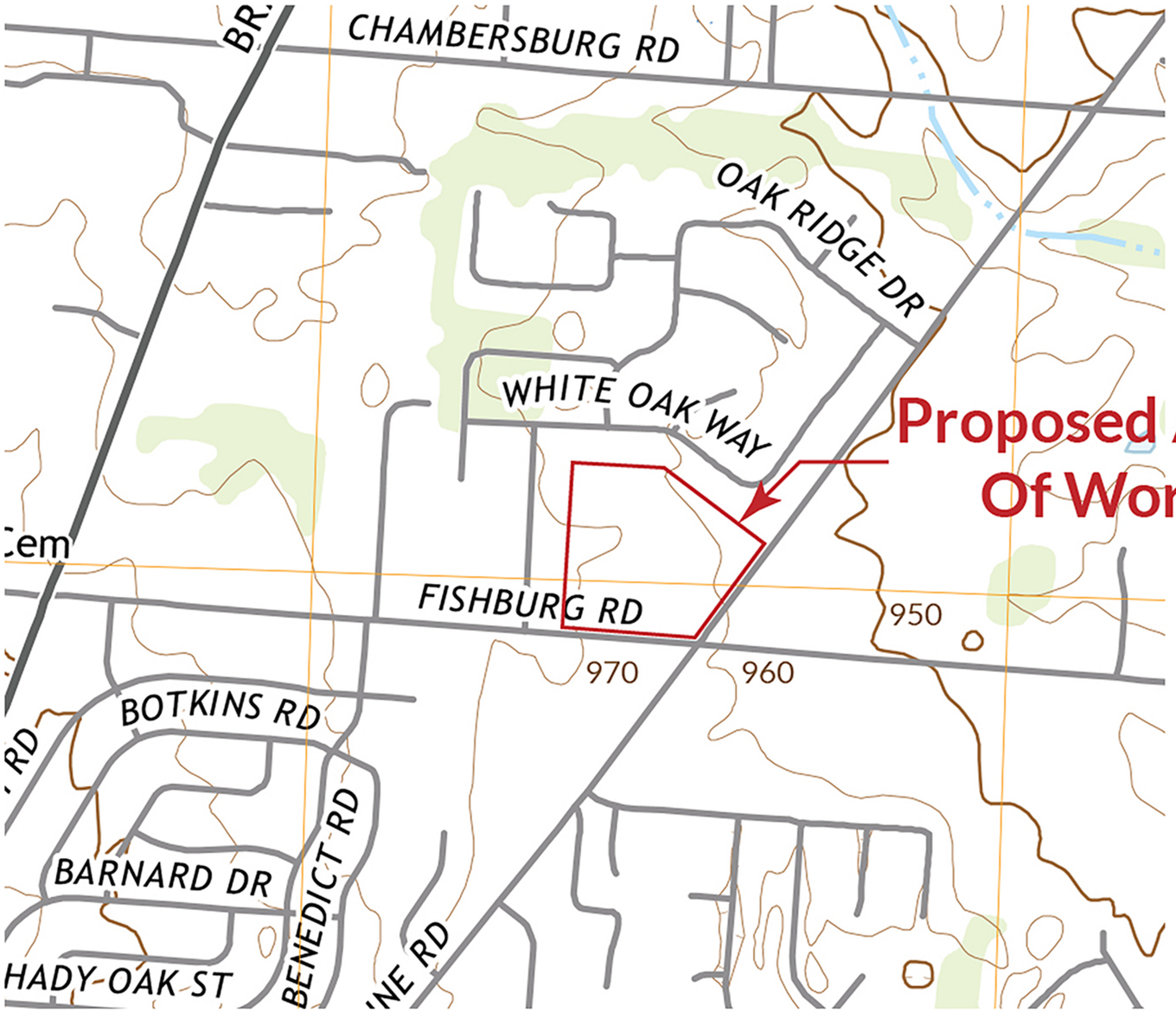
The overall feeling we have after reviewing Koehler and Wang's proposal is that having a neighborhood of narrow, long houses built on small lots with no significant yards, will, in our opinion, have a trailer park appearance and be a detriment to the careful planning and work of the City of Huber Heights.

PLEASE DENY THE APPLICATION OF KOEHLER AND WANG (ZC 20-31)

Thank you for your consideration.

Cynthia and Bradley Smith

Housing Development
Fishburg/Bellefontaine Intersection
Huber Heights, OH 45424



0 40 80 120

N

MOUND

38 0.4863 Acres
39 0.2760 Acres
40 0.1618 Acres
41 0.2471 Acres
42 0.2496 Acres
43 0.1618 Acres
44 0.1618 Acres
45 0.1618 Acres
46 0.1618 Acres
37 0.4004 Acres
36 0.2360 Acres
35 0.1966 Acres
34 0.1966 Acres
33 0.1966 Acres
32 0.1966 Acres
31 0.1966 Acres
30 0.2126 Acres
29 0.3066 Acres
18 0.2056 Acres
19 0.1474 Acres
20 0.1474 Acres
21 0.1474 Acres
22 0.1473 Acres
23 0.2210 Acres
17 0.1996 Acres
16 0.1474 Acres
15 0.1474 Acres
14 0.1474 Acres
13 0.1474 Acres
12 0.1954 Acres
28 0.1538 Acres
27 0.1828 Acres
24 0.1351 Acres
25 0.1351 Acres
26 0.1811 Acres
1 0.1909 Acres
2 0.1591 Acres
3 0.1591 Acres
4 0.1614 Acres
5 0.1916 Acres
6 0.2331 Acres
7 0.2511 Acres
8 0.1987 Acres
9 0.1685 Acres
10 0.1591 Acres
11 0.2200 Acres

STREET 'A'
STREET 'B'

OPENSPACE
41099 Sq. Feet
0.9435 Acres

DETENTION AREA
0.7520 Acres

98,709 Sq. Feet
2.266 Acres

20' BUILDING SETBACK
25' REAR BUILDING SETBACK
15' REAR BUILDING SETBACK
FUTURE ROW
6" SAN FORCE MAIN
EX GAS MARKER
EX UG GAS (APPROX LOC)
EX GM
EX IP
EX OHS
EX GAS
BELLEFONTAINE RD
FISHBURG RD.
SECTION

AREA SUMMARY
9.187 ACRES IN LOTS
1.696 IN OPENSPACE/COMMON AREA
2.266 ACRES IN RIGHT-OF-WAY
13.149 ACRES

REVISIONS

6	5	4	3	2	1

CCE
Community Civil Engineers, LLC
2440 DAYTON-XENIA ROAD, SUITE B
BEAVERCREEK, OHIO 45434
TEL 937.490.9460 FAX 937.426.9798

SITE PLAN

KOEHLER
HUBER HEIGHTS

DESIGN: SMB	DATE: 10/14/2020
DRAWN:	
CHECK:	
JOB #: 20-462	SP1



FRONT ELEVATION

¼"=1'-0"



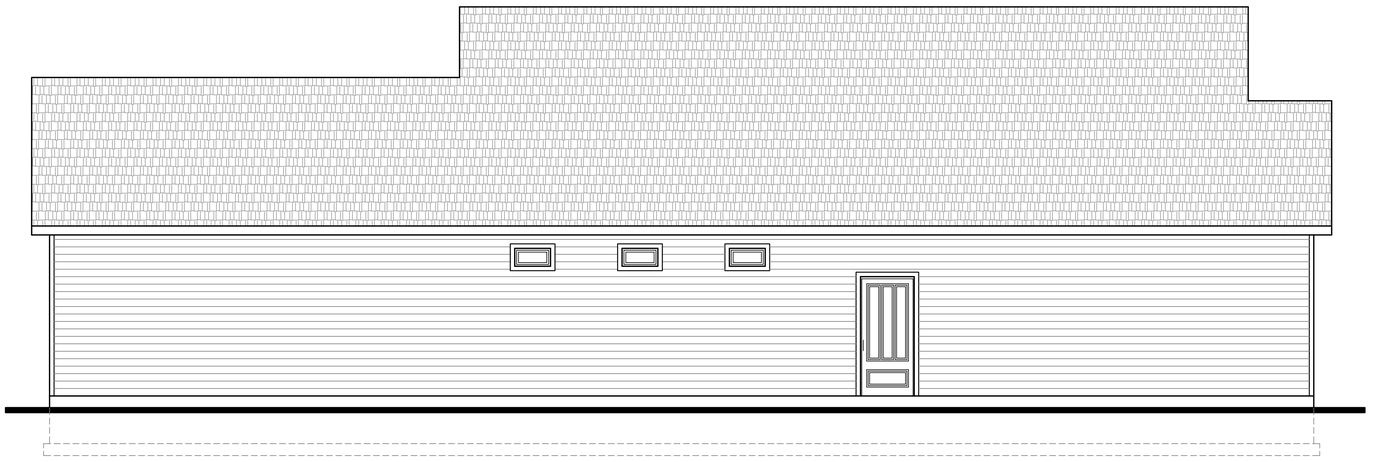
RIGHT ELEVATION

¼"=1'-0"



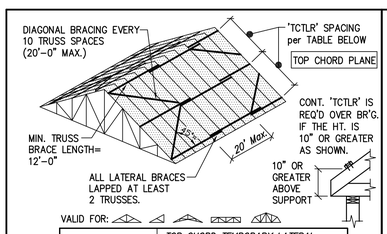
BACK ELEVATION

¼"=1'-0"



LEFT ELEVATION

¼"=1'-0"

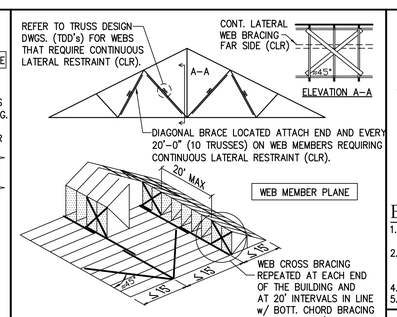


TRUSS SPAN	TOP CHORD TEMPORARY LATERAL RESTRAINT (TCTLR) SPACING
UP TO 30'	10'-0" ON-CENTER MAXIMUM
30'-45'	8'-0" ON-CENTER MAXIMUM
45'-60'	6'-0" ON-CENTER MAXIMUM
** 60'-80'	4'-0" ON-CENTER MAXIMUM

TOP CHORD BRACING (TCTLR)

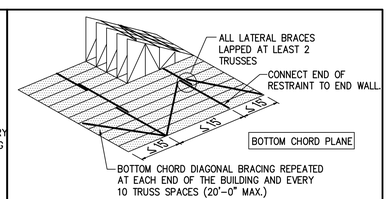
1. APPLIES TO ALL SLOPING CHORD TRUSSES, SCISSORS TRUSSES, 2x_ PARALLEL CHORD TRUSSES AND PIGGYBACK TRUSSES.
2. LOCATE A 'TCTLR' AT EACH PITCH BREAK ALONG THE TOP CHORD.
3. PROVIDE LATERAL BRACING AT TOP CHORD SCISSORS TRUSS SPLICES
4. INSTALL 'TCTLR' TO THE UNDERSIDE OF TOP CHORD TO ALLOW INSTALLATION OF ROOF SHEATHING.

TOP CHORDS THAT ARE LATERALLY BRACED CAN BUCKLE TOGETHER AND CAUSE COLLAPSE IF THERE IS NO DIAGONAL BRACING. DIAGONAL BRACING SHOULD BE NAILED TO THE UNDERSIDE OF THE TOP CHORD WHEN PURLINS OR SHEATHING ARE ATTACHED TO THE TOPSIDE OF THE TOP CHORD.



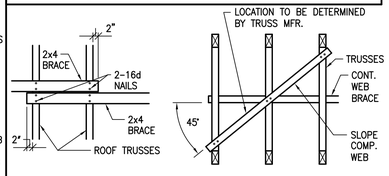
WEB MEMBER BRACING

1. INSTALL DIAGONAL BRACING ON WEB MEMBERS (VERTICAL WEBS WHENEVER POSSIBLE), AT OR NEAR BOTTOM CHORD LATERAL RESTRAINT (SEE BELOW).
2. WEB MEMBERS THAT REQUIRE MORE THAN ONE ROW OF 'CLR' SHALL HAVE THE CLRs AND DIAGONAL BRACING INSTALLED AS THE TRUSSES ARE INSTALLED.
3. MONO TRUSSES, DEEP FLAT TRUSSES AND OTHER TYPES OF TRUSSES WITH DEEP ENDS ALSO REQUIRE CLR's AND DIAGONAL BRACING ON THE LONG WEB MEMBERS AT THE DEEP END OF THE TRUSS.
4. REFER TO BCSI-B2 AND BCSI-B3 FOR ADDITIONAL INFORMATION PERTAINING TO WEB MEMBER RESTRAINT AND BRACING.



BOTTOM CHORD BRACING

1. INSTALL BOTTOM CHORD TEMPORARY LATERAL RESTRAINT (BCTLR) IN ROWS NO MORE THAN 15'-0" o.c.
2. IF NO SHEATHING IS TO BE INSTALLED TO THE UNDERSIDE OF THE BOTTOM CHORDS, INSTALL BOTTOM CHORD PERMANENT LATERAL RESTRAINT AT THE LOCATIONS REQUIRED BY THE TRUSS DESIGN DRAWINGS (OR 10'-0"o.c. MAX.).
4. ADDITIONAL BOTTOM CHORD BRACING IS REQUIRED AT ALL GABLE END WALLS.
5. PROVIDE LATERAL BRACING AT BOTT. CHORD SCISSORS TRUSS SPLICES



LAP DETAILS AT 2X4 ROOF BRACES

N.T.S.



FRONT ELEVATION

¼"=1'-0"

(STONE FRONT ELEVATION ON DESIGN OPTION 'A')

DESIGN OPTION 'A'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
ADDITIONS
LIGHT COMMERCIAL
(937) 902-4337
steveflueryohio@gmail.com

date:
10-04-2020

sheet number:
A-2



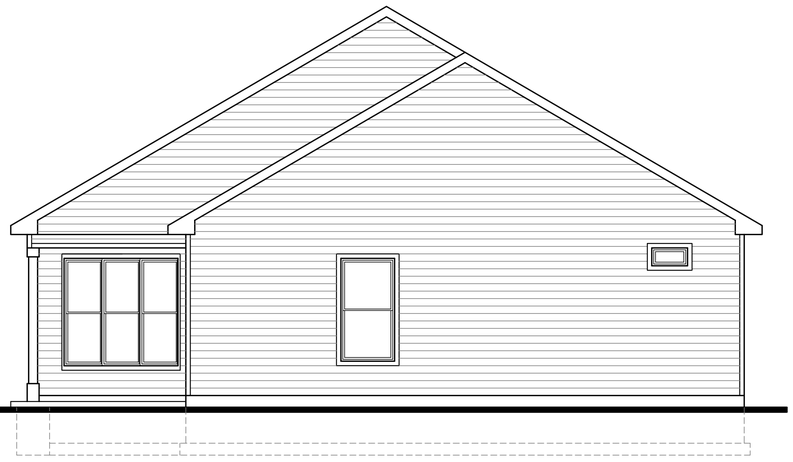
FRONT ELEVATION

1/4"=1'-0"



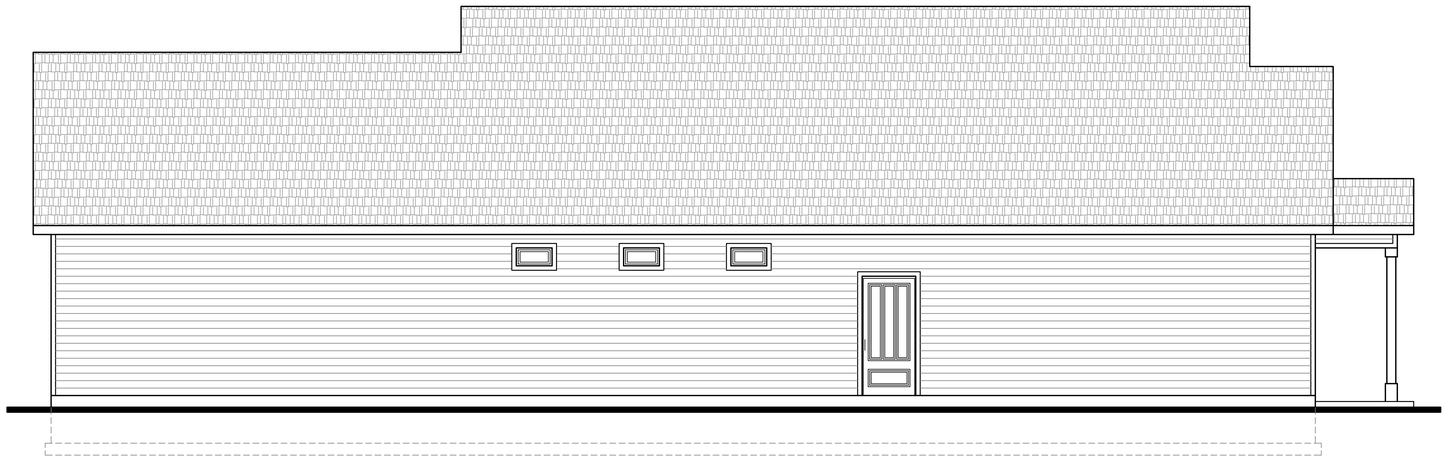
RIGHT ELEVATION

1/4"=1'-0"



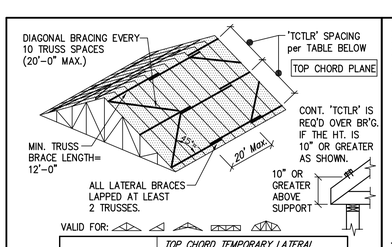
BACK ELEVATION

1/4"=1'-0"



LEFT ELEVATION

1/4"=1'-0"



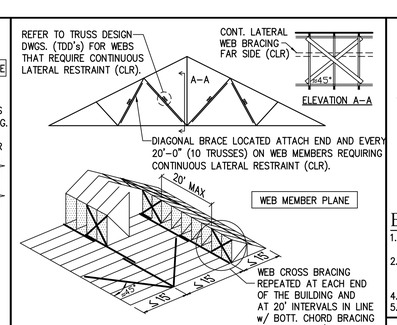
VALID FOR:

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30'-45'	8'-0" ON-CENTER MAXIMUM
45'-60'	6'-0" ON-CENTER MAXIMUM
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TOP CHORD BRACING (TCTLR)

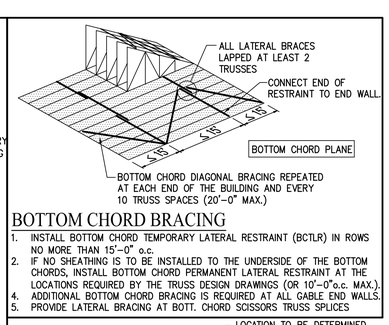
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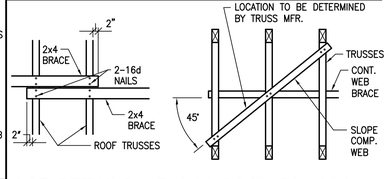
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5. PROVIDE LATERAL BRACING AT BOTT. CHORD SCISSORS TRUSS SPLICES



LAP DETAILS AT 2X4 ROOF BRACES

N.T.S.



FRONT ELEVATION

1/4"=1'-0"

(STONE FRONT ELEVATION ON DESIGN OPTION 'B')

DESIGN OPTION 'B'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
HOUSE DESIGNS
ADDITIONS & ALTS
LIGHT COMMERCIAL
(937) 902-4337
stevefleuryohio@gmail.com

date:
10-04-2020

sheet number:
A-2

Siding Accents

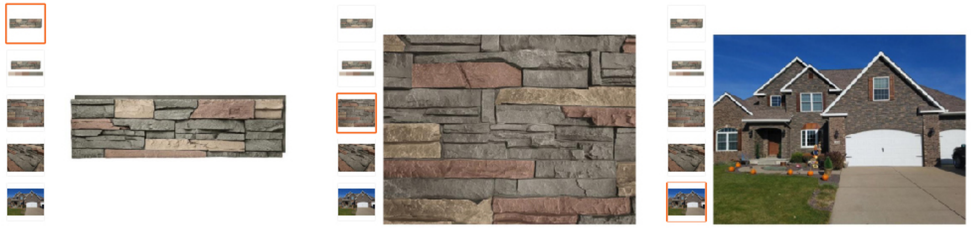
Synthetic cedar shakes in a variety of colors will be applied on the front elevations

Novic Shake HS - 18.75 in. x 48.38 in. Hand-Split Shake in Khaki (49.36 sq. ft. per Box) Plastic Shake Vinyl Siding



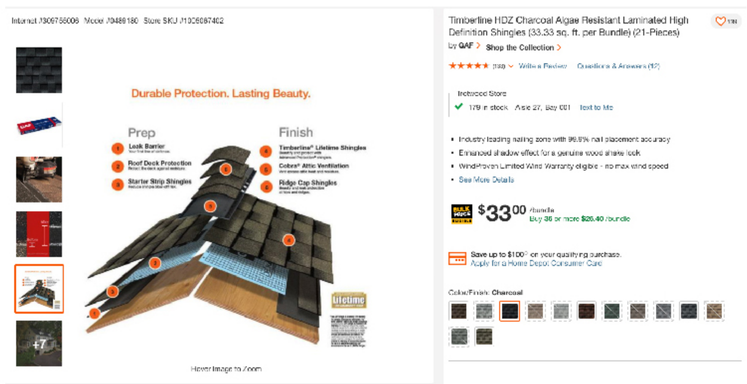
Stacked stone veneer will be applied on the front elevations

GenStone Stacked Stone Stratford 12 in. x 42 in. Faux Stone Siding Panel



Roofing Materials

All roofing will be dimensional shingles GAF Timberline HDZ or similar

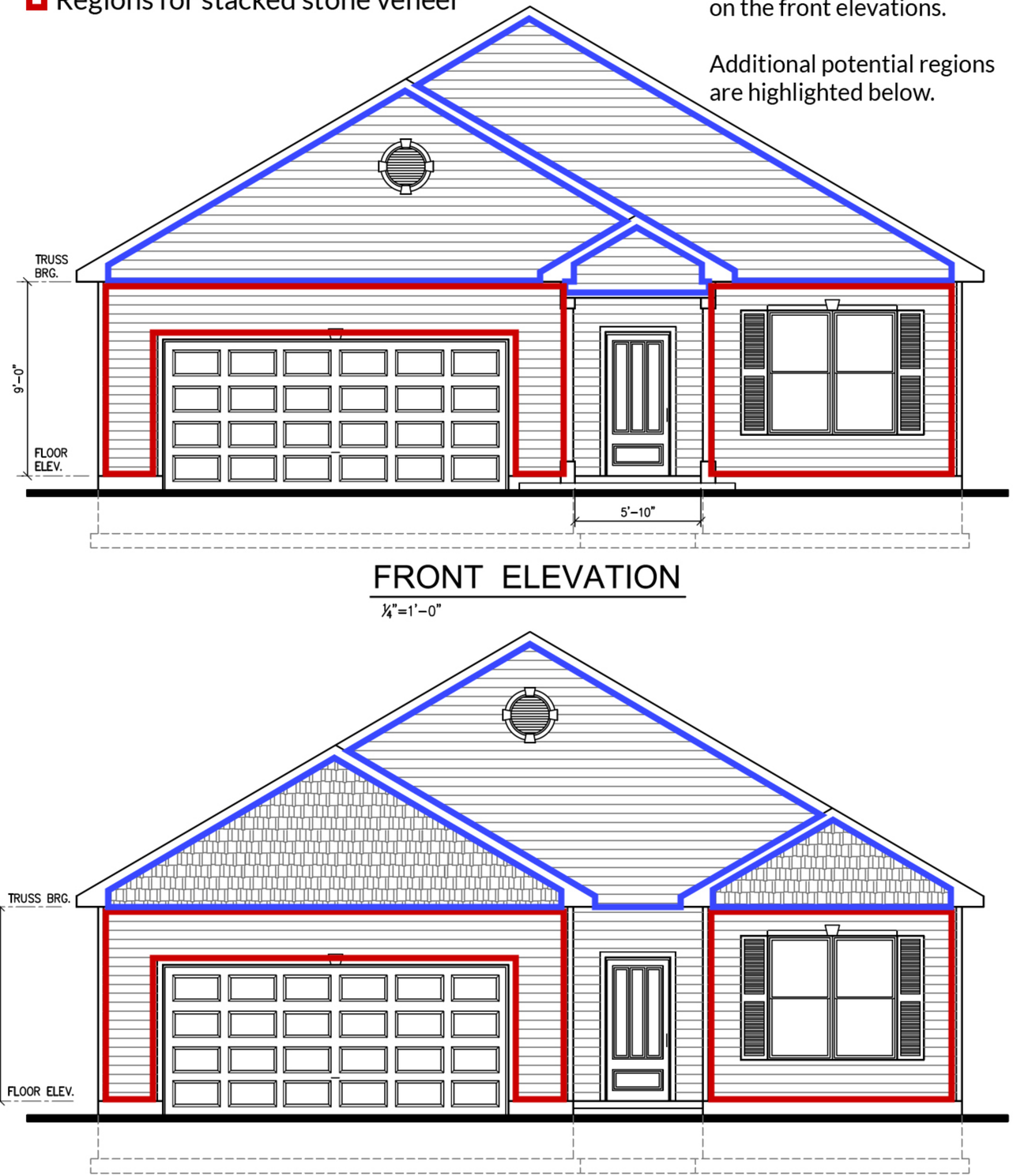


Regions for synthetic cedar shakes

Regions for stacked stone veneer

Siding accents to be applied at an assortment of locations on the front elevations.

Additional potential regions are highlighted below.



FRONT ELEVATION

1/4"=1'-0"

FRONT ELEVATION

1/4"=1'-0"



MASTER PLAN

FOR

THE OAKS

OF

HUBER HEIGHTS

HUBER HEIGHTS, OHIO

SUMMER 2003

CHAMBERSBURG RD.

POND

POTENTIAL ESTATE LOTS

RED OAK COURT

OAK CREEK TRAIL

RED OAK COURT

OAK RIDGE DR.

PIN OAK CT.

OAK RIDGE WAY

LAUREL OAK PATH

RETENTION BASIN

GREEN SPACE

SILVER OAK WAY

BLACK OAK PLACE

WHITE OAK WAY

SILVER OAK WAY

BUR OAK DRIVE

WHITE OAK WAY

RECREATION AREA 3.0 ac

POND

PARKING

CHURCH 14.1843 AC

DETENTION AREA

SHADY OAK STREET

BELLFONTAINE RD.

FISHBURG RD.

EX CHURCH

MASTER PLAN

FOR

THE OAKS OF HUBER HEIGHTS

HUBER HEIGHTS, OHIO 2005

0 50 100 200 300

SCALE: 1" = 100'

APPROVED

431 D 12 APR 05

J. Hallett

REVISED 4/11/05



Huber Map

1 in = 376 ft

Date: 11/10/2020

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2003-O-1405

AN ORDINANCE AMENDING THE HUBER HEIGHTS ZONING ORDINANCE TO REZONE 116.9 ACRES SITUATED ON BELLEFONTAINE ROAD, APPROXIMATELY 1300' NORTH OF FISHBURG ROAD, SECTION 16, TOWN 2, RANGE 8 M.R.S, HUBER HEIGHTS, OHIO FROM R-1 RESIDENCE DISTRICT TO PR PLANNED RESIDENTIAL DISTRICT AND DECLARING AN EMERGENCY (ZONING CASE NO. 431)

WHEREAS, the Citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed said Zoning Case and on January 14, 2003 recommended approval by a vote of 4-1 with conditions; and

WHEREAS, Section 1130 of the H.H.C.O. grants City Council the power to amend or override the City Planning Commission recommendation by a vote of two-thirds of its membership; and

WHEREAS, the City Council has determined that, with proper conditions, this rezoning should be amended and approved;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Huber Heights, Ohio that:

Section 1. The Basic Development Plan submitted by the Applicant in this Case is hereby approved as amended hereby subject to the conditions set forth below:

1. Berming will be installed as discussed elsewhere along Bellefontaine and Fishburg Roads as the development of sections of the plat are built. Installation of the berm and its landscaping shall be the responsibility of the developer and shall be included in the Subdivider's Agreement and the performance bond required by the Subdivider's Agreement as each section is developed.

2. The berm shall be constructed on the rear of the lots. An agreement will be executed as part of the Detailed Development Plan, which agreement shall be approved by the Law Director and City Engineer, creating an easement, rights and duties with regard to the berm area. The berm shall, once built, be maintained by the property owner. The property owner may not remove any landscaping required by the Detailed Development Plan without the City Engineer's written approval, and shall be required to replace such landscaping which dies or is removed. Failure to maintain the berm area as required will constitute a zoning violation. The City may cite the property owner, the Homeowner's Association, or both, and may perform such maintenance and repair and assess the cost to the Property owner and/or Homeowner's Association.

3. Installation of sidewalks along the frontage of Bellefontaine Road and Fishburg Road shall be by the developer as part of the public improvements in the plat. Once the first section of the plat with frontage on Bellefontaine Road is recorded, all of the sidewalk along Bellefontaine Road will be installed within three (3) years or no further sections of the plat will be approved.

4. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house.

5. Fifty percent (50%) of the dwellings built on perimeter lots (#93-95 inclusively; #101-110 inclusively; #123-133 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 towards 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.

6. No trees may be cut in the development without the approval of the City Engineer in writing. A tree survey shall be conducted identifying all trees with greater than 3" caliper, three feet off the ground. This tree survey for the entire development shall be submitted to the City Engineer prior to approval of the first stage of the Detailed Development Plan. Trees to be maintained shall be identified at the Detailed Development Plan stage for each section.

7. The existing farmhouse and springhouse shall not be demolished or removed without the written consent of the City Planning Commission and the City Engineer.

8. The Planning Commission shall determine the requirements for obtaining a 20-30' wide easement and walking route to Chambersburg Road from at or near Lot 10 of the development with such improvement to be constructed at such time as Chambersburg Road is improved with a sidewalk to the connection point.

9. The two (2) retention ponds shall be constructed on the locations shown on the Revised Plan submitted to the City and shall be approved by the City Engineer as a part of the Final Development Plan.

10. The comments of the Engineering and Fire Divisions must be satisfied prior to approval of a Detailed Development Plan.

11. The new Plans submitted by the Applicant dated April 14, 2003 and on file with the Clerk of Council are the Plans being approved herein.

12. The Development shall contain no greater than the following number and mix of Lots: 223 Single Family Lots; 15 Estate Lots.

13. LOT REQUIREMENTS: On the 223 Premium Lots, minimum lot area is 12,000 square feet; minimum lot depth is 142 feet; minimum frontage at the setback line is 85 feet; minimum setbacks include 25' front, 40' rear, minimum of 10' (with a sum of 20') sideyard.

14. GREEN SPACE: Revised plan shall include landscaped and green space areas including 1 Detention and 2 Retention Ponds. Existing tree lines and vegetation growth is shown along the rear yard lot lines and surrounding the estate lots. There is a Mound/Berm also known as No Disturb Zone (NDZ) along the rear property lines of Lots #63 through 68 inclusively and Lots #86 through 92 inclusively, that abut Shady Oak rear property lines. There is a Mound/Berm along rear yard property lines of all Fishburg and Bellefontaine Road perimeter lots numbered 92-95 inclusively; 101-110 inclusively; 123-133 inclusively and Lot #1. The serpentine Mound/Berm 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, as per the landscape design plan. The serpentine mound shall be built so as to allow drainage along and between lots in

varied length sections. There will be a NDZ utility easement of 10' inside and adjacent to the Mound/Berm.

15. SIDEWALKS AND MOUNDS ALONG BELLEFONTAINE AND FISHBURG: Along Bellefontaine, widen and improve roadway, curb, gutter, sidewalk 300'-400' north and south (total, 600'-800') of plat main ingress-egress as per Engineer approval.

16. Upon initiation of development,in the first section bordering Fishburg Road, the intersection of Fishburg and Bellefontaine must be widened and improved with roadway, curb, gutter and sidewalk along the north side of Fishburg across the whole development. The same requirements for mound and sidewalk as stated for Bellefontaine in regard to bond, timeline, etc. apply.

17. BUILDING MATERIALS AND STRUCTURES: Those houses built abutting rear property lines of Shady Oak lots (being Lots #63, through 68 inclusively and #86-92 inclusively) shall be single story (ranch) dwellings, have a minimum floor area of 1600 square feet of heated, air conditioned, fully finished living area, exclusive of any basement, garages or porches. All sides of the dwelling shall be entirely of brick, stone or other masonry product, except for trim and gables. Storm sewers serving the area adjacent to Shady Oak lots shall be sized and designed to accept the stormwater runoff from the Shady Oak lots as engineering permits.

18. 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.

19. The plat covenants shall be approved in advance by the City Law Director and shall include at least the following provisions:

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.

Section 2. This Council finds that the general standards for approval of the Basic Development Plan for the proposed Planned Unit Development (PUD) are met by a preponderance of the evidence presented in this Case, only upon compliance with the conditions set forth above in this Case.

Section 3. The request to rezone the 116.9 acres situated on the west side of Bellefontaine Road, approximately 1300' north of Fishburg Road, Section 16, Town 2, Range 8 MRS, Huber Heights, Ohio from R-1 Residence District to P-R Planned Residential District is hereby approved.

Section 4. It is hereby found and determined that all formal action of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that

resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the further reason that the City needs to encourage this type of development at the earliest time, Wherefore this Ordinance shall become effective at the earliest period allowed by law.

Passed by Council on the 14th day of April, 2003.

7 Yeas; 0 Nays; 1 Abstain.

AUTHENTICATION:

Clerk of Council

Date: 4/16/2003

Vice Mayor

Date: 04/16/03

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2005-O-1566

APPROVING A MAJOR CHANGE TO THE BASIC DEVELOPMENT PLAN IN ZONING CASE NO. 431-D, THE OAKS OF HUBER HEIGHTS FOR MIDLIFE DEVELOPMENT, AND DECLARING AN EMERGENCY

WHEREAS, the applicant has submitted a Major Change to the Basic Development Plan in order to construct a church at the southeast corner of the subdivision as well as realign the internal streets of The Oaks subdivision on Fishburg and Bellefontaine Roads; and

WHEREAS, the City Planning Commission has reviewed said zoning case and on April 12, 2005 recommended approval by a vote of 3-0 with conditions;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The Major Change to the Basic Development Plan submitted in Zoning Case 431-D, as requested by the applicant, is hereby approved with the condition as set forth by Planning Commission and as amended by City Council at the May 9, 2005 Regular Session Council Meeting.

Section 2. This Council finds that the general standards for approval of the Major Change to the Basic Development Plan for the Planned Unit Development (PUD) are met by a preponderance of the evidence presented in this case, only upon compliance with the conditions set forth in the City Planning Commission Resolution in this case and by the amended changes approved by City Council.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the community and for the further reason to promote continued growth and economic development in the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage by Council.

Passed by Council on the 9th day of May, 2005;
8 Yeas; 0 Nays.

AUTHENTICATION:

Clerk of Council

Date: 5/10/2005

Vice Mayor

Date: 5/10/2005

The Planning Commission recommends approval of said case upon compliance with the following conditions which are hereby made part of the approval of the basic Development Plan:

1. That the sign be a ground mounted sign and not to be mounted on a pole.
2. Staff would review the drainage areas located in the southern portion of the property.
3. Light level calculations would be provided to City staff.
4. The dumpster location would be discussed prior to submittal of the detailed Development Plan.

Seconded by Mr. Mandrell. Roll call showed: YEAS: Ms. Breisch, Mr. Mandrell, Mr. Stauffer, Mr. Bracher, and Mr. Hallett. NAYS: None. Motion carried 5-0.

Mr. Hallett asked when this item would be presented to City Council. Ms. DelRaso stated that the item would go for Council approval on February 10, 2003.

Mr. Hallett stated that all the issues raised as conditions would have to be discussed with City Staff prior to the submittal of the detailed Development Plan, after City Council approved the basic plan.

2. **PUBLIC HEARING, applicant, Mid-Life Development Group, Inc., requesting to rezone 116.9 acres from R-1 Residence District to PR (Planned Residential District), and asking for basic Development Plan approval for property located on the west side of Bellefontaine Road, north of Fishburg Road (Zoning Case No. 431).**

Ms. DelRaso stated that the case was discussed at the December 10th meeting regarding the rezoning of 116.9 acres at 6105 Bellefontaine Road which was Zoning Case No. 431. She stated that at the Planning Commission meeting prior to December 10th, as part of the work session agenda for this Commission, the applicant had submitted a Concept Plan for the Commission's review on what was titled The Reserve at Bellefontaine. She stated that based on that work session, the Planning Commission had numerous comments regarding the development, along with the proposed concept plan. She stated that such comments had not been incorporated at the time the public hearing was held on December 10th, and the applicant then asked to have the item pulled from that scheduled meeting to supply additional time to meet with City Staff and the Planning Commission to help them understand what was deficient in the Concept Plan which had been proposed.

Ms. DelRaso stated further that on December 10th the new Concept Plan had been submitted to staff at a meeting attended by Mr. Hallett, Mr. Geiger and the applicant, and the plan had been included in the Commission's materials.

Ms. DelRaso continued stating that the information provided in regard to compliance with the basic Development Plan requirements for the PUD rezoning from R-1 to PR were sufficient, but the real problem with the plan had been in regard to the actual layout of what had been included in the concept. She stated that concerns had been raised regarding the street layout, the property layout, along with the green space included in the project, and all matters had been addressed by the applicant. She stated that the applicant would make a presentation on the changes.

Ms. DelRaso stated that the only issue was that staff wanted to note as part of the record that due to the change of the concept and layout of the development, there were two deficiencies in the plan. One deficiency was in regard to the lot frontage in several cases which did not meet Code. She explained that there was a required minimum Code frontage of 60' for Planned Residential. She stated that the other issue was that some of the lots which do not meet the frontage was because they were flag lots and not on a dedicated right-of-way, but were on easements. She stated that depending on how they are counted, she and the applicant counted them differently, there were about 22 properties being impacted by the use of a flag lot or easement dedication. She stated that both conditions would have to be made by the Commission as part of the record because they were not in compliance with the Code.

Mr. Hallett stated that the lots did not meet the requirements because they did not front directly on a street. He asked if the lot width was sufficient if they were facing a street.

Ms. DelRaso stated that for the most part, the lots were sufficient, but there were a couple that had been squeezed in that were about 1' or 2' short. She explained that they bubbled out in a semi-cul-de-sac to provide some additional frontage. She stated there were a few that did not meet the 60' requirement.

Ms. DelRaso stated that the other deficiency was in regard to the access easement, and the fact that several of them did not meet the frontage requirements. She stated they were basically trading land lots which were not on public right-of-way, which had been a concern for the main cul-de-sac by the detention pond located at the northeast corner of the development.

Mr. Hallett clarified that they had put in a dedicated street. Ms. DelRaso confirmed and stated that change had been made on the concept. Mr. Hallett asked how many lots were not fronting on a dedicated street. Ms. DelRaso stated that 22 lots did not have appropriate frontage due to the flag lots on a dedicated street. She stated that 11 of those lots did not have any frontage and were accessed through the easements.

Mr. Hallett asked if there had been any further discussion with the applicant regarding the legal technicalities of making sure the easements would be put in place or as to how they would be written.

Ms. DelRaso stated that would have to be a condition of the approval and would have to work with the applicant's engineers to have them laid out and have it as part of the detailed Development Plan process. Mr. Hallett asked if Mr. Chambers would be involved in that discussion. Ms. DelRaso confirmed. Mr. Hallett stated that he assumed for the common areas there would be a type of Homeowners Association. Ms. DelRaso stated that was her understanding.

Mr. Hallett asked if the Commission members had any further questions for staff.

Mr. Mandrell asked if any attempt had been made to find engineering solutions to some of the non-standard lots. He asked if there were twists and turns in the street layout that would eliminate some. Staff stated that had not been done at this time and if this was something the Commission desired, then Engineering could do so. Mr. Mandrell suggested that possibly additional cul-de-sacs could help alleviate the problem.

Ms. DelRaso stated that in looking at this from a cul-de-sac standpoint, they would end up losing frontage on several lots including the two that were on the easement driveways. The 22 lots would have to be combined into 11 lots and would lose density. Mr. Mandrell asked how many lots were being achieved with the proposed plan. Ms. DelRaso stated that there were 284 lots with a density of 2.43. She explained that they had tried to comply with the Planning Commission's request to have open space. She stated that from the original concept plan, the applicant had added open space and open areas, and even though the space was not dedicated to such lots, there was considerable green space between several of the homes. She stated that a walking trail had been added from the two circular portions of the subdivision at the western boundary. She added that pocket parks were also added throughout the development. She continued stating that there was some definition, along with green space, at the entryway off Bellefontaine. She stated that there were 3 large open space features, including the detention pond at the northeast corner, a detention area shown near the existing farm house, and of course, the detention pond of about 1 acre located at the northwest corner of the property.

Ms. DelRaso added that the plans showed a private lane with additional large lots and that was still the desire of the homeowner to retain a piece of property for future development. She further stated that at the northwest corner of the property there was a wooded area, and the applicant wanted to maintain the green space as lot buffers for those properties. She stated that some trees would have to be removed for the development. She stated that the Fire personnel did not respond that the access easements would propose any type of security or safety concerns regarding fire equipment. She stated that there would be driveways wide enough

to comply and she added that would be discussed further as the project continued through the detailed Development Plan process. She stated that this was done fairly regularly. She remarked that areas that used this frequently was Cincinnati where there were a lot of lots to the rear of the frontage lots, and private drives were constructed which were maintained by the access homes. She stated that in some cases there could be numerous properties with maintenance agreements regarding such driveway access. She stated they would not be dedicated streets, and emphasized that they would not be maintained by the City of Huber Heights. She explained they would be the property owner's responsibility or some type of Homeowners Association would be involved.

Mr. Hallett asked if the Fire Department had reviewed the proposed plans. Ms. DelRaso confirmed and stated that no comments had been made.

Mr. Hallett stated they were showing a 16' wide common access drive in the particular areas. Ms. DelRaso reminded the Commission that the Fire Department reviewed these plans in connection with how far the fire hydrants were located and other items which would be addressed as they got further into the subdivision.

Mr. Hallett proceeded to open the public hearing. He reminded everyone that anyone wishing to speak on this matter needed to provide their names and addresses.

Ms. DelRaso stated that she had received two pieces of correspondence from residents regarding drainage on the property, and copies of such would be provided to the Planning Commission.

Mr. Sam Knobler, President of Mid-Life Development Group, 2080 S. Alex Road, West Carrollton, Ohio 45449. He stated that this was his first opportunity to appear before the Planning Commission, and was pleased to be here since they had been working on this concept for over six months. He further stated they had met with various members of the staff, along with consultants, and tonight he had also brought a group of individuals with him to help answer questions regarding their concept. He proceeded to introduce the members of their development team as follows: Pete Schwegler, Kleingers Engineering in Cincinnati, and was responsible for the concept of this plan; Jeff Van Atta, Van Atta Engineering who would be doing the actual construction drawing; Alan Goldstein, President of the Inverness Group, the proposed primary builder for this subdivision; Dick Storck, owner of the property; and Michael Dinn, President of Dinn Focus Marketing. He stated that Mr. Dinn had extensive background in zoning and development, and was also a member of the Planning Commission of the City of Wilder in northern Kentucky.

Mr. Knobler further stated that Mid-Life Development came about as a mid-life crisis about 11 years ago. He explained that he was a private land developer primarily, and previously had worked for 16 years at a New York Stock Exchange

Corporation as an Executive in the Health Care and Retirement Industry developing long-term care facilities and retirement centers across the US. He stated that he had left the public arena and entered real estate development in 1991. He explained that he had been involved with about 1200 individual homeowners, along with another couple of thousand lots in joint ventures with other associates and cities, such as Englewood, Union, Fairborn, Miamisburg, Franklin, Monroe and Troy. He stated that he had done some work previously in Huber Heights in adjacent areas to the subdivision being proposed. He stated they had the ability to do the project, and were of high integrity.

Mr. Knobler stated they would work with the City and the neighbors to the best of their ability. He stated that all concerns and issues would be addressed in order to make this a successful project.

Michael J. Dinn, 64 Sentry Drive, Wilder, Kentucky 41076, President of Dinn Focus Marketing, which was a strategic research group that advised large and small home builders and developers in markets ranging from Pittsburgh to Indianapolis on strategic planning, and the 10-year market cycle that they had in housing.

Mr. Dinn stated that his role was to advise his clients regarding the fit of a project into a community, including the demographics and the bio-profiles. He continued stating that he wanted to provide some marketing information because he believed it was crucial to appreciate the entire board of what this project was about. He stated that housing continues to drive the local economy. In spite of consumer confidence that has rocked back and forth since 9/11, the local economy appeared to continue to grow. Regionally and nationally, markets of the west coast were starting their own decline. Overbuilding occurred, no one listened, and there was no proper fit. He stated that corporate erosion and national security was on everyone's minds, and they found overwhelmingly that individuals were encouraged by historic interest rates, cooperative zoning, and good projects to own homes. He stated that this cycle began in about 1989.

Mr. Dinn further stated that during the last year he had occasion to study the market in Huber Heights, and began a search last July of surveys of 3800 housing transfers over a two-year period. He stated that there were a lot of applications in this arena and resales were the top choice. He proceeded to show a matrix of the new homeowners within a five zip code area. He stated that the builders were attempting to push the homeowners towards higher priced homes which were sometimes forced by zoning regulations, public outcry, or by low interest rates. He stated that over and over again, they found that above $175,000, $265,000, $235,000 and $300,000 builders were selling 12 – 20 homes. He further stated that in the survey, they had included Bellefontaine Meadows which was adjacent to this project, and in that development 42 single-family homes had been sold, along with 19 attached duplex sales in a two-year period. He stated they had been a market leader. He proceeded to show a chart depicting such sales.

Mr. Dinn continued stating that 90% of all transfers during the last two years in the area surrounding Huber Heights were under $175,000 in closing price. He explained that the local economy was being run by demographics everyone should be proud of. He stated that 60% of the economy was devoted to services, manufacturing, and wholesale/retail trade. Many of those areas were suffering from layoffs and restructuring. He stated that 45% of the local households had incomes between $35,000 and $75,000 which allowed such individuals to purchase homes between $140,000 and $300,000. He stated further that out of the 3800 transfers during the last two years, 600 of those involved new homes. In healthy markets around this region, the ratio was 4-1 and ¼ of them were new homes. He explained that in the local housing market based on previous demand of the last two years, the market was underserved.

Mr. Dinn stated that in the original concept plan, they had set aside 10 larger lots to the north and created a unique plan, and mixed the standard lots with a typical frontage of 65' with the larger premium lots. He explained that the Inverness Group had two successful product lines that were a good fit with the market and pricing. He stated that the project was estimated at under 300 units with a density of slightly over 2.5. He stated that the applicant had attempted to own 10% of the open space that was the buffered area along Fishburg and Bellefontaine Road, and was also researching the historic farmhouse on the property in an attempt to incorporate it into the site and retain the history of the farmland.

Mr. Dinn stated that the entryway would have a landscaped medium and they wanted to separate the neighborhoods and products. He explained further that in the original plan there had been about 14 standard lots that had backed-up against the larger lots. Regarding the cluster homes sites, they intended to use small cul-de-sacs making the streets more private. He stated that the cul-de-sac to the north was a private driveway allowing access to 10 lots. He stated further that in the concept plan they had shown landscaping between the duplex lots and the premium lots leading to a drainage basin incorporating a pocket park. He stated that concerns had been raised, and input was received to modify the plan.

Mr. Dinn stated that in the revised plan they had worked with a circulation plan and added a significant number of streets, reduced lots, and added 10% more green space to the plan. He stated that walking trails could be used to go from one point in the community to another. He stated that the planners had done nice detail with the roundabout, and the symmetry of the park and the walking trail would act as a buffer between the neighbors to the west and this project. He stated that the community would have separation and distinction. He further stated that even the 65' lots would be a healthy investment.

Due to staff recommendations made and concerns raised, they made a public street out of one of the cul-de-sacs which would provide for better maintenance and access for the 10 homeowners in that area. He stated that some concerns had

been raised regarding the flag lots, which were sometimes misunderstood and appeared as aberrations attempting to weasel in an additional lot. He stated they allowed a privately maintained access to be created for three homeowners. He explained that most of the configuration being shown was one more over and they had included an extra area of green space to provide a buffer and a sense of privacy.

Mr. Dinn stated that the project as refined would allow them to bring in 300 new homeowners. He remarked that there was a wide range of priced homes being provided, and what was a 60/40 split of standard versus premium lots to a balance of 50/50. He added there would be 10% additional open space, and they had eliminated the western access. He stated that such a project would add value to a community in the long term.

Mr. Bracher asked what later phasing was envisioned for the concept of The Commons. Mr. Dinn stated that it was hard to say at this point how the development would proceed. Mr. Bracher stated that in regard to building out in sales, he asked about how long would it take to sell 30 houses. Mr. Dinn replied that three different products were involved which were the duplexes from $110,000 - $120,000, the standard 65' lots ranging in price from $130,000 to $160,000, and the premium lots pricing from $175,000 to $300,000. He stated that 5-7 years were being projected, and therefore, this would be a multi-phase project. He stated that the first phase would begin off Bellefontaine and involve about 40 premium lots, along with about 10 of the duplex lots. He stated they were going to postpone the product prevalent in Bellefontaine Meadows until 2004 because about 40-50 homes had to be built. Depending on the absorption rate, the product could be accelerated. Initially, he explained that the first phase would be top heavy with cost due to utility issues which had to be addressed. He stated it would not be economically feasible to do everything at the beginning, but as they entered the 2nd and 3rd phases, all the amenities would come together.

Mr. Bracher stated that would primarily involve dirt work, along with paving.

Mr. Hallett stated that generally speaking, they were talking about entering from the Bellefontaine Road side, and basically building towards Fishburg Road. Mr. Dinn confirmed, and stated that when the second phase began there would be a street guide and improvements would begin on Fishburg Road. He explained there would be two distinct entrances, and the third entrance had been eliminated at the western portion. Therefore, there would be no through traffic for that area and the intimacy of the area would be preserved.

Mr. Mandrell stated that this was the transformation he had previously lectured the Engineer about and coming up with different excursions. He stated there would undoubtedly be some sticky points that would have to be resolved, but he felt this plan was more creative than the original one. Economically, he felt it was equally as good, if not better than the previous plan presented. He stated that they

had received two letters from adjacent property owners regarding drainage. He continued stating that he was sure these were not wetlands, but there was a lot of water in the area.

Mr. Hallett stated that he would like Mr. Van Atta to address that issue. He explained that the tone of the letters received from the neighbors was similar to situations where formerly agricultural land was being developed. He further stated that many times neighbors in such areas had water problems due to the lack of formal drainage, and Mr. Geiger had spoken previously that building storm sewers would improve the drainage for such areas, along with issues as to which way the water runs on such properties.

Mr. Van Atta stated that since they had not yet done a design for detention and reviewing the drains, it would be hard to address. He stated this was a top concern. Some preliminary work had been done.

Mr. Pete Schwegler, 8199 Clearbrook Drive, West Chester, Ohio, stated that the topo used was encirculated from USGS and showed that the ridgeline runs approximately at Shady Oak Street. This means that the water from Shady Oak Street was running onto this site. The natural drainage was from that ridge. He proceeded to show the path of the water on the map. He stated that Mr. Geiger had stated that due to commercial development in the past which drainage released into the creek, there were some issues regarding such drainage. Staff requested that one acre be used to construct a detention basin and alleviate the issues due to the commercial development. He stated further that all drainage from Shady Oaks would be draining away into a detention basis.

Mr. Hallett stated that if there were issues regarding marshy land in heavy rains that was generally addressed to the positive when sewers were installed. Water would normally be carried away instead of having it sit on the land. Mr. Schwegler confirmed.

It was stated that if Shady Oak was on a ridge, then the water from that land would be coming from the east, and it was asked whether storm drains on the other side of the ridge would alleviate such problems. It was asked on what side of the ridge did the concerned property owner live.

Mrs. McGee stated that she was located at the end and at the top of the curve on the left-side of Shady Oak. It was stated that possibly most of her water problems were due to the drainage coming from the northwest. Mrs. McGee stated that she was not getting water from that area.

Mr. Hallett remarked that after the presentation, individuals would be able to state their concerns regarding the project.

It was stated that it was not clearly visible where Mrs. McGee was getting her drainage from, but there definitely were some problems in the northwest.

Ms. DelRaso stated that the one-acre parcel had been requested to be developed for a detention facility which may not alleviate all the drainage issues in the area.

Jeff Van Atta, Engineer, stated that he lived at 245 West Elmwood Drive, Centerville, Ohio 45459. He stated that typically on such residential lots, they would install catch basins in the rear yard to resolve drainage issues. As the final engineering designs were completed, a topographical survey would be obtained for that area, and if there was an area causing specific drainage problems not on this site but adjacent to it, they would have a storm sewer placed somewhere in the area. He was sure there would be a drainage easement contiguous to the property line. He stated that a positive outlet could be provided. He stated again that they would work with staff regarding such a solution.

Mr. Hallett asked if Mr. Van Atta had worked with the City regarding such issues in the past. Mr. Van Atta confirmed and stated that something similar had been done at another subdivision where they had brought a storm sewer to a rear yard to help the adjacent neighbors.

Mr. Dinn stated that in the conceptual phase they were exploring the layout of the site and how best to serve the marketing demand and topography, and what a willing buyer would pay for a home, along with serving the needs of the area. He stated further that the real studies have not been done yet that would address the serious concerns being raised. He stated that this region had a very healthy housing market. He stated the ratio of 16% of new homes versus resale homes was low and represented a 10-point spread from other markets, but the 10-point spread did represent about 230 new homes for the market during the last two years. He stated there was a marketing gap that could be served by the continuity of projects such as Bellefontaine Meadows and Evergreen Woods. He stated they would appreciate the Commission's approval for this project.

Mr. Hallett proceeded to ask if any other individuals wished to speak regarding this application.

John Brown, 5915 Bellefontaine Road, stated that he did not face the property directly, but after speaking to City staff he was informed there would be a lift station and a sewer line which would run down Bellefontaine Road near Mallard. He stated that would affect his property because they were going to run across his land either on the west side of Bellefontaine or the farm side on the east. He further stated that if that was to be done, he would prefer it to run along the farm side of his property. He stated that he was close to the road at this time. He continued stating that he had farm property along the north side of Bellefontaine Meadows and he was still having water drainage problems. He stated that basins were put in but had not been properly landscaped, and had not even been drained

properly. He advised that he was still having water drain from that property onto the south side of his farmland. He asked that these drainage issues be addressed more fully. He continued stating that he believed the City of Dayton should have shown more concern regarding such issues.

Mr. Hallett stated that he believed the City of Huber Heights was more interested in completing their projects than the City of Dayton. He stated that such comments would be passed on to staff.

Gary Stewart, 6168 Shady Oak Street, proceeded to show on the map the location of his property and Mrs. McGee's. He explained on the map how the drainage ran, and stated they had a pooling of water in certain areas. He stated there was a limestone ridge that ran underneath. He stated that his concern was so the storm water would be efficiently engineered to improve the area. He further stated they had septic tanks and leach fields, along with private wells for drinking water, and most homes had basements, and during the wet season the sump pumps ran continuously. In August even when it was dry, the sump pump still cycled occasionally. The leach field ran along the back of the property, and any input from the site would affect its performance possibly causing unsanitary and unhealthy conditions. He reiterated that the wells were another concern, as well.

Mr. Hallett stated that he would make sure staff was aware of such concerns. He stated this was a basic Development Plan, and provided it was approved, there would be various issues that would have to be addressed more fully, such as final grading, drainage, and insulation of storm drains. He stated that the applicant and engineer would be working with City staff regarding such issues so the adjacent properties would not be adversely impacted.

Mr. Stewart stated that the neighbors would appreciate to be kept advised as to how this project was progressing.

It was stated that was a requirement of the detailed Development Plan, and Mr. Van Atta was well aware of such requirement.

Susan McGee, 6219 Shady Oak Street, stated that she had submitted a letter to the City regarding her concerns of this project. She advised that she lived north of Mr. Stewart. She showed the location of her property on the map, and stated that they had a gravel driveway that ran along the easement which ran to the back of their property. She stated that it was like a river when it rained, and she proceeded to show how the water flowed on the map. She stated that in the one area there appeared to be a pocket where the water would drain. She advised that in the rear of their property, there was a culvert between the two properties due to the water issues. She stated the problem was worse along the wooded area and remained wet. She stated that she was concerned as to how many lots would be facing her backyard. She hoped that the premium lots would be located closer to her land instead of the denser part of the project. She also stated that she was concerned

about the buffer area and what it would consist of and its size. She stated that they felt this area was the City's best kept secret. She stated that times changed, but they wanted the character of the area preserved. She asked what the estimate was regarding children for the nearby schools from this project.

David Arreola, 6074 Shady Oak Street, proceeded to show on the map the location of his property. He stated that he appreciated the willingness of the developer to work with the current property owners in the area. He stated that he was concerned about the water drainage issues. He stated that in his backyard, the north and south corners flooded often. He continued stating that they also had the problem with their sump pump which ran continuously. He hoped such problems would be addressed by this project. He further stated that comments had been made that there would be a tree line on the west side of the project, but he wanted to state that no such line existed at this time. He would not characterize what presently existed as trees, but would refer to the area having brush and overgrown weeds. He asked what was the proposed width of the tree line, and would additional foliage be planted.

Mr. Hallett stated that at this point in time, what was being shown was a conceptual plan, and such details would be part of the detailed Development Plan process. He stated those items would be addressed at that time.

Mr. Bracher advised that the plan showed a 20' open buffer area. Mr. Dinn confirmed, and stated up further north there would be a thicker tree line which could be 20' to 30'. He stated that the lower tree line was depicting what already existed, and he apologized if it had been overstated. He advised there would be another tree line up to 20' in the rear yards of the property.

Mr. Hallett stated that the 20', if it did not exist as such, would be part of the refined drawings to be submitted later on in the process.

Mr. Arreola stated further that some of the neighbors in the area had not received notification via mail regarding this public hearing. He stated they felt out of the loop and he was concerned that they might not be notified of any future presentations of this plan. He advised that they had been notified of this meeting by a neighbor. He asked if that matter could be rectified for the future.

Ms. DelRaso stated that the applicant was to supply the adjacent property owners' addresses and information within a 200' radius of the site. The applicant often depends on Montgomery County's records for such information, and sometimes information was not always up to date. She asked for the neighbors who had not received such notification, to contact the applicant so their lists could be amended for the future. She added that it was a best case effort, and sometimes problems did arise.

Mr. Arreola stated that in regard to quality of life, he was in charge of that for the Air Force Material Command at Wright Patterson, and therefore, he was concerned both personally and professionally. He asked why the higher density was to the south for the project. He stated they were attempting to buy into the concept that the further north one went, the better the homes, and he asked if the density could possibly be changed and not be right up against the tree line as proposed.

Mr. Arreola further stated that there had also been some concerns regarding the arrangements being made for drainage, and asked if there would be additional costs to the existing homeowners on Shady Oak.

Mr. Hallett reiterated that the Planning Commission could not address such issues, but that City Council addressed all money issues. He stated that staff would make note of such concern.

Ms. DelRaso stated that it depended on what they meant by drainage issues. She stated that the developer would be responsible for containing all water on the site, and making sure it did not impact surrounding properties. She stated that residents of Huber Heights paid storm water management fees which was an additional $2.00 charge on the water bills to deal with such issues. She stated that it was a Federal Mandate that the City had to comply with, and attempt to solve all storm water issues within the community. She stated that the Henry Creek Detention Pond was probably something that would be funded out of those storm water funds.

Mr. Arreola asked if they would receive confirmation of that at a later date. Ms. DelRaso stated that staff would look further into the Henry Creek matter and would report back.

Joe Malley, 6890 Chambersburg Road, stated that he had a question regarding the access road which was located along side of his property. Mr. Dinn explained that during the original discussions, there were comments made regarding the lack of a pedestrian access from that area. They were now showing the water line going through that 50' easement. Mr. Malley asked what the area would access to because it led to Chambersburg Road which did not have any sidewalks. Mr. Hallett remarked that there could be sidewalks at some point in the future.

Mr. Malley further asked if they would be able to hook into City water and sewage after the completion of this development. He asked if that option would be provided to the residents on Chambersburg Road. It was stated that when the developer installed any type of utility, such as water or sewer, and there were residents nearby, it would benefit the development and the developer to enter into a Protection Agreement with the City which would protect the adjacent property owners. Then, they would not be able to come back and say it would cost additional monies to tie into the water main that had been installed. There was an

ordinance which provided that the developer was entitled to recoup a maximum of 50% of their costs of the water main that traversed the property owner's land. There was a possibility that those residents could tie into City water and sewage, but again, the developer would have to enter into the Protection Agreement.

Mr. Malley asked if the sidewalk entrance could ever become a roadway. Mr. Hallett stated that was not the City's intention, and when the plat was approved indication would be made that it was not to be a dedicated thoroughfare.

John Stewart, 6480 Bellefontaine Road, proceeded to show the location of his property on the map. He stated that he did not have a problem with the development being proposed on Storck's Farm, but his concern was in regard to the density, lack of green space, and the price of the homes. He explained that surrounding homes in the area had recently been appraised and increased nearby property values by 50% and over. He stated that most of the surrounding properties were in the $200,000 to $300,000 range. He stated that this developer was proposing 280 homes on a site consisting of 116 acres beginning at $120,000 which worked out to about 2.41 homes per acre, excluding green space, roads, and retention ponds. He stated the area would be cramped. He further stated that the idea of this project was to provide starter homes, but he felt that Huber had starter homes between Rtes. 201 and 202 and south of I-70. He stated that north of I-70 was the second move from starter homes, and such homes could be priced at $170,000 to $200,000. He asked if they were using Chambersburg Road as a line between the two types of homes. If that was the case, he stated that he would have a problem with that because he had a very expensive home in the area. He stated that he did not approve of the density of this project, but realized it was being done for economic reasons.

Rebecca Lawrence, 6028 Shady Oak Street, stated that they lived on the corner of Fishburg Road and Shady Oak Street on the east side. She stated that at the northeast corner of their lot, they had water laying whenever any precipitation occurred. She further stated that she had lived there for 15 years and enjoyed the view, but over the years the land appeared to get wetter, especially the area directly east of her property. She stated that cattails were growing in the area, and ducks and geese were landing. She stated that there was a rise in the field and she assumed that they were getting drainage from that area onto her property.

Elaine Newman, 6195 Shady Oak Street, stated they lived at the northwest corner next to the McGee property. She stated that part of her concern was the density of the project, along with the number of children that may be added to the school system. She wanted to know what schools would be affected, along with the increase of traffic on Bellefontaine and Fishburg Roads. She further stated that one of the problems which presently existed due to the Huber development south of Fishburg were children cutting through yards on Shady Oak to go to the bowling alley and the main part of town. She felt this development was going to bring a lot more of such problems into the area. She realized the project could not

be stopped, but she asked for the Commission to reconsider the density being proposed. She stated that the southern portion was being advertised as lower priced housing which would not help to increase their property values. She stated that she believed the smallest lot in their area consisted of one acre. She stated that her property consisted of about 2.5 acres.

John Moe, 4826 Avacett Court, stated that he had been a real estate broker for the last 21 years with the largest firm in the County, and in looking at the starter home aspect; he felt the conversation had gotten off track because this was not designed to be starter homes next to the buffer. He stated that it was a matter of choice and such choices need to be provided in order to move forward. Everyone did not want to live in a 1400 sq. ft. ranch home. As far as the $175,000 to $300,000 ranges, he was not sure where the starter homes came from south of Chambersburg because that was not what this development was all about. He stated that nothing stabilized high-end values, than other high-end value homes, and he did not want everyone to lose track of that fact.

Mr. Dinn further stated that he wanted to make some closing comments regarding the design after receiving feedback from some of the neighbors. He stated they were proud of the basic design, and there was a lot of work that still had to be done. He continued stating that in pulling 10% more lot space into green space, there were some design boundaries that were inherited. He stated they looked forward to the final design, and asked the Commission to consider the following points which would help make this project a reality in terms of design. The first point was that they had incorporated less than 10 lots with private driveways making them more secluded, easier to maintain, and not become a nuisance for the City. He explained they were in pockets of two with one example of three. He stated the second point was that under the R-4 zoning and with their initial submission, the standard lots at 65' were being incorporated into the southern area but they wanted the Commission to consider lots at a minimum of 60'. He stated they had not yet figured out the ratio for select lots. He stated that regarding the 80' lots, they wanted the Commission to adjust those down to a minimum of 75'. He further explained that density would be at about 2.5 per acre.

Mr. Dinn continued stating that they would provide the adjacent neighbors in a cost effective way sanitary sewer taps. He stated that at the appropriate time, they wanted to open up the design doors to see how cost effective that would be.

Mr. Hallett asked if there were any Commissioners who had further questions for the development team, staff or residents.

Mr. Bracher stated that it was obvious that the entire area, not only the proposed subdivision, had water problems of long standing. He stated that they should not delude themselves that storm water retention and drainage would be cured with this proposed subdivision. He stated that law regulated the developer's obligations, and perhaps a little more could be done along the fringes. He stated

that the City Engineer's Office would attempt to get these problems cured as much as possible, but all water problems would not be solved on that side of the City. He stated that the existing topography and drainage could be adjusted partially by the grading plans of the project. He stated that all parties needed to be involved to solve such problems.

Mr. Hallett stated that the minutes of this meeting would reflect all comments, and that the developer was being required to contain water on the development, but he was not required to solve off-site problems. He stated that the developer agreed to the possibility of offering the stub-connection to adjoining developments should conditions merit it. He further stated that when they got to that part of the project and calculations were being determined for storm water and run-off, such considerations could be made. He stated that the acre in the northwest portion of the development should help with the drainage problems, at least with the Henry Creek side, to some extent.

Susan McGee further stated that by letting the Commission and developer know about the laying water which had just been dealt with in the past by the residents, they did not expect the City to intervene. She felt if the problem got worse, they would not be able to tolerate it, and it would be due to the proposed development. She reiterated that they did not want the cost to fall back on the residents. She stated they did not want to deal with additional water and commented that her sump pump ran continuously during spring rains.

Mr. Hallett proceeded to close the public hearing.

Mr. Hallett stated that he saw two primary issues. One issue dealt with lot frontage which would require a variance for a good percentage of the lots. He stated if the Plan was accepted as submitted, the lot frontages were identified on the plans.

Mr. Bracher asked if they could discuss the advantage and disadvantage of having flag lots. He explained that an advantage would be that more lots could be placed in the same amount of space with the same amount of street investment. He continued stating that the disadvantage would be that there would be less frontage. He asked what frontage was required in regard to lots. He further asked if visibility in regard to locating a house at night would be involved, along with access for emergency purposes. He stated that he wanted to know the pros and cons to help decide this issue. He further stated that he could not recall when the ordinance was written as to what their reasoning was. He assumed that it had been copied from another zoning code, and that they did not think through the particular standards at that time. He added that it was a design technique that would permit greater density with a given investment.

Mr. Hallett stated that when the concept plan had been presented during the discussion phase, flag lots had been mentioned. He continued stating that it would

be a novelty for Huber Heights. He stated that from personal experience, his parents lived in a development in northern Virginia that was built in 1976 and contained flag lots, and concerns were raised regarding access and maintenance, but those matters had never become an issue in the 23 years the development existed as to public access and safety.

Mr. Bracher stated that older cities had long thin lots, and often times an address of 23 ½ included the house in the rear. He stated that was how lots had been built at the time. Some had been Victorian and others were built later on, and it became a matter of density so the land was used to its best advantage. He stated that he did not recall there being any difference in value. Usually, the house in the rear was for older parents or a rental property, and possibly at one time even served as servants' quarters. He added that it could possibly have even been used as a guest house, and later converted. He stated that he did not recall there being any particular disadvantage in living in such neighborhoods. He stated the neighborhoods were declining as time went on, and that was a function of age, lack of maintenance, and reinvestment, but nothing regarding the design except for the fact that individuals were requiring more space around the homes. Therefore, there was a move to the suburbs with a demand for single-family homes on single lots.

Mr. Hallett added that the flag lots in his parents' development were actually preferred because of less traffic in the area.

The drawings shown tonight depicted the houses on the interior lots facing the street, but such flag lots could provide an opportunity for more creative placing of the houses. It was stated that the product lines being used did include footprints that would work, but some setback problems might be created. It was stated that some individuals did not prefer a large lawn area.

Mr. Hallett stated that the overdevelopment on Troy Pike, the old Miller farm, as the sections were platted several adjustment processes had been gone through regarding side yard setbacks in order to fit with the intent of the development.

Ms. DelRaso stated that such issues would have to be dealt with in this development, as well. She stated that would be done in the next phase of the approval process.

Mr. Bracher stated that he felt it was important that the term variance not be used because a variance fell under the direction of the BZA, and these were design relief changes or modifications to the standards in order to accommodate a design. This is what was being recommended in the basic plan to the City Council, and not a variance. He emphasized that this was a condition. He further stated that this was a proposal from the applicant, and the Planning Commission was recommending action.

Mr. Hallett asked if the Commissioners had any comments regarding the overall sense of the development in relation to the original proposal.

It was stated that this represented a step forward over the plan originally shown.

Mr. Hallett further stated that he had met with the developers regarding the comments raised by the Commission when the plan had first been presented as a concept, and he believed this was a giant step forward. He stated that he believed this proposal was more acceptable. He continued stating that the Commission's concerns raised appeared to have been addressed. He further stated that discussions had ensued regarding the clustering of homes, and using the existing farm as a focal point, and that had been accomplished. He stated that pedestrian access was another concern which had been raised, and that appeared to be comprehensive.

Mr. Bracher remarked that connectivity was important.

Mr. Hallett stated that at the first meeting they had informed the developer that the Commission approved of the perimeter space along the street frontage, and that had been maintained. He stated further that regarding the farmhouse and the view of the traffic circle, this allowed through traffic on Bellefontaine Pike to see green space and look into the development. He felt the view was opened for the people going by.

Mr. Bracher stated that the streetscapes in the development were improved from what had been depicted in the earlier plan, and did not have long stretches as originally shown. He stated that the Brighton line lended itself to variation on the streetscape. He felt the worst spot was the duplex area because it showed a long unbroken stretch of garages, unless the design was refined.

Mr. Hallett stated that had been one of his concerns regarding the original plan that the streetscape plan throughout the development showed a long unbroken stretch of garages. He continued stating that there had been concerns expressed regarding the density of the project. He stated that such discussions were held regarding other proposals presented to the Commission, and opinions were expressed, but again it was an item driven by the current market. He remarked that if there was not a market for $400,000 homes placed on one-acre lots, then such developments would not occur. Personally, he felt that overall these were improved revisions to the original plan.

Mr. Bracher asked if there had not been other developments which had come forward with revisions of their original plans due to the homes not selling.

Mr. Hallett confirmed and stated that other developments had come forward with such revisions, and that some of the lower-end homes were not selling and upgrades were made to the plans.

Ms. DelRaso stated that if one reviewed the newer subdivisions within the community most were building above the price points expected. She stated it was usually more of an issue regarding additional amenities that drove up the cost of the homes. She further stated that it was market driven.

Mr. Hallett stated that developers had presented plans representing what they thought was the market which changed as time went by, and nicer homes, bigger homes, or bigger lots were in demand.

Mr. Bracher stated that staff should put together a comparison of densities for the recent housing subdivisions that occurred during the last 3-5 years.

Mr. Stauffer asked if there had been any discussions regarding the width of the entrances to the area in order to address traffic concerns.

Ms. DelRaso stated that issue had not been discussed, but this developer would be required to do roadway improvements to both Fishburg and Bellefontaine Roads. Such improvements had not yet been finalized, but there would be a widening of both streets which was usually a requirement of the subdivision. She further stated that there was some question as to how Bellefontaine would be improved, and that would impact the interchange of the two roadways. She explained that would be shown as the Detailed Development Plan moved forward.

Mr. Hallett stated that he remembered such discussions during the Belle Meadows development because of concerns raised regarding traffic. He further stated that their play on that development was in regard to the access on Bellefontaine Road, and not to the development itself. He continued stating that such discussions had been held, and he believed that Mr. Geiger had addressed the thoroughfare plan requirements for Bellefontaine Road.

It was stated that a preliminary traffic study had been done for the area, and based on the thoroughfare plan, it was presently 66' wide and the plans called for a widening of over 80'. It was further stated that there would be a 120' right-of-way through the area. The entrance would provide a boulevard affect which would accommodate two lanes. It was stated that an additional lane would be added to Fishburg Road so there would be a third lane, and additional lighting would be provided at the intersection of the two roadways. There would be a tapering with an addition of a left-turn lane into the subdivision from Bellefontaine Road. The entrance, therefore, would consist of three lanes, and then taper into two lanes.

It was asked if the applicant's proposal was accepted tonight, what would the next steps consist of.

Mr. Hallett explained that if the proposal was approved tonight, it would then become a recommendation from the Planning Commission to City Council.

explained that these were requirements that had to be considered in connection with the Code. He stated that when this Commission made their recommendation to City Council, such criteria were considered. He also advised that the City Council also reviewed all requirements before taking action regarding approval of a proposal. He reiterated that there were many opportunities provided for individuals to express their concerns and opinions regarding a project.

It was emphasized that it was important to attend the Public Works meetings where one could gain familiarity of the process involved in approving such projects. One example given regarding education of the public was Executive Boulevard, where the design had been affected by the residents living behind the area. It was important for the City Council to be made aware of everyone's concerns regarding a project.

Mr. Bracher further stated that the Executive Boulevard project was not strictly parallel to the subject proposal because that had involved residential backing up to an industrial area. He stated that participation in the public procedure was very important and provided a great deal of education. He continued stating that one could also meet with the applicant so neighborhood concerns could be addressed.

Mr. Dinn stated that he was sympathetic to the process, and many concerns raised were the norm for new developments. He stated that change could be positive or negative for a community, and he was willing to work with the community to solve any problems that may arise. He stated that possibly they could provide sewer taps which might be needed in the future. He advised that they would also review the storm water issues raised. He stated that their water would not flow out to the nearby residents. He stated that possibly they could help alleviate some of the water problems which existed, and that maybe new drainage patterns could be opened onto their site to capture the storm water and have it piped underground. He felt there were some positive aspects and he was willing to meet and work with the homeowners. He asked that a resolution be obtained for this matter. He reiterated that Mr. Storck had been very patient, and various economic issues were also involved in the matter. He reiterated that the revised plans did involve additional costs because new streets had been added, along with other enhancements. He emphasized that it was important to show that this project made economic sense. He stated that he would meet with the homeowners in an attempt to address their concerns.

Mr. Hallett again closed the public hearing.

Mr. Hallett confirmed that the two letters received were part of the official file.

Some concerns were raised regarding the widths of some of the lots, especially in the southwest portion of the development. It was stated that smaller lots were needed for lower priced homes. Density was also an issue in this matter.

Mr. Hallett stated that he did not have a problem about the size of the lots.

Mr. Hallett further stated that this Commission needed to take action on this matter so it could then proceed to the City Council for their review and deliberation.

Action:

Mr. Hallett moved to approve the request to rezone 116.9 acres of land on Bellefontaine Road from R-1 (Residential District) to PR (Planned Residential District), and approve the basic Development Plan in accordance with Staff's Memorandum dated January 10, 2003, and the drawings stamped as issued January 3, 2003. The Planning Commission finds that the general standards for approval of the basic Development Plan submitted by the applicant in Zoning Case No. 431, as set forth in Huber Heights Codified Ordinance Section 11-71.06 are met by a preponderance of the evidence, and therefore, recommend approval of said case upon compliance with the following conditions which are here by made a part of this basic Development Plan.

1. That the lot frontage will be as specified in the aforementioned drawings stamped January 3, 2003.
2. The applicant will work with staff to resolve to the City's satisfaction the issue of easements on the flag lots.

Seconded by Mr. Bracher.

Ms. DelRaso stated that they did not need to mention the pedestrian access because it would be platted according to the drawing.

Mr. Hallett confirmed and reiterated that it would be approved on the plat, and was shown on the drawing as a pedestrian access at this time.

Roll call showed: YEAS: Mr. Mandrell, Ms. Breisch, Mr. Bracher, and Mr. Hallett. NAYS: Mr. Stauffer. Motion carried 4-1.

Ms. DelRaso announced that this matter would go before the City Council on February 10, 2003.

3. **Detailed Development Plan, applicant, The First Huber Heights Baptist Church, requesting approval for their new church located on the north side of Shull Road, east of Old Troy Pike. Zoning Case No. 411-A.**

Ms. DelRaso stated that the City was in receipt of a detailed Development Plan from The First Huber Heights Baptist Church for the property located on Shull Road. She stated that this was a long case because originally they had applied for

1. PUBLIC HEARING, applicant, Oaks of Huber Heights Development Co., requesting a Major Change in order to change the layout of the streets in the subdivision to accommodate the addition of a church facility in the southeast corner of the subdivision along Fishburg and Bellefontaine Roads (Zoning Case 431-D)

Mr. Chen stated the applicant is looking for your approval of the Major Change to the internal roadway system. What triggered this change was primarily a discussion between the developer and the potential user, which is the church on the southwest corner. The internal roadway system needs to be modified in order to accommodate this church. If you recall the original Planned Unit Development was approved in 2003 and at that time the total housing site was 284. Under the current proposal, there will be 218. The significant difference between the previously approved Planned Unit Development and the current one is that the greenspace lots have been eliminated. Staff doesn't have any objection as far as the internal roadway rearrangement nor the proposed use as far as the church goes because places of worship are permitted under Planned Residential District. Unfortunately, we do not have any detail information regarding the church and what its layout is going to be and other elements such as parking, detention and retention calculations are so we could not provide any comments on the proposed church. That is pretty much all of the Staff comments on this Major Change to The Oaks of Huber Heights.

Mr. Hallett said so they are asking for a Major Change and approval of the Basic Development Plan.

Mr. Chen stated that is correct.

Mr. Hallett said and this drawing that they have submitted constitutes the Basic Development Plan.

Mr. Chen replied yes.

Mr. Mandrell said I really want to understand the differences. It is one thing to say all the green space lots were taken out and deleted in favor of the church, essentially gathering all the green space in one corner, but that is usually not good design for green space. It reduces the utilization of greenspace by the various parts of the neighborhood and creates almost a park but its not a park for the public to use it is a privately owned park by the church. So I don't see how the aggregation of the green space in that corner, albeit a very nice church will be built there, but I don't see that aggregation as serving the objectives that City Council established for this development.

Mr. Chen said that is why Staff pointed that out because the elimination of all those greenspace lots is not shown.

Mr. Mandrell asked where the green spaces were originally.

Mr. Chen said on the original proposal there is a circular center. The four lots right around that circular drive were designated as green space lots. Also, if you look at Phase VI on the southwest corner there is also a green lot.

Mr. Hallett clarified the one on the inside corner.

Mr. Mandrell said about lot 192.

Mr. Chen said that is correct. On the current plan where the second egress is onto Chambersburg, the original plan had a green space lot just above that.

Mr. Mandrell said in your mind from a design standpoint couldn't those green spaces remain and still be functional with the revised transportation and street system or would they interfere with the circulation.

Mr. Chen said based on the proposal the church is looking at taking over those fourteen acres. With that kind of arrangement possibly you may have one, two, or three green lots right around that circular drive eliminated.

Mr. Mandrell said one of the purposes of the circle in the center of the subdivision was to interrupt the flow of traffic and slow it down. That was a specific requirement given the original street layout to somehow prevent various people from speeding through the subdivision.

Mr. Chen said we are looking at all internal vehicle traffic.

Mr. Hallett said were you aware that this plan with the circular drive was actually the revised plan from what the Planning Commission originally approved. The original application had a lot more green space then even this plan provided and they had site lines that went almost completely through the development plus retained the old farmhouse and barn.

Mr. Hallett asked for questions from the Commission. Seeing none, he opened the Public Hearing.

PUBLIC HEARING

Sam Knobler, President of Midlife Development Group Inc., 2080 South Alex Road, West Carrollton, OH 45449. I want to thank the Planning Commission for this opportunity to address you this evening. I would like to put some historical context to this whole project because I see there are several new Planning Commission members here tonight that were not present two years ago for the original plan. There has been several revisions made to the plan that was approved by the Planning Commission and by members of Council with input from some of the neighbors and frankly it radically altered what the Commission had approved such that certain things that you are looking at in the old plan were basically remnants that were left after radical surgery was

performed if you will. I want to just briefly put this in context so that you understand and then I will address what is happening here this evening. Some of questions that Mr. Mandrell raised can be addressed and answered. I also have with us tonight members of the church that we are speaking of which, as you probably know is the First Christian Church that is located on Fishburg Road, directly across the street from our 100-acre subdivision. I have the Minister, Mr. David McClary, Jack Sowdy, and Jim Storms who is the Vice-Chairman of the Board of the church who are prepared to speak this evening and answer any questions you might have. Essentially, the church approached us last fall about the possibility of purchasing between twelve and fifteen acres in order to allow them to remain in Huber Heights and preferably in a neighborhood as their congregation has exceeded their current space and they needed to expand for their growing membership. We had lengthy discussions and towards the end of 2004 we reached an agreement that obviously had several contingencies built into it and the last one is what we are now facing, the Major Change to the plat that would allow for the church to go into that corner you are looking at. For the new members originally as Mr. Chen's report indicates there were 284 lots approved by the Planning Commission. When we finished eight or nine months later with City Council we were finally approved and that is the plan you are looking at in your packets for 237 lots so the density was reduced considerably in order to try an be reasonable and address concerns by neighbors about the overall density. Density was the big topic back then. There were also different lot sizes and offset lots as Mr. Mandrell and Mr. Hallett may recall, that some people objected to and wanted all the lots to be on public dedicated streets. So through the process of give and take over the course of six or seven months with Council we ended up with what we ended up with and we decided to go ahead and make an attempt and this caused us to have to re-negotiated with Mr. Storck who is here as well and is in favor of this proposal. The terms of our agreement and the commitment that we made to develop the entire track of land, approximately 100 acres. It was also my fear that if we were restricted to one type of product this could be a ten-year project and I can't project ten years ahead and my banks would not accept a proposal to develop this site for a project that would be phased over a seven to ten year period. We started with some options and the bottom line is that the property where the church is going is part of land that is optionable property that we could or could not develop. I am pointing this out so that you understand where this church project, which is a godsend, is going to enable us to accelerate and finish the entire track and not leave the existing homeowners with an unfinished subdivision. Currently, we are in our second phase of development of the project. We just completed thirty lots, and have made a commitment to Mr. Storck to develop 130 lots on roughly 56 acres with options on the rest. By allowing us to go forward with the church we will be able to reduce the completion of this development by about two years. I expect now that we could be done by the end of 2007 if this project is approved at the rate that we are now going. Thankfully, we had a very good year last year and the project seems to have taken hold. I want to point out that nothing has changed in the way of lot configuration and by that I mean the size of the lots are all the same. We have not altered any of the setbacks or any of the originally approved plans. Specifically, the only thing that you are looking at tonight that has changed from the final Council approved plan, not the original Planning Commission approved plan, is the adjustment to the roadway configuration with that circle that Mr. Mandrell has pointed out and some of the green buffers around that

circle. That circle was intended to be part of the original plan but it ended up being left on ground that may have been further development as it all ended up. It was not part of the plan that I would have put forward had I known where we were going to end up. Having said all that, we want to take into consideration your concerns for green space and I think the church will be willing to stand up here tonight and tell that that recreational area will be available by the residents of The Oaks of Huber Heights. They are not only prepared to verbalize that to you on the record but they are also willing to reduce it to writing if you want written guarantees so that what you are looking at is actually more green space than what the plan that you refer to has. We eliminated a little less than two acres by taking out those little strips that were around that circle and the one green area at the entrance of Fishburg and have replaced it by over three acres of just strictly recreational area which they intend to make into a functional ball field. Again, I want to point out that the green space that you all are talking about that is no longer there was not really recreational area it was just green space that was going to be landscaped. It would not have been functional for use by the residents. With this plan you are gaining a usable recreational area where the kids can play and not be endangered by any traffic because you wouldn't want to be playing in that circle if there is traffic going around and around and people trying to cross it. So in my mind and in our design of this we felt that that was a tremendous improvement in the overall layout. Again, I urge you to look at the entire tract and not try to focus on this little area and that little area but the entire tract and the functionality of this new green space which by the way will hopefully be buffered. I would suggest that there be some type of a landscaping buffer around the perimeter in back of those lots which would give a nice screening which adds quite a few plant matter such as trees and bushes that would not have been there. The new plan actually reduces the number of homes even further than the original 287 to 237 but you are now looking at 218 total lots. The density of the entire tract has remained almost the same and there has been very little change in the overall density. 2.12 to the previous 2.04 so there is really no change in density or lot configuration and all the stipulations that were asked of us by Council to buffer and protect the people living in Shady Oak who I see are here tonight again have not been changed. We are still adhering to all those requirements in terms of the type of housing that would go there limited to single story with brink, we are not altering what they are requesting. However, we have to change the roadway configuration in order to accommodate their needs. It forced us to redesign the road layout so what you are looking at is in my mind a project that will have less maintenance to the City because you don't have that circle to fix, shovel, replace and repair. There is actually a little over 300 less linear feet of street in this project so you have less asphalt and again that is a maintenance issue for the City because ultimately the City takes over the responsibility for the streets and maintenance so it is a more efficient road pattern. Yes, it does shift some of that green space from the center over to the corner but when you look at what they are planning on doing with the features of the detention which would be water and the parking in the rear with trees, I would submit to you that the overall green space actually have increased for the entire plat plus the homeowners now have a place where they can go to and play as opposed to just having something to look at when you are driving by in your car. The last point I would make on this and then I will be happy to answer any questions or let members of my team speak is that to me this will get the job done quicker and protect the investments of all the people living there because they will

know that they will have a finished subdivision for the entire tract and frankly having a church there is an asset because it keeps the church in Huber Heights and they are in a neighborhood already and they will attract more people. I think there is a symbiotic relationship there because I aspect that we will have some homebuyers in our subdivision that will either join this church or there are already members that live further away that will want to move into the neighborhood so that they can walk to church for prayers, classes, and meetings. I would hope that the Commission would take all of that into consideration. I did not have a change to talk to Mr. Chen who I only met for the first time today and I regret that I didn't because he seems like a reasonable man I did try to explain to him some of the issues from two years ago when he wasn't here and put into context. I also tried to tell him about the green space which is the first thing that you notice when you look at the old and the new and you question it but he did not understand the relationship between the church and the project and I want emphasize that we are in this together with the church so I would hope that you all would consider that as you evaluate some of the criticisms that this is an integral part of the whole project. Other than that I just plead with you to approve this plan. We are trying to complete the deal with the church and we have a target date of closing this with them on May 15th and there could be some work on this this year by them but I don't really have a good idea of their exact time table but I know they have some big plans for the area to put in a magnificent structure and I would just hope that you all will take that into consideration. I have my engineer, Jeff Van Atta, and if you have any technical questions he would be happy to address them. Also, there are some members of the church here who would like to speak as well on behalf of the project. Thank you for your time.

Mr. Walton asked how it is proposed that the people living in The Oaks have access to this recreational area that the church would be providing. Are they going to have to come back out on Bellefontaine or Fishburg to access this area or would there be a walkway or drive to come onto the property other than Bellefontaine or Fishburg, possibly around the pond?

Sam Knobler said yes and indicated an area on the drawing. That way you don't have to take your car out and it would be nice to walk or ride a bike. There are also sidewalks on both sides of the streets that would take you towards that direction.

Mr. Mandrell asked if City Council was aware of the potential placement of a church in this subdivision.

Sam Knobler said yes and just to let you know, I think those individuals who are aware of it and by now I think they all are have not raised any objection at all and in fact they have been very supportive.

Mr. Rodriguez asked if the intent was to have this relationship of the use of the church's area into the associations covenants to protect the homeowners. Also, who is going to be providing the up keep for this area?

Sam Knobler said as far as the maintenance that would be the church's responsibility. Again, as Mr. Mandrell pointed out this is church property and it is not part of the Home Owners Association. The Home Owners Association will still be responsible for maintaining other common areas, as well as storm water management and prevention that is required for the plat. There will probably be a dry detention basin going in near the church so those areas will be the responsibility of the home owners' but they will not have any financial obligation for any of the church property. What was the other part of your question?

Mr. Rodriguez said you mentioned that this would be written if necessary so I guess my question is that if I am a homeowner or potential homeowner and wanted to be assured that I am going to have access to that will that be in the covenants.

Sam Knobler replied in my mind it doesn't need to be in the covenants although I suppose one could look at that and I would have to discuss it with the attorneys and see if that makes sense but certainly an agreement with the church would be part of our purchase agreement and that would stipulate that they would provide that space for use. That would be an appropriate place but I am open to suggestions if you would have anything else that you would like to see. The important point is that they are willing to do whatever is necessary and I don't want to speak for them, although I am right now, but they are here to talk to you and you can ask them directly if you like.

Mr. Hallett said I am not sure what that would be either Rudy but I understand your point. If this is being proposed on the basis of it providing green space and recreational area for the residential segment what is to prevent the church from changing its mind at some point in time. I don't know what the answer to that is right now.

Mr. Mandrell said perhaps a public access easement.

Mr. Berger replied that would be the way to do it.

Sam Knobler asked if that was a legal document.

Mr. Mandrell said yes.

Mr. Hallett stated it would probably be recorded on the plat.

Mr. Mandrell said it would be just like any other easement.

Mr. Hallett stated I have some questions but I would like to hear some of the comments from the audience tonight before we get into that.

Sam Knobler said I would be happy to answer questions at any time.

Jim Storms of 4968 Tilbury, Huber Heights, OH 45424. I am here in my capacity as an elder and Vice-Chairman of the Board for the First Christian Church of Huber Heights.

The Oaks of Huber Heights Development Company has submitted this redesign with the provision to accommodate the church in the corner as pointed out. That proposed corner space does eliminate the seventy units he talked about and replaces it with a church. These requested changes are one of the last hurdles we have to completing a list of contingencies leading to the purchase agreement between the developer and the church. While the redesign as you pointed out does eliminate green space to the rest of the development it does provide a space sufficient for the churchs use and the redesign was at our request so that we could get the acreage that we needed. First Christian Church is a partner with the community in meeting the needs of the residents including the subdivision. Our ministry is family oriented and we provide many programs for youth, this includes outdoor children events. One of the major issues that we have with our current property is that by expanding it we would lose sufficient green space in our current spot to where it would not be usable for these activities. Currently, we are right next door to Cottonwood Park and we encourage and allow groups such as the youth soccer and football teams to use our property and green spaces for practices. People from the park to consistently come over and use our spaces at our agreement that there is no problem there and we do desire that. We are in the business of meeting the needs of others in the community and we do welcome that and encourage it. As anticipated these new facilities will have a large amount of green space and we would continue to share that with the homeowners and community and do welcome them to use our property for recreation if that is what they desire. First Christian Church was started in 1970 with a handful of members and built the building currently at 6114 Fishburg, which is directly across the street from the new property. By the last 80's we grew to around 200 members and we had to add an expansion for educational youth facilities. Currently, we are running around 450 members and we do need to expand again. The building on the current property is not conducive to our mission or our needs because it will land lock us to a point that we cannot use it properly. We picked this site under consideration this evening due to its proposed size and the location to our current property. As First Christian Church being a non-profit volunteer organization the church has not invested in a site plan at this time. We feel it is the best use of our resources to develop that plan once we have finished the purchase of the property and determined it is agreeable to the City to use as a church location. Once we have completed the purchase we will develop a site plan and return once again to the Commission for approval of those plans and at that time we would respond to all the needs that City has and the requirements that they have for that property.

Mr. Hallett said to clarify how we got to this particular design is the particular size configuration and layout of this the church's idea or a collaboration with Mr. Knobler.

Jim Storms said I have a project person here for our church who was handling that and I think he will speak to that.

Jack Sawdy of 2354 Fieldstone Circle, Fairborn, OH 45324 stated I am a member of the First Christian Church of Huber Heights and I am in the Building Manager position trying to develop this property and or others. We looked at several sites including up by the freeway that was offered at a cost of about 1.2 million and we decided we could not

afford that. We look at alternatives north of I-70 that are being developed but most of those had been bought up. We looked up modifying the area where it currently it is and modifying where the old Krogers is. This property was not built on and it was farmland nearby so we approached Mr. Knobler in company with the idea that possibly we could buy a section of it. When they offered the corner and coming from my engineering background this is a great deal and a great location for a church. I began putting some concepts together for the church of which what you see here is conceptually what I provided to Jim Van Atta and his corporation for inclusion in his drawings. Our vision is economically to build just one building and the reason for its unique shape. If you will notice the way the parking lot is also designed in there it allows for expansion to either the west of towards the northeast and that would allow us flexibility of the church as we grow as to where we would build education areas, office areas, or recreational faculties depending on the churches need at the time while maintaining our current faculties across the street. The drive was lined up with our existing driveway so that we can go straight across the street from there. The drive that is on Fishburg adjoins with our drive straight across from it. On the other exit we tried to keep it as far from the intersection as possible and putting it up near the retention pond. Our intention is to use dry detention areas in order to reduce any liability for water in the area and to create a recreational area in the back corner, which can be accessible by the neighborhood, as well for our church and future growth.

Michael Collins of 6025 Oak Ridge Drive, Huber Heights stated I am one of the first people to live in the Oaks and I was the second house completed. I have real problems with them putting a church on the property. We had to move out of our old house because of problems with the church down the street because they wouldn't live us alone, it was constant harassment, and they wouldn't take no as an answer. I don't understand why we need another park because there is one across the street on Fishburg that they pointed out. If they are going to be using it for soccer, football, and other sports I don't see how any of us would have time to use it. Also, what is this going to do to what we pay a year for maintenance on our green areas? They said that we wouldn't be responsible for any of that but since we are losing all of our area does that impact how much I pay a year because I have already made my payment this year. Is there any responsibility to that and how will that be affected. I also have concerns about some of the youth activity and who dictates who gets access to what and when. They've mentioned before that this is also an expansion area and if they decide to expand does that mean we lose our recreation area if they put it in for us to access. Is there any guarantee that we will not have the type of harassment from the church that we currently have from First Baptist on Taylorsville. We have five churches in several blocks from where we live now and we are now going to have five churches and a spare building sitting vacant. I am really kind of confused on where the borderline is to their green area and the park area but if the park is there what purpose would their green area serve anyway.

Mr. Hallett stated obviously, the Commission can't judge on any harassment you may or may not have from a prior church and what this church may do. We have no knowledge of that and no purview over that.

Michael Collins said there is no way to prevent them from coming door to door.

Mr. Hallett stated not through the Planning Commission process.

Mr. Mandrell said it's a document called the Constitution.

Michael Collins said I actually had to call the police because that is what it took for them to leave me alone.

Erin Dugan of 6025 Oak Ridge Drive, Huber Heights stated my concerns are a little bit different than his. I am a tree hugger and I love green space and some things that were brought into consideration was who would want to have green space near the circle where children will be playing, people will be walking, and all that traffic would be there. That is a good point because if you want to take children and green space into consideration why not allot this area here to The Oaks of Huber Heights and let the community pay for it and put in a private park. There were concerns about the City and maintenance with there not being as much asphalt, street cleaning, and everything else. If that appears to be such a big deal then turn it over to the community and see what we can do with it.

Gary Stewart of 6168 Shady Oak Street stated I am a resident of Huber Heights and have been since 1969. You have before you a letter that I had prepared and will go into the record and also with that was an attachment that illustrated the point that I was trying to make. I would like to say that I do represent all the residents of the Shady Oak Street area. We have no issues at all with the church being put in there and I think it is a great addition to the development. Our concern is with what has been done with the remaining 100 acres in terms of housing density and street layout. We keep talking about housing density and playing games with numbers but all the densities that we see here are based upon the original 116 acres, which included 15 estate lots which are not in the development plan but are used to calculate the density for houses. So you really need to be careful when you look at what you are talking about because you need to talk about just the properties on which single-family houses are being dealt with. It is going to an original number of 100-ares, not counting the estate lots, and then 14 acres that the church is using and now down to 86 acres. So you are looking at houses on 86 acres rather than the original 100. What he has done is actually increased the number of houses on what was his original plan and that is the concern that we have. Most of the increase in houses is in the southwest corner of this development and I do have a view slide to put on the overhead. This illustrates the original development plan that was approved by City Council. There was an evolution of critical and very necessary changes that were made to the original proposal and it wasn't surgery. It was a very necessary and critical thing that took a product that was totally unacceptable and brought it to where it was acceptable and Council approved it and was proud of it. Once it was done the Council expressed their appreciation for the involvement of the residents over that six-month period that we helped them and the Planning Commission bring a product to a thing of beauty. It addressed the visions of what the Council had of upscale housing in Huber Heights. What I wanted to mention on the original plan is that the southwest corner where the church is now located, there were four lots added in green space just to the south of that circle and

there were another two lots that were put in that circle to the northwest and then there were five additional lots added to the southwest corner and that has been done by putting in a through street and taking away the loop in the southwest corner. The density of course in that southwest corner is much higher than what it was originally. Originally, it had thirty-five houses on twelve acres in that southwest corner and now there are forty houses on that twelve acres and that is a 14% increase in density of housing in that southwest corner and we don't feel that is in the spirit of what was originally planned. What we would like for the Planning Commission to consider is having the developer return to the original street layout for the southwest corner. Now that can easily be done because that corner is of the same exact dimensions as the original plan he could simply take the original southwest loop that you see there and re-locate the entrance and exits to that loop. You would have the same through street as he shows on his new plan but you would retain the loop that you see there. It would allow you to keep the same number of houses that you have in the original development plan. When you do put this street in like this and keep this loop you will probably lose three lots (referencing) but having done that you could align your lots along here just as shown in his plan and with that he would pick up two lots from what was originally there. Also, as the street moves over you pick another lot and so you have lost three but gained three and it is the same number of lots and hasn't changed the density. So if you go back to this type of layout the housing density in this quadrant stays exactly where it was before just as Council had approved. The layout is much more appealing and the lots are spaced a little bit better and you don't have this acceleration ramp that you have in the revised plan. This breaks up the traffic flow and it is an excellent idea to slow the traffic down. It is a very Minor Change to what he has revised to now it just brings it back to the original layout and this quadrant stays the same dimensions as it was before. As mentioned all these green spaces are gone and in fact he could put a house in the lower green space and have one more house than what was originally in his development plan. That is pretty much all that I wanted to say this evening. My letter also continues and in the last paragraph it is concerning storm water management and that sort of thing. It continues to be of concern to us and the developer has said that he can address those issues but historically as you look at every development that I am aware of they all have either storm water or sanitation issues and the surrounding properties have problems. It then becomes incumbent upon the existing property owners to take that expense into hand to solve some of those problems. If he does add the housing density in the southwest corner that does increase the storm water problem so that is another issue.

Mr. Hallett asked if anyone else wished to speak regarding this application. Seeing none, he closed the Public Hearing.

Mr. Mandrell said I think Mr. Stewart raises a lot of good points particularly the last one. Chris, what do you see as the impact of the changed road system on storm water management, if any.

Mr. Berger stated this isn't an engineered plan yet as we have heard the church say and we are at the conceptual stage but regardless if they are adding a certain amount of impervious area you got to deal with it. We could take the other extreme and look at the

new Wal-Mart store. So the size of impervious area is really irrespective you just got to deal with the storm water management.

Mr. Hallett said the plan that was approved before had two entrances to this subdivision with one that was fairly far north on Bellefontaine and one that was a little further west on Fishburg. On the plan being presented to us tonight we are moving the Fishburg entrance further to the east and adding ingress/egress points closer to the intersection. Chris, given what the Thoroughfare Plan states about the future of Bellefontaine Road what kind of problems does this present.

Mr. Berger said obviously, in accordance with the Thoroughfare Plan you got to widen both Bellefontaine and Fishburg but as far as the amount of access points for this church onto both thoroughfare streets I am not sure that would be the best thing. I can foresee one access point and once again looking at this as is, it would make more sense for the access on Bellefontaine Road instead of having the access onto Fishburg and maybe have it tie into one of the interior streets.

Mr. Hallett said I am glad you said that because as I was looking at this I was thinking this is probably not the optimal design.

Mr. Berger said I would agree without seeing any geometrics whatsoever.

Mr. Hallett said and thinking of some aspects of what Mr. Stewart stated there might be a better way to do this without adversely impacting the number of lots in the development. Let me just throw this out because it was something that occurred to me while we were discussing this. If you look at the plan that is being presented to us tonight, and you look at Oak Ridge Drive it basically dead ends north of the church. As you know we have had a lot of discussions over the years about access points and curb cuts and the comment was also made earlier about access to the recreation area for the neighbors and the idea of them having to go out to either Bellefontaine or Fishburg in order to drive into the church, which would put traffic out on the main thoroughfare that may not have to be there. So my thought was could one possibility be to extend Oak Ridge Drive to Fishburg Road and provide a line of lots that back up to Lots 170-177 that would front on that road. That road would also provide direct access to the church property and if the church needs this amount of property perhaps it could be shifted slightly around to the Bellefontaine side even if it took eliminating Lots 69-72.

Mr. Knobler said those are platted and built already.

Mr. Hallett replied well we can't eliminate those then. What about Lots 133,134,135, and 136?

Mr. Mandrell asked if that would include moving what is now labeled Burr Oak Drive to the east and connecting that to Oak Ridge.

Mr. Hallett said what you could do is instead of having Burr Oak Drive connect to Fishburg it could become the loop that Mr. Stewart was talking about.

Mr. Mandrell said leave Burr Oak in its current position but close off its access to Fishburg.

Mr. Hallett said I don't really have any problems with the church being in this location because we don't really want a lot of commercialism on these corners but I just think there is probably a better solution for access to this quasi-public recreation area and traffic purposes.

Mr. Berger said certainly look at a re-align although I am not sure what that does from a geometric standpoint and that is something that the engineer would be looking for.

Mr. Mandrell asked if that would then leave only single access to the subdivision for Fire purposes.

Mr. Hallett replied they would have the two they have always had.

Sam Knobler said a couple points to remind you of in your concern about traffic and as far as our original requirement it is still intact. Fishburg Road will be widened and have curb and gutters so it will be efficient to handle any possible traffic which will be coming onto Fishburg Road and that was part of the original plan and has not changed. Also, for the proposed entrances to the church portion we had talked about possibly connecting a street from the internal plat into the subdivision but after talking with folks from the church they preferred not to do it that way so we worked with them to accommodate that. They have to have a certain minimum number of acres to make this work and so by cutting anything out of the 14.2 acres it could present a problem for them. I just wanted to point out that those entrances are not proposed to be public streets onto the church's property, those are private driveways. I would just suggest that currently they are already coming in and out on the other side of the street so in terms of anything new it doesn't really change the traffic volume or count there because they are already there and it is just shifting to the other side of the street. That side of the street is going to be widened and improved so they will have an ingress/egress situation, which is better than what they have now. In terms of shifting things around we could all look at a piece of art and everybody has ideas and some are valid and some may sound good but in practicality when an engineer lays it out on a CAD it doesn't fit. We had looked at some of your thoughts about the road configuration and bearing in mind that we had to be sensitive to the people of Shady Oak to the extent that we could be and make this thing work because obviously we are not starting from the beginning. If we had this option two years ago this probably wouldn't look the same but we are trying to fit it in now so there are certain limitations to what we can do and I would submit to you that your concerns about traffic and impact can all be addressed with the improvements on Fishburg Road. The church requirements of me is why you are looking at no street coming through the property we can connect it through pedestrian walkways but they prefer not to have a street come

through and whether they would agree to it if you proposed that I don't know and it may change the whole deal.

Mr. Hallett asked how many acres the church currently has.

Jeff Storms said 4.7 acres.

Mrs. Eldredge asked if they planned on utilizing the existing church once the new one was built.

Jeff Storms said we intend to use it as a teen center in the immediate future but I can't tell you 20 years from now but at least for the next five to ten years.

Mr. Hallett said my questions were not based so much on the ability of the roads to carry the traffic once they are improved but more about the access to those roads and the number of access points the closer you get to an intersection.

Mr. Berger said correct specifically at Bellefontaine and Fishburg.

Mr. Hallett stated if for example Oak Ridge Drive were connected to Fishburg there would be basically a curb cut in Oak Ridge Drive that would provide access to the church parking lot and the recreation area.

Sam Knobler said this is just a suggestion don't lock me into it but if you have a concern about this point of access I would be willing to consider eliminating a lot over here and provide one common entrance. That might be something that could be done but obviously we would have to give up a lot and put a roadway down here where you see Silver Oak Way and have him come in here for access. The only downside is that you have a road in-between some houses possibly.

Mr. Hallett said but not a lot of traffic would be going through there because it would only be going to the church. That is a possibility without cutting into the church's proposed property.

Sam Knobler said I will even do you one better just to get off of this and for some of the neighbors who are concerned is that we could possibly make that into a green area which is what was there before (referencing the lower southwest corner). In order to go back and redesign this whole thing it is going to become time consuming and I have got deadlines so I am trying to come up with some compromises and still work this out.

Mr. Hallett said your thought is that that green area would be sort of similar to the one up by your other entry way.

Sam Knobler said yes just like the original plan you approved and it would just be a little park with some landscaping. That also reduces one lot, which is what Mr. Stewart's concern was about, and the way he interprets density.

Mr. Hallett said it would actually reduce a couple of lots if there were an access road that went through there. So you would lose two lots and the church would lose an access point from Fishburg.

Sam Knobler said I am not sure if they are willing to do that but I am just throwing out suggestions.

Mr. Hallett said I guess one of the things that we would be talking about if all these houses currently existed would be how this is going to be screened and I am sure that if there were neighbors they would be here very concerned about noise, lights, and everything else so we would need to be very careful about that in any Detail Development Plan stage. Having said that, how does the Commission feel about Mr. Knobler's proposal?

Mrs. Eldredge said I like the idea of just one entrance to get to both and then people in The Oaks could get to the recreation area without having to go out and come back in.

Mr. Walton added it should be a drivable access.

Mr. Mandrell said I have a lot of marks in that corner and one of those marks is almost exactly what he described and he and I have not consulted. I think that of the options discussed tonight that is the best one. It serves the needs of the people west of Burr Oak and east of Silver Oak and it may really improve the entrance off of Fishburg and make it more beautiful. I think I prefer that to the extension of Oak Ridge.

Mr. Hallett said given that you are willing to do that with the entrance off of Burr Oak Drive and with your vision of how this will develop is there any particular place on Bur Oak Drive that you would like to see that entrance. I am thinking that if it is too close to Fishburg you may create an island of a couple homes.

Mr. Knobler said we could take a closer look at it but I need some professional advice on that and it is easy for us to sit here and move things around and design and redesign but that was just my initial reaction to your comment but it may be better off further up.

Jeff Sawdy said during the course of our discussions with Van Atta Engineering and Sam Knobler we had actually looked at the option of coming straight across and making this the entry and using this green space on our property as a monument area. So if I could propose to you all that we had deliberately selected a part of this for the fact that we could go straight across the street with one stop as opposed to coming out onto Fishburg and having to turn either left of right and then re-gain entrance to the property across the street creating a stopping hazard for traffic. In other words all we are doing is creating cross traffic as opposed to entering Fishburg and having to exit it again. The question we had was then does this become church maintenance on that road or does it revert to the City.

Mr. Hallett said I think if it is an entrance to that development it would have to be dedicated right-of-way, which would be City property. So you were offering that as an option and you would have some sort of green entry feature.

Jeff Sawdy pointed out an area that would be a designated entry feature space. The houses would continue down the way and that would make that look as thought it were a green entry for their plat and for anyone coming in and turning left.

Mr. Hallett asked if the outside of the curb onto the property would be suitability landscaped as well.

Jeff Sawdy replied yes.

Mr. Walton said I like that idea.

Mr. Hallett said probably what we need to do is have you and the church go back and look at that option and come back with a revised plan if it works for both of you and then we can take action on it.

Sam Knobler said yes we would be willing to sit down and discuss it and make the adjustments but because of our time limit is it possible to perhaps stipulate that in some type of a resolution and take action so we can move this forward or do you want us to come back here.

Mr. Berger said since it is a Major Change it has to go to Council.

Mr. Hallett said you would have to be able to describe to them in a level of detail that we would want you to provide in a revised drawing what the proposed revision is, so that would not be what we would be asking them to vote on and if its not drawn that way there may be a lot of conversation involved about how the roadway and green spaces are going to work. I know you have some timing issues but if we could all agree that this is what we agree to do it might be easier in the long run to speed the process through by providing them with a drawing that has been approved by the Planning Commission.

Sam Knobler asked if they could come back at the next meeting.

Mr. Hallett said sure it is April 12th and then it would go to Council around May 15th.

Sam Knobler said if we could get through Council on the 25th I think it will still work.

Mr. Hallett said I want to make sure that this goes smoothly for everyone involved. I know Mr. Stewart it is not exactly what you had proposed but does it work for you.

Mr. Stewart said I think it needs to be Tabled and worked within the Commission and then go to Council when we have a product we can all stand behind.

Mr. Hallett stated that is what I am proposing to do but I just want to get a sense from the residents based on what you have heard as the proposal for a revised drawing.

Mr. Stewart said the primary concern we had was the increased density of homes than what was originally approved and I have been working very hard for many months to get down to a reasonable number and its jumped back up again. The suggestion of re-establishing the loop at the southwest corner relives a good bit of that increase density without any major impact to his layout.

Mr. Hallett said I think the only problem with that proposal is that it probably takes too much of the church's land in order to accommodate that because my first suggestion was to extend that street to Fishburg but it cuts off a sizeable chuck of their land. I think what we have decided on is what the church has suggested; a public access through what is their Fishburg drive on this map. Based on Mr. Knobler's comments and the comments from Mr. Sawdy in providing that Fishburg access point as a public thoroughfare to tie into the neighborhood. Is that what the Commission believes is the right solution.

Mr. Mandrell said so somewhere in-between Lots 176 and 175 there would be a connection between Silver Oak Way and the church's entrance.

Sam Knobler said or it could shift a little further up depending on how it works.

Jeff Van Atta said the further in we take it, around the Lot 174 area; it would give traffic the ability to come in and stack up. You don't want it too close to the intersection that traffic backs up. The further we bring it up and line it up with their parking lot it allows them easy access to their parking lot as well as for the traffic to come off of Fishburg and not back up.

Mr. Hallett said it also eliminates any straight access into that loop area and provides another traffic calming device. So what we need you guys to do is go back and work out a new drawing with the church and come back at the next meeting and we will take action at that point. At some point after this gets through Council and goes to the Detail Development Plan stage we will worry about the details of landscaping and screening as usual.

Action

Mr. Hallett without objection continued Zoning Case 431-D until April 12, 2005.

Mr. Chen stated for clarification the Commission is looking for some revised roadway system that is connecting the church parking lot onto Burr Oak.

Mr. Hallett said that is correct.

requesting that their Zoning Case 04-15 be withdrawn due to their inability to close the deal.

Mr. Chen replied that is correct.

Mr. Hallett asked the Commission if they had any objection to approving the applicant's request to withdrawn this application.

Action

Without objection the Commission approved the applicants request to withdraw the application.

2. **PUBLIC HEARING, applicant, Oaks of Huber Heights Development Co., requesting a Major Change in order to change the layout of the streets in the subdivision to accommodate the addition of a church facility in the southeast corner of the subdivision along Fishburg and Bellefontaine Roads (Zoning Case 431-D).**

Mr. Chen stated, as you will recall this case was discussed on March 22, 2005 and at that time several concerns were raised primarily about the green space lots being eliminated from the original re-submittal for this Major Change. Also, there was a concern about the traffic circulation pattern leading to the subdivision along with the proposed church facility and coming onto Fishburg. The applicant submitted a revised plan attempting to address these different issues and the concerns of the adjoining neighbors. Staff met with the applicant on April 5, 2005 and reviewed the revised submittal. The applicant is reinstating one green lot, which is at the entrance of the subdivision from Fishburg Road. Additionally, the difference between the egress and ingress from the last one and this one is that it has been shifted to the west instead of the straight line coming out from the subdivision. I believe that street is White Oak Street on the southwest corner. In the original submittal as approved by City Council there were four green lots along the circular point along with the one on the southwest corner was approximately 2.5 acres. Since the applicant has reinstated the green lot of the southwest corner, about two acres, substituted with the recreation area in the church facility. Additionally the applicant is proposing to have two 10 feet wide access points with one along the Burr Oak Drive and the other one is along the modified White Oak Way. Also, on the site plan it indicates a 15 feet wide landscaping area along the perimeter on the church facility. Density wise the original plan adopted by City Council stipulates 2.05 dwelling units and that is 238 units in 116 acres. Under the revised submittal we are looking at 1.87 dwelling units per acre, which is 217 units plus a church facility out of this entire 116 acres. There will be no changes in terms of the setback as mandated by the City Council. Staff really doesn't have any objection to this revised plan; however, we will ask the Commission to look at these 3 acres that has been proposed by the church in substitution of those green lots. The green space is supposed to be maintained by the Home Owners Association but the church will maintain the 3 acres for recreation so we just need to look at the access and control. Other than that Staff does not have any objection to this revised plan.

Mr. Hallett said my first question when I saw this plan was that I don't recall it being what we thought we had agreed to at the end of the last meeting.

Mr. Chen said that is correct and I think at the last meeting the Planning Commission was talking about directing the church's traffic onto the subdivision or having a common driveway with the church and then coming onto Fishburg.

Mr. Hallett said that is right. What happened to change that or in other words why is it not the way we thought we left it last time?

Mr. Chen said my thinking process on that issue is whether the church would like to see this kind of traffic onto their facility.

Mr. Hallett said I don't think that was it. I think we had agreed and the other Commissioners can correct me if I am wrong but I thought we had agreed that there would be one entry point on Fishburg Road for both the church and the neighborhood and it would be in the location that is currently shown as the church driveway on Fishburg Road. That would not be on church property but in fact be dedicated right-of-way to the City with association maintained green space and an entry feature with a curb cut from that dedicated right-of-way to the church lot for their access. The idea behind that was two fold one was that it would have one curb cut on Fishburg instead of two and it would provide a way for people to drive to the recreation area from the neighborhood without going onto either of the main thoroughfares, Bellefontaine or Fishburg. What changed all that?

Mr. Chen said I cannot say whether I fully comprehend the Commissions desire but I definitely thought that this might be another option that could be presented to the Commission.

Mr. Hallett asked the other Commissioners if they remembered it that way.

Mr. Walton replied I remember it that way.

Mrs. Eldredge said I think we talked about having two options. I do remember the one you described and then one where we had Silver Oak Way coming in and going right into the church's lot.

PUBLIC HEARING

Mr. Hallett said there is a letter from the First Christian Church signed by James R. Storms, Vice-Chairman First Christian Church that will be entered into the record dated with today's date.

Sam Knobler, President of Mid-Life Development Group of 2080 South Alex Road, West Carrollton 45449 and I am also the managing partner for the Oaks of Huber Heights Development Company, LLC that actually owns the real estate at the subdivision. Two

weeks ago we presented a plan to the Commission and after lengthy discussions with the Commission and members of the audience we were asked to continue and go back and take a look at the plans to see if we could make some improvements based on your comments and suggestions and we did that. We met internally with the church and subsequently we arranged for a meeting with John Geiger and Mr. Chen and thought we had a very productive meeting last week to discuss all the options and what was the best solution for all of us. The church has certain stipulations that are sort of redlines and we tried to honor that in order to make this deal work. One of them is to have an access across from their existing facility. I realize Mr. Hallett that you had come up with some alternatives and I mean this sincerely, none of us are trying to usurp your thinking. We were under the impression that we needed to look at the whole situation and come up with something viable for everyone and that we weren't necessarily locked into any particular suggestion. I do recall the one suggestion and it was made by a member of the audience and some others that we consider going back to the original plan with the street alignment on the west side of Fishburg and there is a City park that exists there and it made sense to us to do that after we looked at it a second time. It also reduced the concerns that were raised about the previous plan and the speed of traffic with a straight shot this way and it kind of breaks it down. When we looked at your thinking to put in a public street here it just didn't work for the church and they would have lost at least 2 to 3 acres from the total. There was a discussion about who the ground is going to belong to, the developer or the church, and if it's a public street they did not want the maintenance issue for themselves with having a street coming thru there with all the traffic for the subdivision basically cutting it off. So with that in mind we looked at some alternatives and my engineer Jeff Van Atta can address some of your concerns about traffic. We did discuss this with John Geiger.

Jeff Van Atta with Van Atta Engineering of 570 Congress Park Drive, Centerville 45468 stated as Sam mentioned we did propose several options of aligning a street that would come through the residential development and tie into the church parking lot. At different locations we had S curves in the access road coming in and our big concern there was the movement of traffic through a residential development between two lots and out onto the road and down to Fishburg. In a discussion with Mr. Geiger and Mr. Chen we discussed those with regards to headlights coming out of the church parking lot at different times and pointing towards the residential lots and just the traffic flowing through two residential lots. Mr. Geiger and Mr. Chen did agree that it was a better option for what we got proposed here. As Mr. Knobler mentioned the access point on Fishburg Road now does line up with the access for the existing park and church on the west and on the east so the cross traffic movements should not conflict with each other. The access point for Silver Oak Way which is the point coming out of our residential development onto Fishburg and its distance from there to the proposed access point for the church is approximately 400 feet which does meet a local to local road distance for the Montgomery County subdivision rules and regulations. So what we have actually done is given the spacing of an appropriate distance so that if the access coming out of the church was a road the separation for proper traffic movement is met. Obviously, the timing of the traffic for the church is not what you would typically get with a residential development. It should would very nicely and we talked to Mr. Geiger about that and he

felt that sliding the road down that additional 100 some feet did make the relationship between those two access points acceptable. Mr. Berger I don't know if John passed that onto to you and you could state that as well but we did in all honesty look at three or four locations to try an accommodate what the Commission had asked us to and Engineering wise we didn't feel that it was going to be a benefit to the residents of the Oaks of Huber Heights or the church.

Sam Knobler said anytime you put in a public road you try to line up some housing along side of it otherwise your running several hundred feet of street with no housing and as you know it is a very expensive proposition to create roadway without housing. That was another factor in the whole thing because the church wanted this space to be able to come in from their property and there was just no way for us to line up a roadway and get some housing in here. So we went back to the original plan and lined it up exactly were the approved plan was the previous time so you have the same situation and the standard requirements being met. I would just point out that as a result of the reduction in the lot density we are now well below 2.0 units per acre. I believe there is 21 fewer houses proposed in this plan from the original plan or units and I would maintain that the green space that is provided here, and now that this is here you are talking a little less than two acres that were in these four little green spaces which have now been substituted by 3.0 acres so there is actually just in dedicated green space alone here one acre more than there was in the previous plan. To respond to what I think was Mr. Mandrell's comments we created a second access point here which you can see a 10 foot easement and this will be paved either with asphalt or concrete and have a path here for people to come from the sidewalks through these points of access. We think this makes more sense than the last plan we had and we think its an improvement and I hope it meets with your approval tonight. We have really tired our hardest to make this work and we still want this project to go through, I think the church needs it, and we would like to see this project come to conclusion two or three years earlier than it otherwise would be if we had to develop this out with more housing. I think if you look at their whole situation it sure looks to me like there is a heck of a lot more green in this whole area than if we put in 21 more houses over here. So again I respectfully request that you consider all these issues and approve our request tonight.

Mr. Hallett said I am really just trying to understand what the disconnect might have been here. Mr. Van Atta based on what you said I am not sure we are talking about the same thing. Did you see the drawing that I sent to John Geiger about what the Commission thought the plan was?

Jeff Van Atta said no I did not see them.

Mr. Hallett said could I ask you to show me on the map what you think the Commission thought the plan was and then go from there.

Jeff Van Atta said my understanding was approximately in the location of Lot # 174. What I envisioned was an access point coming out of the parking lot then coming over and going to a public drive thru Lot # 174 into an intersection in this location so that the

church traffic would come through this access point and enter the parking lot in that manner.

Mr. Hallett said I think that is what the disconnect is because I am looking at the minutes and it reflects what I think we had agreed to. This was going to be the access point for both the church and the neighborhood. It would be dedicated right-of-way and curve into the neighborhood here and then there would be no access point here. Did you look at that possibility?

Jeff Van Atta said Mr. Jack Sowdy did bring that issue up and that was his recollection of the conversation and that is not what I brought out of it but we did look at that option as well. Again, in talking with Mr. Geiger having the traffic from the residential area through there and making that bend over into the residential neighborhood and we all kind of agreed that that we didn't think engineering wise and for the safety of the residents of The Oaks and for the church that it make a lot of sense. In the beginning when we talked about it that night and like I said I didn't remember that option but Jack did but when we all sat down and went over it we came to the conclusion that it is not going to work real good for safety reasons.

Gary Stewart of 6168 Shady Oak Street stated I have been a resident of Huber Heights for 36 years and hope to be a resident for another 36 years. As we had mentioned last time we met the residents of Shady Oak are certainly very excited about this development and want to continue working with the developer and the City making this a successful project and we are very encouraged about seeing the church being an addition to that project, it's a great idea and a very nice addition. Again, the only single comment that I have is that I look at the revised plan and the words that Mr. Knobler has used and it seems like he expects us to believe that the only we can accommodate the construction of this church is to add additional lots to the remaining area and to remove a green space. That is difficult to believe that that happens to be the case. If the street routing is an issue one would reasonably expect that you need to re-route the streets a little bit to accommodate the church then go ahead and re-route the streets but I don't know why he is adding additional lots to the development. That is ten lots more than what was agreed to and accepted by Council so it is going to be what Council will accept. As far as roads are concerned and with what we walked away with two years, I as a resident and the other residents think that the developer has betrayed the residents in terms of an agreement that was made two years ago. They betrayed the trust that Council has so to what was going to be a product and I just don't see the spirit here of what was two years ago. As mentioned in the attachment to the letter I gave last month the accommodation of the church is a very simple matter and doesn't really involve any additional lots. If I can just go to the board here real quickly this isn't rocket science at all. The church sits right here so to accommodate the church it is very simple. What he has done is add four houses in here by taking this out and he has added two houses here and five houses down here and now he is going to put a green space in there so it will be down to four. That is 10 additional houses in the same area so if it's a street change that needs to be done to accommodate the church I don't know why the additional building lots are apart of that necessary change. Obviously, there is a reason why but he is not revealing that to us and

it just has to do with money and profit bottom line. I am elder at The Church of Christ at the corner of Tomberg and Fishburg and I have had about ten or fifteen years of experience in terms of providing green access to local residents and that is a nightmare. It's a liability issue. I appreciate the church and what they are offering here but it's a serious issue and that needs to be investigated further and I am not sure that that access to that green space can be guaranteed in the future. I can't speak for the new residents that are in The Oaks development and I understand that those folks did pay for green space that now doesn't exist. Some folks decided to purchase homes in certain locations within there and that green space is not there now but that is up to his residents and not a call I can make but just an observation. Along the Shady Oak border the new plan shows 10 houses adjacent to Shady Oak where there was only 8 before so that is an increase way over 20% of the number of houses and building lots that are adjacent to the Shady Oak properties. That is all the comments that I have.

Mr. Hallett stated just so I understand these numbers I am looking at the set of three drawings that we were give tonight. One shows the plan as originally approved; another shows what was presented to the Commission last time, and the top one shows what you are presenting tonight. Excluding the estate lots on the south side of Chambersburg Road on the original plan I believe I count 222 lots and on the one that is presented to us tonight I count 202. So that would be a reduction of 20 lots over the original. Is that correct.

Sam Knobler said that is what I stated in my presentation.

Mr. Hallett said ok I just wanted to make sure.

John Stewart of 6480 Bellefontaine Road stated I agree with what Gary Stewart has had. Where my problem is I don't know how anyone can include the church space as green space because who is guaranteeing that that is going to happen. What happens six months from now if the church finds another lot north of I-70 and decides to go there? I have a hard time believing that the area that is set aside for the church can be incorporated in The Oaks as green space because from what I understand it's a total separate deed and its like going across the street on Bellefontaine Road or Fishburg and saying there is green space there. I just don't understand how that area can be incorporated as green space.

Sam Knobler said you could carry that argument another way if we don't go ahead and do this transaction and they subdivision were to stop we are under contract for 130 lots you would still have about 40 acres of land left there that conceivably could be sold to another entity by Mr. Storck and put in whatever they could approved be it a gas station, commercial, strip center, and typical you see those types of things on major intersections. So I think that logic could work in either direction and I think here you have a better bet and I don't believe the church would do something like that and even if they were sell I believe that the new owners would have to come back here with whatever they plan to do and get approval so would have some control over the situation.

Mr. Hallett stated I am glad you mentioned that because I was going to say something pretty similar in fact since this is in a planned district nothing could be done with the church property without further review by the Planning Commission.

Mr. Hallett asked if there was anyone else who wished to speak regarding this application. Seeing none, he closed the Public Hearing.

Mr. Hallett stated I guess for the Commission then is that it may not be the optimal solution that we thought we had developed at the last meeting but can you live with this solution.

Ms. Eldredge said on your drawing there for Silver Oak Way is there a reason why you didn't cut it through Lot #175 and take away the second egress into the church.

Jeff Van Atta said again we did look at multiple options with Mr. Geiger and the real issue with bringing it through here is that at certain times when the church has their activities we are going to be directing all that traffic between several residential lots and not only will we go between several residential lots but the traffic would come out and hit an intersection and their headlights would be directed towards other residential lots. Just the movement of the traffic through that area is just not the best for safety reasons and for the residents of The Oaks. In all honesty we looked at probably four different options where the road would swing down this way, we tried to line it up with Silver Oak and bring it so it would a straight on intersection so we didn't have the headlights onto other lots but then that would give a severe turning movement to the traffic. Again, we wanted to move the traffic off the roads and once you start introducing turning movements like that the traffic slows down and then you get congestion and the traffic remains on the public roads and we didn't want that we want the traffic to come off the roads quickly. We tried to straighten it out and that didn't work very well because again it goes through the lots and has the traffic pointed at several houses. What we did was shift the entrance back to these, which gives us the separation because the real concern was the close proximity of the two entranceways onto Fishburg and what we have now, is about a 400-foot separation, which is a typical separation for two local-to-local roads. So what we have really done is given the separation acting as if this was a road which it will not act as that but we have created that distance which brings it into safety compliance.

Mr. Hallett said one of the other issues regarding taking the traffic through the neighborhood to get to the church is that those are 27 foot back-to-back width streets and you frequently have cars parked on the street and I know we have that situation a lot in the Heights here with churches that are embedded in neighborhoods and frankly I don't think it works very well.

Jeff Van Atta said it doesn't and I worked on a church similar to that where it went through a neighborhood and they actually ended up putting a fence up trying to block the traffic from going through there but we did really look at it in great detail and it was just not conducive to a good traffic pattern.

Mr. Hallett said I think I understand all the reasons for why we are seeing what we are seeing. The only other question I had for staff is that with this revised plan it creates a corner lot # 177 and I just want to ensure that you guys have looked at this and made sure that the frontage of that lot meets the code and the building setbacks are fine.

Mr. Berger replied yes, it is on a radius so it goes to the minimum setback line in that particular case. Obviously if it doesn't they have to come back and get a variance.

Mr. Hallett said for the frontage.

Mr. Berger said absolutely.

Mr. Hallett stated I just want to make sure everyone understands that in case it doesn't measure out quite right.

Mr. Walton said I just still need clarification here. Coming off of Silver Oak running east and west coming straight out and curve right onto the lane of the church and the lane of the church would come straight down and Silver Oak would come around and curve down. What is the problem with going that route?

Jeff Van Atta said it is the traffic movement for the cars that go through the church parking lot. The church could come out this way and that would be fine but its bringing the residential neighborhood through the church property, obviously it would be a dedicated right-of-way, but jus that type of movement through that property and then over just mixing the traffic didn't seem to be as efficient. It seemed that keeping them separate was a better safety design than the other way. We did look at it and in all honesty I don't think we looked at the road taking that hard of a turn there. We actually had the road coming up further into Lot #174 and that is the way we looked at it with Mr. Geiger I don't think we actually looked at that specific thought but at the same time whether it was up here or down here it the concept would apply and we just didn't feel that that was desirable.

Mr. Hallett said I think originally the idea of putting it in three or four lots to the north was better because it keep that corner lot from being surrounded on three sides by roadway.

Jeff Van Atta said that was one and the other dealt with the stacking movements. The more traffic you can stack up there the better it is going to be fluid wise. What you don't want to do is bring somebody in and have them make an immediate turning movement and that is why the curvature of that road wasn't good because as someone comes in they are going to slow down to make those turns and as they slow down the traffic is going to back up and they are going to have congestion on your road. So the longer you can have that stacking the better you are for the traffic movements.

Mr. Walton asked who would maintain the two accesses. The one you have by the pond is definitely on church property.

Sam Knobler said these would be maintained by the HOA. They're dedicated easements.

Mr. Hallett stated so that would be something that the Home Owners Association covenants would have to be changed to address that.

Sam Knobler said when we get to that construction period its incorporated we record each plat separately but that is what we are proposing. The cost of that is probably offset by any cost that may have been incurred with the green space area maintenance that is not there so I don't see that as being any appreciable additional expense.

Action

Mr. Hallett moved to approve the application for, Oaks of Huber Heights, requesting a Major Change in order 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 (Zoning Case 431-D). In accordance with Staff Memorandum dated April 7, 2005, the drawing dated April 6, 2005, and the colored drawing dated as revised April 11, 2005 with the following condition:

(1) The applicant will address the issue of access easement maintenance in the Home Owners Association agreements and covenants.

Seconded by Mrs. Eldredge. On a call of the vote Mr. Walton, Mrs. Eldredge, and Mr. Hallett voted yes; none voted no. Motion passes by a vote of 3 to 0.

VII. New Business

1. PUBLIC HEARING, applicant, E Lynn App Architects, Inc., requesting a Major Change to the previously approved plan in order to add a two-story addition to the rear of the existing structure and to allow for future parking lot expansion at the present site of the Sulphur Grove United Methodist Church, 7505 Taylorsville Road (Zoning Case 173-A).

Mr. Chen stated this proposed change is to seek your approval to modify the existing approved development plan in order to construct a two story addition to the back of the existing church and to construct additional parking with modification to the existing parking area. The planning department working with engineering identified several items that need to be addressed. The items that are on the staff report that you have have pretty much been addressed. I can go through each item. The extension of the water main to the right-of-way will be addressed by the architect and engineer and I have received a fax from the engineer that they will comply with all the comments and concerns that Staff has with this project. We do not have any objection to recommending approval.

Mr. Hallett said there is nothing on that list of items that is a show stopper at this point.

VII. New Business

1. PUBLIC HEARING, applicant, THE OAKS OF HUBER HEIGHTS, requesting a Major Change to the previously approved plan in order to increase the lot density from 72 lots to 82 and decrease the lot area from 12,000 square feet to 10,220 square feet for lots in The Oaks subdivision located on Bellefontaine Road (Zoning Case 431-E).

Mr. Berger stated that this was a major change application and the intent was centered on an area consisting of 27.5 acres in connection with Sections 5 and 6 of this development. He advised that there were no longer any plans for developing Section 7. He proceeded to show the subject area on the map. He further stated that the plan on record was for 72 lots, and the application was for 82 lots. He advised that there had been an error in the legal advertisement that listed an increase from 72 to 88 lots. In addition, it also listed a reduction of lot sizes from 12,000 sq. ft. to 8,500 sq. ft., but the actual reduction would be from 12,000 sq. ft. to 10,220 square feet. The changes were due to revisions made by the developer.

Mr. Berger further stated that this would be a 13.7% increase in lots. He advised that Sections 1 thru 4 had been approved and 4 was presently in the process of being platted. This was a major change because City Council had placed various stipulations on the original ordinance regarding lot sizes, setbacks, and the maximum number of lots to be permitted. He stated that he provided a table to the Commission showing the April 5th plan of record versus what was presently being proposed. He reiterated that the applicant was requesting to increase the number of lots from 72 to 82. Minimum lot frontage was being reduced from 85' to 73'. Side yard setbacks were to go from 10' minimum with 20' total, and they were requesting 8.5' minimum with 17' total. Minimum lot depth was being reduced from 142' to 140'. Minimum lot square footage was being reduced from 12,000 sq. ft. to 10,220 sq. ft, and the overall density for just Sections 5 and 6 would be increased from 2.62 to 2.98.

Mr. Berger continued stating that a new style home was being presented and the price would not be altered. He also added that screening and buffering along Shady Oaks, as agreed to, would not be altered.

Mr. Berger stated that in summary excluding the 14 acres, there would be 2.15 units per acre and this was the third lowest out of the 13 subdivisions in the City.

Mr. Hallett clarified that the overall density of the entire development would be 2.15. Mr. Berger reiterated that was eliminating the church property. Mr. Hallett further clarified that the density of this particular section would be 2.98. Mr. Berger confirmed.

Mr. Hallett asked if the lots in Sections 1 thru 4 conform to all requirements. Mr. Berger confirmed.

Mr. Mandrell asked which subsections were to be modified in the ordinance previously passed by Council. Mr. Berger explained those Sections were 5, 13, 14, and 17. Mr. Hallett asked about Item 12. Mr. Berger further stated that such item did not have to be altered because the developer would still be under the requirement.

Mr. Hallett proceeded to open the public hearing.

Ed Kress, attorney, stated the applicant had been sensitive to the 15% rule adopted by the City. He explained they were recognizing what was occurring in the marketplace and that there was a desire for a more mixed-use development. He stated that Sections 3 and 4 have approximately 40 unsold lots which would be a two-year supply of lots. He explained that a new product mix was being requested in the marketplace, and therefore, that was the reason for their change of plans.

Mr. Kress further stated they believed their plan was consistent with the City's Land Use Plan. They were proposing one-floor ranch homes with or without basements, no walkouts would be provided due to the topography of the ground, and all the same building standards would be met in accordance with the adopted ordinance. He stated that paragraph 19 would have to be changed based upon the size of the proposed homes. He stated the homes would average 1800 sq. ft. to 2000 sq. ft., but they were requesting the right to have up to 20% of the total units averaging from 1400 sq. ft. to 1600 sq. ft., and in deference to Shady Oaks no homes would border the west side smaller than 1600 sq. ft. in accordance with the Ordinance.

Mr. Kress stated that everyone did not want large homes and lots. No changes would be made to the western border and all screening, buffering and landscaping would remain as proposed.

Mr. Hallett asked what was the original build-out schedule for this development. Mr. Berger stated that it depended on the economy. Mr. Hallett stated that total build-out would probably occur within the next 5 years.

Mr. Mandrell asked if there would be any change in regard to the price of the homes. Mr. Kress explained that the price product would remain the same, but in a different format. Mr. Mandrell asked if the same homeowners association would take over for this section. Mr. Kress confirmed and explained that the association might be divided into sections and there could be various fees involved. He further explained that the Charter of the Homeowners Association allowed for additional sections.

Mr. Hallett asked for further clarification as to how the applicant determined that the market was desiring a different product.

Mr. Kress stated they looked at the absorption in other communities, along with the age and demographics of those communities, and it was their opinion that everyone did not desire the average conventional home. Therefore, Inverness was proposing more desirable products for such individuals. He stated that the Commission needed to decide what demands were present in the community, and where individuals would go who desired to downsize, but wanted to remain in the area.

Mr. Hallett further stated that there were two developments in the City where applicants stated that larger homes were needed in the area.

Mr. Kress further stated that having a mixed-use residential product allowed residents to have a choice. He stated that the Commission needed to decide whether such a choice existed in the community at this time, and should they foster such a product. He reiterated that homeowners wanted a choice.

Jeff Moyer, Dayton Project Manager for the Inverness Group, stated that he wanted to provide some background regarding the company. He proceeded to show various models of homes that their company provided. He explained that the Villas at the Oaks was a working name, and was open for discussion. Since 1994, they have built both Inverness and Brighton Homes and had constructed over 2500 homes between Dayton and Cincinnati. He explained their success was based on their organization's ability to provide luxury homes at affordable prices and custom features at competitive prices, while meeting the needs of the purchasers, and meeting all expectations of future buyers. He further stated that they also made a commitment to the homebuyers and guaranteed that homes were to be completed within 120 days after excavation began, and such guaranty was provided in writing.

Mr. Moyer further stated that they have been seeing a shift in the marketplace. He stated they provided architectural diversity and would not construct identical houses either in design or color scheme next to, or across the street from one another. They did not want their developments to have a "cookie-cutter" look. He explained further that they also customized elevations permitting them to make significant changes making homes special. He stated they were currently building more than 400 single-family and patio homes per year in more than 20 subdivisions in various locations.

Mr. Moyer proceeded to show renderings of their patio homes. The purpose of this product was to provide an opportunity for individuals to down size. The average age of purchasers for this type of product was around 55 years of age and older. This also put less pressure on community issues such as schools. The single-family homebuyer was approximately 40 years of age. He explained that the proposed product would not devalue the neighborhood. The final price point had not yet been decided, but would probably start at about $180,000 to $190,000. The average purchase price in 2005 for a patio home was $290,000. The single-family home averaged $252,000. The proposed product being introduced would be 15% to 20% higher in terms of the final purchase price from what they were currently building.

Mr. Moyer proceeded to show photographs of other model homes offered by their company. He stated they were going to begin constructing patio communities in Kettering, Clayton, and Springboro to satisfy this segment of the marketplace. He continued stating that about 20% of their units were smaller with basements providing the possibility of upgrading and adding living space to those units.

Erin Collins, 6025 Oak Ridge Drive, asked who owned the 40 unsold lots in the development because it appeared the Inverness homes sold quickly, while the other builder's homes sold slower and appeared to take longer to build. She stated that they bought into a quality of life and the development was to have 3 green spaces, but now it had been reduced to one. She reiterated that they wanted to be an upscale neighborhood, but with the green spaces being eliminated and lot sizes being reduced that did not appear to be the case. She emphasized that people no longer wanted to live right next to their neighbors and yards were wanted, along with a better quality of life.

Mr. Hallett advised that two letters had been received regarding this project. One was from Mark and Mandy Wilson and the other was from Gary Stewart, and both were in opposition to the proposed plan.

Don Stewart, The Oaks, stated that he was concerned about the value of his property decreasing. He continued stating that he realized the housing market would fluctuate, but they wanted to establish their community to be as good as others. He stated they wanted a progressive community, and they were concerned if the homes were downsized then different type of people would move into the community. He further stated that fingers were not to be pointed to individuals but to a situation, and this situation was worrisome. He stated that he had pride in watching his home built. He did not see what the developer would gain by building smaller homes. He further stated that they had been informed that this was being done because the road from Fishburg into the development was not going to happen. He reiterated that the community did not want smaller homes built.

Mr. Hallett asked if any changes had been made regarding the Fishburg access. Mr. Berger stated there were no changes.

Charlie Sominson, 6002 Oak Ridge Drive, stated that they bought into a plan, and if they had known about the changes being contemplated, they would not have done so. She stated further that this was not kindergarten and there were to be no "do-overs." If a plan was proposed, then they should follow through with that plan. Otherwise, it was not fair because the builder had a responsibility to the homeowners living in the community. The idea of attempting to fill the needs of a community was not the case, but to fill their own pockets. She realized that everyone had the right to make a living and a profit, but it should not be on the backs of the individuals who already bought into the original plan. She stated that there had already been a major change involving the church, and to the best of her knowledge they had not purchased the property. Mr. Berger stated that the church had purchased the property in May, 2005. Ms. Sominson urged the Commission to consider the people already living in the community when making their decision.

Mary Jane Stewart, 6168 Shady Oak Street, stated that she was concerned about water runoff. The field directly behind her property and to the north flooded in the spring. She also stated that in the original plan for the development, there was to be more green space. She stated that she did not want a lot of homes built behind her property because there would be less grassy areas to absorb the water. She felt this was something the Commission needed to consider in making their decision.

Michael Collins, 6025 Oak Ridge Drive, stated that there was a retention pond by the church, and he had been inquiring whether the retention pond by Lot #15 would be constructed or not. He explained that it was his understanding that the developer was planning on building large luxury homes in that area, but he originally had been informed that there was to be a bike path and pond in that area. He reiterated that there were flooding problems in the area, and he asked the Commission to consider the fact that they had standing water year-round.

Mr. Berger stated that Mr. Van Atta, Engineer, would be able to address the drainage issues.

Mr. Hallett stated that that area was originally designed for estate lots. Mr. Berger confirmed and stated that it was his understanding that was to remain so.

Jeff Van Atta, 570 Congress Park Drive in Centerville, stated that he was the site engineer for this project. He proceeded to show on the map the locations for the

detention basins. He explained that a third one was proposed for the northwest corner which was basically for the City to use in the future for run-off control. He stated that the water flow from the project went from west to east, and he explained on the map the course of the run-off. He continued stating that they were proposing to install catch basins along the rear yards on the west so the homeowners on Shady Oak would be able to tie into them. The yards were presently low and retained water at this time. The only recourse would be to place storm sewers along the west property line. He stated that the homeowners would be permitted to install yard drains in order to have their water flow into the basins.

Mr. Hallett clarified that the proposal was for an increase in the number of lots with the intent to provide storm sewers to carry the water away from the flooded area. Mr. Van Atta confirmed, and stated that the real issue was that the storm sewer system implemented with the construction of the lots would pull the water away from where it was presently accumulating. He further explained that with the construction of such residential lots, a natural de-watering effect would occur. The development should assist with the drain issues.

Michael Silky, 6054 Oak Ridge Drive, stated that they also bought into a luxury home, but he felt it had been a "bait and switch" operation at this point. He continued stating that during tonight's presentation he had not heard a solid source being provided in regard to the marketing information that had been obtained. He stated that a possible cause could be the housing market and rising interest rates, but that had not been addressed. He reiterated that this could be a marketing move on the part of the developer due to the rise in construction costs. He did not feel "straight answers" were being provided, and he asked for the Commission to pursue the real source of the analysis.

Tony Sominson, 6022 Oak Ridge Drive, stated this was not what the homebuyers had bought into. He stated that he could not rationalize why someone would pay more for a smaller unit. He asked for local factual documentation to be provided explaining the rationalization for this type of construction. He stated that the individuals who wrote the letters of opposition wanted to make sure their letters were included as part of the record in this matter since they were unable to attend tonight's meeting. He further stated that the homeowners had inquired about an association for the community, but no meetings had yet been held. He felt the developer was attempting to ramrod their points at the homeowners expense.

Becky Laurent, 6028 Shady Oak Street, stated their property backed the new development. She urged everyone to address the drainage issue in the area. She reiterated that individuals with basements would have a real challenge.

Virgil Scott, 6295 Oak Ridge Drive, stated that they had been sold a bill of goods. This home was their retirement home, and he asked with the building of smaller units how their property would retain its value.

Gary Stewart, 6168 Shady Oak Street, stated that he was very familiar with the area and water could not be stopped, the direction might be able to be changed, but there could not be a stop of the flow of water. He believed that the change being proposed by the developer was the most gross and obscene thing he had yet to attempt. In 2003 there had been an agreement regarding density and the size of the lots, along with the style of

homes to be provided. Sixty property owners had signed petitions in regard to the issue. He stated that Sam Knobler had stated a year ago: "I will not be back again for any more changes. I promise." Now, here we are today and it's the same story. He reiterated that he was "pulling the wool over everyone's eyes," and doing this in incremental steps. He stated that it was not 72 lots to 82 lots, it was 62 lots to 82 lots as originally agreed to in 2003. The Villas would be a 32% increase in the number of homes for that section. The developer was playing games in regard to leveraging the estate lots that were a figment of his imagination because they would never be built. He further stated that this was being provided to show a more palatable density number. Games were played with the church in order to make everyone believe that in order to accommodate the church, the layout of the streets in the southwest corner had to be changed, along with an increase in the number of lots. He explained that the community and the Committee had explained how the church could be accommodated with minimal changes to the street layout, and no increase in density on the original 102 acres. He reiterated that the church was not part of this development and it was not green space. He stated that the Commission needed to review how many lots had been approved for the 102 acres.

Mr. Stewart stated that this was important because when changes were made they had to look at the impact as to where these changes were taking place. He reiterated that this was a serious problem and there were serious issues involved, such as wells containing drinking water. The only way to build on that flooded area would be to raise the property which would dam the water and increase flooding on other lots, thereby posing serious health issues. He emphasized that the developer would be increasing the density of the project by 30%. There has been no upgrade to the design of the storm water system. He stated that this Commission did a dangerous precedent last year by granting the developer permission to make changes. He stated that the developer was posturing himself to today's situation. He urged the Commission to consider all of the serious issues involved. He advised further that the vacancy rate in the City of smaller homes was over 35%. The market study referred to appears to be flawed and more details need to be provided in that regard. He asked the Commission to consider the integrity of the agreements made in 2003. He hoped the process was not going to be compromised.

John Stewart, 6480 Bellefontaine Road, stated that the creek crossed under his property. He asked if the storm water would dump into Henry Creek.

Mr. Van Atta proceeded to explain on the map how the storm water would flow.

Another resident by the name of Tanya spoke and expressed her disappointment regarding the decrease in green space. She also stated that she was concerned about fees for the homeowners association, and it was her opinion that all fees should be the same for everyone.

Mr. McGee stated that the residents around the perimeter of the development wanted something better for the homeowners, and therefore, they were very disappointed in how this development was headed.

Mr. Mandrell questioned the matter of the 62 units that had been mentioned. Mr. Van Atta stated that the change in the number of units was due to the church.

There being no other individuals to speak on this matter, the public hearing was closed and discussion was brought back to the Commission.

Mr. Ryan stated that he was concerned about the density of the project and the fact that individuals had to leave the development to take their children to the bus stop.

Mr. Hallett thanked everyone for their comments regarding this matter. He stated that the engineer had explained the calculations used in regard to drainage, but reminded everyone that this was not part of the equation tonight. He stated that this was not an issue to be addressed by the Planning Commission.

Mr. Hallett stated that the developers had the right to propose changes to their plans. He explained it was part of this Commission's purview to make sure that the developer was meeting the original intent of the project. He reiterated that all decisions were based on reviewing the facts. In regard to homeowner fees, the Commission did not address that issue. He stated that in regard to the green spaces, it was disappointing that they were being reduced in the development. The sizes of the houses proposed were not in accordance with what the Planning Commission had approved. Standards had been set for the development, and the developer could propose changes. He stated that he was not convinced that there needed to be mixed-use projects, and that some developments were better suited for such projects.

Mr. Hallett further stated that the issue of density refers back to the history of the project. He stated that he did not see where a case was made to change the legislation regarding this project. The proposal was varying from the original intent of the development.

Mr. Rodriguez stated that the developers needed to consider keeping the lot sizes larger for these developments.

Mr. Mandrell stated that he had voted against this the last time. He explained that they reviewed each submittal in accordance with the criteria of the Code. He did not believe that the developer, in this case, made sufficient justification for the proposed change. He reiterated that he had not been convinced regarding the prior change. He stated that the marketplace might be changing due to interest rates, and the developers were attempting to get ahead of the curve, but the selling prices are to remain the same. He stated that he was not in favor of the proposed change.

Mr. Hallett reiterated that sufficient data had not been provided substantiating the proposed change.

Action

Mr. Hallett moved to approve the application of THE OAKS OF HUBER HEIGHTS, requesting a Major Change to the previously approved plan in order to increase the lot density from 72 lots to 82 lots and decrease the lot area from 12,000 square feet to 10,220 square feet for lots in The Oaks subdivision located on Bellefontaine Road (Zoning Case 431-E) in accordance with Staff's Memorandum dated May 18, 2006 and the drawings dated May 1, 2006.

Seconded by Mr. Mandrell. Roll call showed: YEAS: None. NAYS: Mr. Ryan, Mr. Walton, Mr. Rodriguez, Mr. Mandrell, and Mr. Hallett. Motion to approve failed 5-0.

Mr. Hallett moved to disapprove the application by THE OAKS OF HUBER HEIGHTS, requesting a Major Change to the previously approved plan in order to increase the lot density from 72 lots to 82 lots and decrease the lot area from 12,000 square feet to 10,220 square feet for lots in The Oaks subdivision located on Bellefontaine Road (Zoning Case 431-E) in accordance with Staff's Memorandum dated May 18, 2006 and the drawings dated May 1, 2006.

Seconded by Mr. Walton. Roll call showed: YEAS: Mr. Walton, Mr. Rodriguez, Mr. Mandrell, Mr. Ryan, and Mr. Hallett. NAYS: None. Motion carried to disapprove the application 5-0.

VIII. Additional Business

None.

IX. Approval of the Minutes

Mr. Hallett stated that with no objection the minutes of the May 9, 2006 meeting would stand as written.

X. Reports and Calendar Review

Mr. Mandrell asked if there was an update regarding the hiring of the Planning Director. No updates were provided.

XI. Adjournment

There being no further business to come before the Commission, Mr. Hallett adjourned the meeting at approximately 9:25 p.m.

Jeff Hallett

Jeff Hallett, Chairman

13 JUN 06

Date

Margaret A. Muhl

Margaret A. Muhl, Recording Secretary

6/13/06

Date

HUBER HEIGHTS ZONING OFFICE CASE STATUS SHEET

CASE NO. 431-E **DATE FILED:** 3/24/06

APPLICANT: Oakes of Huber Heights

ADDRESS: 2080 South Alex Road, West Carrollton, Ohio 45449

TELEPHONE NO. 866-2331

OWNER: Richard Storck

ADDRESS: 8675 Ulery Road, New Carlisle, Ohio

TELEPHONE NO. 845-0993

CHANGE: From

To

REQUEST: a Major Change to the previously approved plan in order to increase the lot density from 72 lots to 82 and decrease the lot area from 12,000 square feet to 10,220 square feet.

PREMISES: situated on the north side of Fishburg Road, approximately 1,200' west of Bellefontaine Road, 30 acres, Section 16, Town 2, Range 8 M.R.S., Huber Heights, Ohio.

ADDRESS OF SITE: 6105 Bellefontaine Road

HEARING DATE: PC: 5/23/06 **BZA:** **CITY COUNCIL:**

PLACE: City Hall Meeting Room, 6131 Taylorsville Road

TIME: On or after 7:00 p.m.

AD PUBLISHED: PC 5/10/06 **BZA** **City Council**

PROOF OF PUBLICATION RECEIVED:

APPLICANT NOTIFIED: 5/11/06 **PROPERTY OWNERS NOTIFIED** 5/11/06

PROTESTS OR CONSENTS: **PRIOR CASES:**

ACTION: Planning Commission Denied 5-23-06 BZA_____

City Council_____

ORDINANCE NO._____ Date:_____

FINAL ACTION:_____ Effective Date:_____

REMARKS:_____

Memorandum

Staff Report for Meeting of November 10, 2020

To: Huber Heights City Planning Commission

From: Scott P. Falkowski, Assistant City Manager

Date: November 4, 2020 and December 9, 2020

Subject: ZC 20-31 (Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District) 14.646 Acres

- Application dated October 21, 2020

Department of Planning and Development City of Huber Heights

APPLICANT/OWNER:	Christopher Koehler & Jing Wang – Applicant & Owner
DEVELOPMENT NAME:	The Oaks of Huber Heights
ADDRESS/LOCATION:	Fishburg Road and Bellefontaine Road
ZONING/ACREAGE:	Planned Residential (PR) / 14.18 acres
EXISTING LAND USE:	Vacant
ZONING ADJACENT LAND:	PR
REQUEST:	The applicant requests approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District.
ORIGINAL APPROVAL:	
APPLICABLE HHCC:	Chapter 1171, 1172
CORRESPONDENCE:	In Favor – None Received In Opposition – See Attached

OVERVIEW:

The applicant requests approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District.

STAFF ANALYSIS AND RECOMMENDATION:

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 forty-six (46) single family residential lots, with two (2) open space lots on 14.2 acres. Street access will come off Bellefontaine Road and Fishburg Road. Streets will be ~~public~~private and have a typically residential cross section with sidewalks on one side of the street. 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. The proposed lots in general have 55 to 60-foot frontages. The depths range from 107 feet to 136 feet. The lots that abut existing homes have a minimum of 132 feet depths and 60 feet widths. The setbacks are proposed to be 20-foot minimum front yards and rear yards ranging from 15 to 25 feet minimums. A landscaped mound is proposed at the north property line approximately 25 feet in width, which would provide a height of about 3 ½ feet maximum and also along the Bellefontaine and Fishburg Road frontages. An open space lot is proposed in the center of the development for use by the residents. Building elevations are provide in the packet with varying materials including vinyl siding, synthetic cedar shakes, and stone veneer. The proposal is to have all houses have 50% masonry on the front face of the buildings except for the lots at the Fishburg Road entrance (#29 and 30) to have 100% masonry on the front face of the buildings. Roofing materials will be dimensional shingles. The proposal calls for a sidewalk to be extended from the west property line to the corner or Fishburg Road and Bellefontaine Road. Staff recommends that both Fishburg and Bellefontaine be improved with sidewalks and curbs to meet the section of eighteen feet from center line to back of curb.

HISTORY:

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.

Conditions that relate to single family development in the area at the intersection of Bellefontaine and Fishburg modified to match numbering of the proposed development are as follows:

1. 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, as per the landscape design plan. Said mound may be modified for drainage purposes as approved by the City Engineer.

2. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house.

3. Fifty percent (50%) of the dwellings built on perimeter lots (#1-11 inclusively and 29 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.

4. The comments of the Engineering and Fire Divisions must be satisfied prior to approval of a Detailed Development Plan.

5. Lot Requirements: the minimum lot area is 12,000 square feet; minimum lot depth is 142 feet; minimum frontage at the setback is 85 feet; minimum setbacks include 25' front, 40' rear, minimum of 10' side yard.

6. 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.

7. The plat covenants shall be approved in advance by the City Law Director and shall include at least the following provisions:

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 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.

In 2006, a request was made for a Major Change to the Development Plan to increase the lot density from 72 lots to 88 and decrease the lot area from 12,000 square feet to 10,220 square feet. The lot area request was to be reduced from 85' X 142' (12,000 s.f.) to 60' X 142' (8,500 s.f.) to accommodate life style homes. Planning Commission votes 5-0 to recommend denial of said change. The applicant then withdrew their request prior to a vote by City Council.

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, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;

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

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

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

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

1171.07 - Review and recommendations by planning commission.

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

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

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

1171.08 - Action by council.

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

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

1171.11 - Changes in the basic and detailed development plans.

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

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

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

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

Recommendation:

Staff recommends approval of the request for a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District in accordance with the conditions contained in the proposed Decision Record for Planning Commission's consideration.

Planning Commission Decision Record - Revised

WHEREAS, on October 21, 2020, the applicant, Christopher Koehler & Jing Wang, requested approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a Planned Residential District for 14.18 acres located as parcel P70 03908 0146 of the Montgomery County, Ohio records (ZC 20-31); and

WHEREAS, on November 10, 2020 and December 15, 2020, 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.

Ms. Thomas moved to recommend approval of the request by the applicant, Christopher Koehler & Jing Wang, for a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a Planned Residential District for 14.18 acres located as parcel P70 03908 0146 of the Montgomery County, Ohio records (ZC 20-31) in accordance with the recommendation of Staff's Memorandum dated November 4, 2020 and amended on December 9, 2020 with the following conditions:

1. The Basic Development Plan shall be the plans and descriptions stamped received by the City of Huber Heights Planning Department on October 21, 2020 unless specifically modified below.

2. 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, as per the landscape design plan. Said mound may be modified for drainage purposes as approved by the City Engineer.

3. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house.

4. All single-story houses at the corner lots and the entrances to Bellefontaine and Fishburg Roads shall have fifty percent (50%) masonry on the exterior, excepting trim, soffits, gables, etc.

5. The comments of the Engineering and Fire Divisions must be satisfied prior to approval of a Detailed Development Plan.

6. Lot Requirements: For lots abutting existing platted lots to the north and west, the minimum lot depth is 132 feet; minimum frontage at the setback is 60 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard. For all other lots, the minimum lot depth is 107 feet; minimum frontage at the setback is 55 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard.

7. The houses shall meet or exceed the following provisions:

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.

8. Fishburg Road and Bellefontaine Road shall have improvements to an eighteen foot from centerline half section with sidewalks.

9. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

10. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property.

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

_____ _____

Terry Walton, Chair Date
Planning Commission

Planning Commission
December 15, 2020 Meeting
City of Huber Heights

I. Chair Terry Walton called the meeting to order at approximately 6:20 p.m.

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

Member absent: None

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

III. Opening Remarks by the Chairman and Commissioners

Mr. Walton thanked Mr. Jeffries for filling in for him at the last meeting and then introduced the Commissioners.

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

1. **MAJOR CHANGE - The applicant, KOEHLER & WANG, is requesting approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights, property located at the Corner of Fishburg and Bellefontaine Roads (ZC 20-31).**

Mr. Falkowski stated that the applicant requests approval of a Major Change to the Basic Development Plan for The Oaks of Huber Heights in a PR Planned Residential District.

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 forty-six (46) single family residential lots, with two (2) open space lots on 14.2 acres. Street access will come off Bellefontaine Road and Fishburg Road. Streets will be ~~public~~private and have a typically residential cross section with sidewalks on one side of the street. 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. The proposed lots in general have 55 to 60-foot frontages. The depths range from 107 feet to 136 feet. The lots that abut existing homes have a minimum of 132 feet depths and 60 feet widths. The setbacks are proposed to be 20-foot minimum front yards and rear yards ranging from 15 to 25 feet minimums. A landscaped mound is proposed at the north property line approximately 25 feet in width, which would provide a height of about 3 ½ feet maximum and also along the Bellefontaine and Fishburg Road frontages. An open space lot is proposed in the center of the development for use by the residents. Building elevations are provide in the packet with varying materials including vinyl siding, synthetic cedar shakes, and stone veneer. The proposal is to have all houses have 50% masonry on the front face of the buildings except for the lots at the Fishburg Road entrance (#29 and 30) to have 100% masonry on the front face of the buildings. Roofing materials will be dimensional shingles. The proposal calls for a sidewalk to be extended from the west property line to the corner or Fishburg Road and Bellefontaine Road. Staff recommends that both Fishburg and Bellefontaine be improved with sidewalks and curbs to meet the section of eighteen feet from center line to back of curb.

Mr. Falkowski wanted to include all issues brought up by neighbors in The Oaks.

1. Would not maintain the size, character, and density of homes currently in The Oaks, 46 proposed homes
2. Value of our homes, no decrease in value
3. Lot sizes and number of homes, already covered
4. Homeowners' Association in place in The Oaks, separate ownership, owner in charge of mowing and property maintenance
5. The retention area not always able to handle runoff, section 2 or 3 had a small swale put in, this development all flows into that. This will improve drainage
6. Water drainage from the field is a problem, already covered
7. Who will maintain the buffer between The Oaks and new development, owner
8. Financing/funding, no discussion on this
9. Promised million-dollar homes behind The Oaks, we can't promise this
10. Standards of full-frontal wrap, no two houses the same side by side, sheds match the homes, discussed
11. Water Main and Sewer main, discussed
12. Sidewalks extend to intersection of Bellefontaine and Fishburg, improvements on Bellefontaine and Fishburg include sidewalks and curbs, owner Fishburg only
13. Will these homes have central air-conditioning, not a zoning issue
14. Will they be built on site or are they manufactured homes, built on site
15. Sidewalks in front of homes, discussed
16. Children and pets with a fence free neighborhood, no requirements, pets leashed
17. No above ground pools
18. 6 feet fence made of metal and privacy slats as well as berm
19. Minimum setbacks
20. 3-acre green space, 1.75 open space
21. Access easements, yes
22. Traffic flow/street parking, parking in driveways
23. Rental properties, yes
24. How will we get to Cottonwood park after this area is closed off, Section 9 is private property with no public access

25. Tremendous turnover and higher crime rates, The Oaks resident's safety
26. Who is the builder, not a requirement for approval
27. Name of the development, Orangerie Courtyard
28. Viewed as part of The Oaks, no direct connection
29. Lawn responsibility, owner
30. Playground, no
31. North of The Oaks, any plans to develop that area, not part of this
32. No road should come out on Fishburg, need more than 1 access point
33. Will clash with other three corners of the intersection, residents
34. Transition between other areas in the city
35. Proper comprehensive planning, 2011 single family
36. Lower tax base for the City
37. Zoned for a church, church sold the property
38. Flood control, discussed
39. Noise, city ordinance
40. Diversity of typical Huber Heights neighborhood

Mr. Jeffries asked about lawn maintenance being owner responsibility, not renter or tenant. Mr. Falkowski said correct.
Discussion on setbacks, with no sidewalks will roads be wider. Mr. Falkowski said 27 ft back to back, buffered at back, proposed to be 2-3 ft plus vegetation like The Oaks, matches.
Ms. Vargo asked about lot size, last meeting discussion of no lot sizes. Mr. Falkowski said potential of removing lot lines. Owners and Mr. Falkowski believe lot lines are a better way to go. Ms. Vargo asked so they can sell later. Mr. Falkowski said yes, they could. Plan is to own them all.
Mr. Jeffries asked underground utilities. Mr. Falkowski said city ordinance all underground. Mr. Falkowski pointed out that the Decision Record stated widen intersection and sidewalk on Fishburg only, staff recommends both.

Chris Koehler and Jing Wang said the side setbacks are actually bigger than 5 ft, should match the boarder, a few 58 wide.
Sidewalk, other new developments on Bellefontaine no sidewalks.
Ms. Vargo said Artisan Walk has sidewalks. Mr. Falkowski said actually bike path and sidewalk on Chambersburg. Mr. Jeffries said part o Oaks has part does not. Any plans on finishing? Mr. Falkowski said no plans for completing sidewalks.
Mr. Jeffries asked about the front elevations, a plan to be different. Chris said yes, a couple different options to vary them.
Mr. Jeffries 25% of front or entire building. Mr. Falkowski said 25% of house itself. Mr. Jeffries asked if the elevations would be in the Detailed plan and Mr. Falkowski said yes.
Ms. Opp asked about timeframe. Mr. Falkowski said they can provide a schedule. Mr. Opp asked projections only? Mr. Falkowski said can't restrict the timeframe.
Mr. Jeffries asked about roads and infrastructure, Mr. Falkowski said part of the Detailed Development Plan.

Chris said 5 homes in a section, 3 years to complete. Ms. Vargo asked if they can do more than 5 Chris responded 5 seems like a good number. Again, 3 years for whole development. Jing stated they will stagger building of foundation, framing, roofing, etc.
Ms. Vargo asked if they have a commitment from Amish group and Mr. Falkowski said not part of the decision.

Ms. McNeely, representative of The Oaks HOA. Has concerns, property owner's full responsibility of homes and yards. Property Management in place.
Chris replied they will provide property management for all of it.
Jing said even furnace filters.
Ms. McNeely asked about another retention area, Mr. Falkowski said yes new retention area to handle run off.
Ms. McNeely asked about berm and fence to totally separate, access from their streets to The Oaks. Mr. Falkowski said no connection or access easement. The mounding is proposed to be the same as The Oaks. If fencing is installed at property line, 100% for applicants to maintain.
Mr. Falkowski said if the roads are private, they are responsible for snow removal, leaf pickup and street failure.
Ms. McNeely said a certain consistent value and Mr. Falkowski said building material and size are same, some are larger. There is no guarantee on price value.
Ms. McNeely asked if materials same standards and Mr. Falkowski said they are proposing additional product.
Ms. McNeely said close together and Mr. Falkowski said meet same side yard as The Oaks on exterior.

Action

Ms. Thomas moved to approve the request by the applicant, Koehler & Wang for a Major Change to the Basic Development Plan for The Oaks of Huber Heights, property located at the Corner of Fishburg and Bellefontaine Roads Parcel P70 03908 0146 of the Montgomery County Ohio Records (ZC 20-31) in accordance with the recommendation of Staff's memorandum dated November 4, 2020, and the Revised Decision Record attached thereto.

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

Next this is a Recommendation to City Council. In January this will go to a Work Session and then a public hearing at the actual City Council meeting. All the residents that were initially notified will be new notifications. City Council will make the final decision.

Ms. Vargo asked what was decided on sidewalks. Mr. Falkowski said you voted on improvements for both Bellefontaine and Fishburg.

VII. New Business

1. MINOR CHANGE - The applicant, DFG HUBER HEIGHTS, LLC, is requesting approval of a Minor Change for Site Modification at property located at 7777 Old Troy Pike (ZC 20-35).

Mr. Falkowski stated the applicant proposes to modify the existing right in entrance off Old Troy Pike to a right in/right out curb cut. Traffic that typically travels from this area to the south on Old Troy Pike would normally utilize the shopping center access drives or the signal at Waynetowne Boulevard. The existing ground sign would be relocated to the north with this revision. The other part of the application is to modify the drive lanes and parking to allow for a pickup window on the northside of the building and curb side pickup spaces for a restaurant use. And outdoor seating area is also proposed at the northeast corner of the building. Signage is being added throughout this area to direct customers to the proper pickup and parking areas. Staff recommends a stop sign be added to the exist of the pick-up window drive for safety of the cross-traffic movements.
Staff recommends approval of the Minor Change in accordance with the conditions contained in the proposed Decision Record for Planning Commission's consideration.
Ms. Opp asked if they were voting separately on these and Mr. Falkowski stated this is one application.
Discussion on the traffic pattern, not a standard drive.
Mr. Jeffries said with the right turn out onto Old Troy Pike, sharpest angle as possible. Questioned the traffic coming in from Kroger.
Mr. Falkowski stated as big a porkchop as possible. Coming from west side of building acceptable, turn in with arrow painted on the ground showing out. You don't want to much signage.
Mr. Jeffries said traffic will pick up. Can we say we won't consider another fast casual? Mr. Falkowski said it is half the size of the old Friday's parking and size of building.

Tom Gunlock from 5 Guys, Mr. Jeffries asked how soon moving forward. Mr. Gunlock said doing drawings now, should be done by 1/8/21, building permit and signage. Start by end of January. Open by first of April.

Action

Ms. Vargo moved to approve the request by the applicant, DFG Huber Heights, LLC, requesting approval of a Minor Change for site Modification at property located at 7777 Old Troy Pike (ZC 30-35) in accordance with the recommendation of Staff's Memorandum dated December 9, 2020, and the Planning Commission Decision Record attached thereto.

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

Next for the applicant, Zoning Certificate and building permits.

2. FINAL PLAT – The applicant, DEC LAND CO I, LLC, is requesting approval of a Final Plat for Carriage Trails, Section 6 Phase V (ZC 20-33).

Mr. Falkowski stated in April 2020, the Planning Commission approved the Detailed Development Plan for Section 6, Phase V. The current request is for the Final Plat of Section 6, Phase V in order for the lots to be sold and developed for single-family houses. The construction of the infrastructure and streets is ongoing. The request is for a portion of the lots that were approved in Section 6, Phase V to be platted at this time. Ten (10) proposed single-family lots meet the minimum dimensional and area requirements of the 2008 Basic Development Plan conditions of approval. All required streets and easements, including utility, waterline and drainage easements, will also be platted with this application. The final plat as presented complies with the previously approved Detailed Development Plan.
This is the fifth phase of Section 6 which continues the growth to the south of Carriage Trails Parkway. This is an extension of a street to the east of White Ash Drive. The lots have seventy (70) foot minimum widths along the south side of Honeylocust Street to comply with the Basic Development Plan approval and sixty (60) foot minimum widths on the north side of Honeylocust Street, one hundred thirty (130) foot minimum depths with a twenty-five (25) foot minimum building setback. The lots are considered small single-family homes per the Basic Development Plan and fit within the ”Bubble Plan” that was approved at the rezoning.
Engineering has worked with the applicant and is satisfied with the Record Plan.
After review of the applicant’s proposal, staff recommends approval of the Final Plat for Section 6, Phase V in accordance with the conditions contained in the proposed Decision Record for Planning Commission’s consideration.

Ken Conaway stated on track for 110 sales, better than last year. They were scrambling to catch up, already paved.

Action

Ms. Opp moved to approve the request by the applicant, DEC Land Co I, LLC, requesting approval of a Final Plat for Carriage Trails, Section 6 Phase V (ZC 20-33) in accordance with the recommendation of Staff’s Memorandum dated December 9, 2020, and the Planning Commission Decision Record attached thereto.

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

Next for the applicant, signatures and to record.

3. **LOT SPLIT - The applicant, JIM HEIMBACH, is requesting approval of a Lot Split of 20.578 total acres at property located at 8240 Taylorsville Road (ZC 20-34).**

Mr. Falkowski stated the applicant requests a lot split of a 20.5800-acre parcel to split off a 6.5002-acre tract and a 14.0798-acre tract. The intent is that the two new parcels would then be transferred to the neighboring properties on Taylorsville Road and Bellefontaine Road. The property's zoning is A, Agricultural. The new lots have frontages of 345.53, 345.53 and 641.69 feet. The minimum lot frontage in an agricultural zoning district is 200 feet. No right of After review of the applicant's proposal, staff recommends approval of the lot split in accordance with the conditions contained in the proposed Decision Record for Planning Commission's consideration.

Jim Heimbach stated that he is the power of attorney for his mother. They are looking to create two lots, owners on each side want to purchase the acreage.

Action

Mr. Jeffries moved to approve the request by the applicant, Jim Heimbach, requesting approval of a Lot Split of 20.58 acres, Parcel P70 03905 0025 and P70 03905 0023 on the Montgomery County Ohio Records (ZC 20-34) in accordance with the recommendation of Staff's Memorandum dated December 9, 2020, and the Planning Commission Decision Record attached thereto.

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

Next is to record with the County.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the November 10, 2020, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Falkowski stated that this is the end of the year, so we do not have the second December meeting.

XI. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:00 p.m.

_____ _____

Terry Walton, Chair **Date**

_____ _____

Geri Hoskins, Administrative Secretary **Date**

From: Falkowski, Scott
To: Rodgers, Anthony; Hoskins, Geralyn
Subject: FW: Koehler & Wang
Date: Tuesday, January 5, 2021 1:48:14 PM

I am forwarding emails regarding the Major Change item that came after the packet went out to City Council.

Thanks,

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org
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-----Original Message-----
From: amreid@winsupplyinc.com <amreid@winsupplyinc.com>
Sent: Sunday, January 3, 2021 3:46 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Koehler & Wang

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Good afternoon,

It has been brought to our attention that there is consideration of building single family residential development on the corner of Fishburg and Bellefontaine Road. When my husband and I built a home in this development several years ago, of course that was not in the plan or we would have found another place to build.

We moved here to provide a safe environment in which to raise our children and close to St. Peter Parish. We feel this would devalue our property and change the nature of that family feeling in our neighborhood and safety.

In addition to this, we live right on that corner by the retention pond.
We have severe drainage issues and have had our basement flood on at least three occasions. Having this additional housing to add to the run off would not fair well for any of us living here on this corner of the development.

Thank you for your consideration.

Warm Regards,

Amy Reid
Manager, Shared Purchasing Solutions | Winsupply Inc.

3131 S Dixie Blvd., Dayton, OH 45439
O: 937.531.7266 | M: 937.554.4195
amreid@winsupplyinc.com

(Embedded image moved to file: pic11783.gif)
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****

From: Falkowski, Scott
To: Rodgers, Anthony; Hoskins, Geralyn
Subject: FW: City Council Review of Application 20-31/Koehler & Wang/Citizen Statement
Date: Tuesday, January 5, 2021 1:48:57 PM

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org
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From: Brad Smith <BTGeek@aol.com>
Sent: Monday, January 4, 2021 2:25 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>; Lyons, Ed <ELyons@hhoh.org>
Cc: debbie mcneely <debbiemcneely@yahoo.com>
Subject: City Council Review of Application 20-31/Koehler & Wang/Citizen Statement

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Our primary question to the City Council is this:

Why is this parcel being considered for development into 46 single family lots which will exceed the maximum allowed by City Ordinance 2003-0-1405? The Ordinance specifies in Section 1, Item 12 a maximum of 223 lots for our PUD. There are currently 176 built, 26 approved, which leaves 21 available for development. There is also a question on the PUD greenspace allocated to this parcel.

Of the 46 lots, NOT ONE complies with the *minimum* lot standards of City Ordinance 2003-0-1405: 12,000 sf lot, depth of 142', setback at frontage of 85', setbacks of 25' front and 40' rear, sideyard of 10' (with sum of least width of 20').

The Staff Report for this application cites City Code 1172 as being used to analyze Planned Residential Districts. Code 1172.03 A states that "lots for detached single family dwellings shall meet the standards set forth in Section 1147.04" Applying the minimum standards of Section 1147.04 to the 46 lots as proposed:
- 16 are non compliant for overall lot size (minimum 7500 square feet)
- 12 are non compliant for frontage (minimum 60 feet)
- All are non compliant for front yard (minimum 25 feet)
- As the buildings are not drawn on the lots, it could not be determined if side yards were compliant; however as the buildings are 40 feet wide and many lots are under 60 feet, it would be hard to believe that

they could maintain the 20’ sum of least width required by the City Code.
- 37 are non-complaint for overall depth (front yard +house+rear yard)

Looking at the original Master Plan, it appears that the developers are trying to use the same road layout (which had approximately 31 houses) but cram in more houses. It appears that they are trying to accomplish this by designing a house longer than wide so they can place more along a single street. As a result, the front and rear yards are not in compliance with City Code. We appeal to the Council that the developer be required to come up with a different layout that will allow for a minimum 40’ rear yard, 25' front yard and sideyard minimum of 10’ with 20' sum of least width to maintain the aesthetics and desired look of this Planned Development. We also request that they be required to follow all City Codes and Ordinances. There has been no reason given for any exception to any Ordinance or City Code. There have not been any problems with any of the sections being developed that would indicate any need to change the standards. The City of Huber Heights has worked very hard in its City Planning activities to maintain thoughtful standards that create highly desirable neighborhoods. It would be a shame to regress considering all the forward momentum in recent years.

Thank you for your consideration in this matter.

Cynthia and Bradley Smith

From: Falkowski, Scott
To: Rodgers, Anthony; Hoskins, Geralyn
Subject: FW: Major Change in Development Plan Filed by Koehler and Wang
Date: Tuesday, January 5, 2021 1:49:15 PM

Scott P. Falkowski, P.E.
Assistant City Manager
City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Office: 937.233.1423
Fax: 937.237.5800
Email: sfalkowski@hhoh.org
If you have received this email in error please notify the sender or call 937.233.1423. Please note that any views or opinions presented in this email do not necessarily represent those of the City of Huber Heights. Ohio has a very broad public records law. As a result, most written communication created or received by City of Huber Heights employees, elected officials, agents and volunteers are subject to disclosure to the public and news media upon request, unless otherwise exempt. Under Ohio law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send email to this office or request that email be sent to you at a private email address. Instead, contact our office by phone at 937.233.1423.

From: Bailey Reid <reidb3@udayton.edu>
Sent: Tuesday, January 5, 2021 1:34 PM
To: Falkowski, Scott <SFalkowski@hhoh.org>
Subject: Major Change in Development Plan Filed by Koehler and Wang

CAUTION EXTERNAL EMAIL: This message originated from a non Huber Heights email server. DO NOT CLICK ANY LINKS or OPEN ANY ATTACHMENTS unless you have contacted the sender to verify its legitimacy or confirmed you were expecting it. Contact the IT Department if you need assistance.

Hello, my name is Bailey Reid and I am currently a resident of "The Oaks" neighborhood and have lived here since 2004. This change filed by Koehler and Wang is troubling as well as the city's actions pertaining to it. I find the city's actions rather disingenuous in handling this matter. No where in any of our communications from the city does it clarify that these "Single Family Residential Development" properties are in fact rental properties and will not house permanent residents. I can guarantee you that if a majority of the people in this neighborhood knew that was the true reason that these houses are beginning construction, they'd take exception to it as well. The city's sneaky actions in trying to push this change through shouldn't be acceptable. Residents were not given a full picture of what such a change would entail nor given proper access to the channels to express our views until it's been too late. Such a change will severely impact the value and worth of our houses/neighborhood, cause a greater impact on neighborhood facilities, (we've had bad septic tanks and poor water flow for years), create unfavorable conditions for the residents who currently reside there with added construction, as well as increase crime. I implore the city to do what's right and hear the residents of my neighborhood out. It's the least the city could do after running around us once already. Thank you for your time and I look forward to hearing from you.

--

Bailey Reid
Mechanical Engineering Student
University of Dayton - 2022
reidb3@udayton.edu \ *(937)-546-2259*

Major Change
The Oaks of Huber Heights
“Orangerie **Courtyard**”


KITTYHAWK COMMONS BLVD
BRANDT PIKE
BRANDT PIKE
RED OAK CT
OAK RIDGE DR
PIN OAK CT
OAK RIDGE DR
OAK RIDGE DR
BELLEFONTAINE RD
LAUREL LN
SILVER OAK WAY
SILVER OAK WAY
BLACK OAK PL
WHITE OAK WAY
WHITE OAK WAY
BELLEFONTAINE RD
BURR OAK DR
WHITE OAK WAY
FISHBURG RD
FISHBURG RD
FISHBURG RD
FISHBURG RD
FISHBURG RD
SHADY OAK ST
BETH RD
BOTKINS RD
BEECHAM DR
BENEDICT RD
BELLEFONTAINE RD


CHAMBERSBURG RD.
POND
POTENTIAL ESTATE LOTS
RED OAK COURT
OAK CREEK TRAIL
OAK RIDGE DR.
SILVER OAK WAY
BLACK OAK PLACE
WHITE OAK WAY
RETENTION BASIN
RECREATION AREA 3.0 ac
POND
PARKING
CHURCH 14.1843 AC
DETENTION AREA
SHADY OAK STREET
FISHBURG RD.
EX CHURCH
BELLFONTAINE RD.
MASTER PLAN
FOR
THE OAKS OF HUBER HEIGHTS
HUBER HEIGHTS, OHIO 2005
0 50 100 200 300
SCALE: 1" = 100'
APPROVED
REVISED 4/11/05
431 D R APR 05
J. Hallett


CHAMBERSBURG RD.
SHADY OAK STREET
BELLEFONTAINE ROAD 82' R/W
FISHBURG ROAD 70' R/W
50 0 50 100 150
SCALE: 1" = 100'
MASTER PLAN
FOR
THE OAKS
OF
HUBER HEIGHTS
HUBER HEIGHTS, OHIO
SUMMER 2003



Community Civil Engineers, LLC

SITE PLAN

KOEHLER

HUBER HEIGHTS

SP1


6390 Bellefontaine Rd
Huber Heights, Ohio
Google
Street View
Bellefontaine Rd
White Oak Way
Maranatha Bible Churc
Google
Image capture: Jul 2019
© 2020 Google
United States
Terms
Report a problem

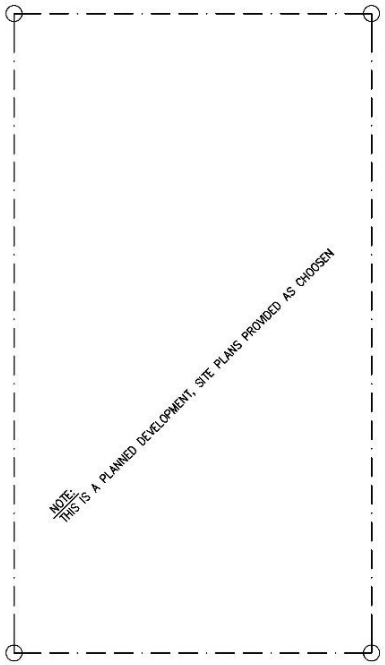
NEW HOUSE DESIGN

for: MR. & MRS KOEHLER

TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

SHEET INDEX

A-1 — SITE PLAN, FLOOR PLAN & CONSTRUCTION NOTES
A-2 — EXTERIOR ELEVATIONS
A-3 — FOUNDATION & ROOF FRAMING PLANS
A-4 — WALL SECTIONS & DETAILS



SITE PLAN
1/8"=1'-0"

CONSTRUCTION NOTES:

1. DESIGN LOADING
   ROOF – 25 P.S.F. LIVE
   20 P.S.F. DEAD
   FLOOR – 40 P.S.F. LIVE
   10 P.S.F. DEAD
2. MINIMUM SOIL PRESSURE MUST BE AT LEAST 1,500 P.S.F. A SOILS ENGINEER MUST BE ON SITE FOR CONDITIONS THAT MAY BE QUESTIONABLE.
3. PROVIDE LEAN CONCRETE FILL AT BAD SOIL CONDITIONS OR COMPACTED SOIL TO 95% STANDARD PROCTER
4. CONCRETE STRENGTHS AS FOLLOWS:
   3,000 P.S.I. FOR FOOTINGS AND SHORT STEM WALLS
   4,000 P.S.I. FOR ALL SLABS (INTERIOR AND EXTERIOR)
5. ALL FRAMING INFORMATION SHOWN ON THE ROOF AND FLOOR FRAMING PLANS
6. BRICK OR STONE ANGLES TO BE SUPPLIED AND SIZED BY THE SUPPLIER
7. 44" MAXIMUM WINDOW SILL HGT. FOR EGRESS WINDOWS
8. TEMPERED GLASS REQUIRED IN BATH AREAS AND WINDOW SILLS WITHIN 18" OF THE FLOOR LINE
9. HARD WIRED SMOKE & CARBON MONOXIDE DETECTORS REQUIRED WITH BATTERY BACKUP
10. MINIMUM 8" FROM FINISHED FLOOR TO FINAL GRADE
11. SILL PLATES TO HAVE ANCHOR BOLTS WITHIN 12" OF END BOARD CUT
12. BRICK WALL TIES AT 24"o.c. VERT. AND HORIZ.
13. MINIMUM 3/4" FINGER JOINT AIR SPACE BEHIND BRICK WORK
14. PROVIDE STANDARD BRICK FLASHING AND WEEP HOLES AT 32"o.c.
15. PROVIDE ICE PROTECTION 24" AT INSIDE OF WALL FRAMING
16. PROVIDE TYPICAL WALL VAPOR WRAP BARRIER
17. SUBMIT SEALED COMPUTATIONS WITH ALL ENGINEERED WOOD PRODUCTS, MAINTAIN AT JOBSITE
18. PROVIDE FIREBLOCKING BETWEEN FLOORS, BLOCK ALL AIR PATHS
19. PROVIDE SOFFIT AND RIDGE VENTS WITH A MINIMUM 2" AIR SPACE ABOVE ROOF INSULATION
20. METAL DRYER VENT MUST HAVE FLAP TYPE DAMPER
21. APPLIANCE MANUFACTURERS SPECIFICATIONS ON JOB SITE DURING CONSTRUCTION
22. PROVIDE COMBUSTION AIR AND PROPER EXHAUST FOR HOUSE FURNACE PER MFR. SPECIFICATIONS.
23. AT ALL GARAGE SEPERATION WALL PROVIDE TYPE "X" 5/8" DRYWALL
24. ALL BATH FANS TO EXHAUST TO OUTSIDE
25. PROVIDE 22"x30" ACCESSIBLE ATTIC ACCESS
26. FLUSH MOUNT OR COVERED LIGHT FIXTURES AT CLOSET LOCATIONS

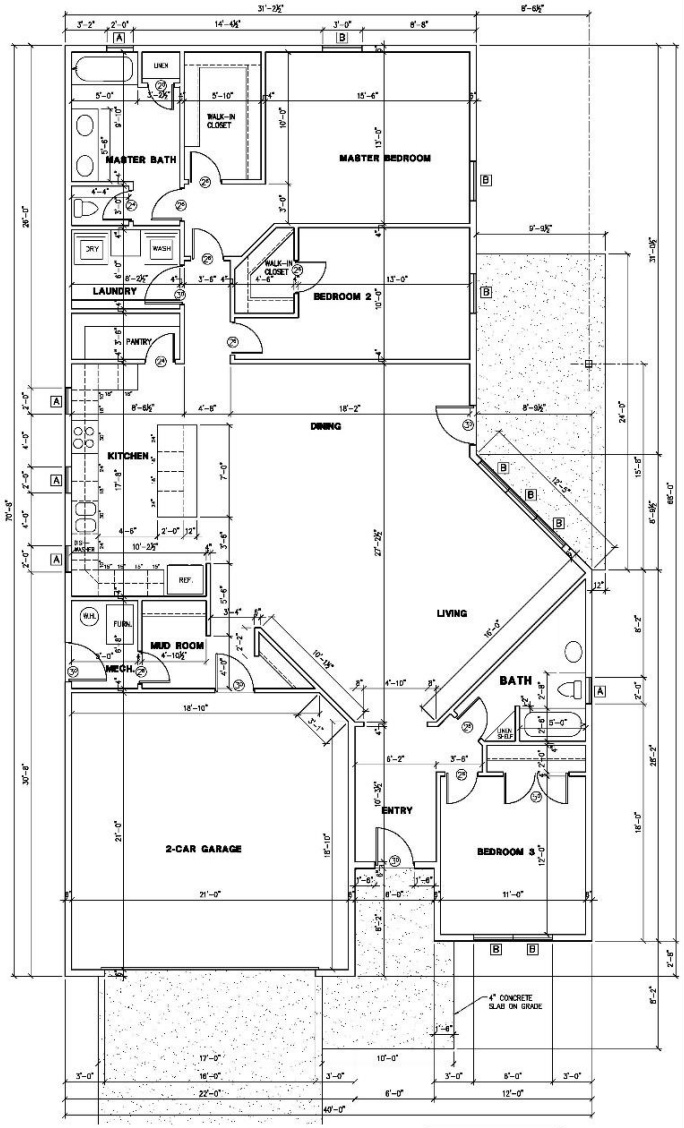
NOTE:
CODES MUST FOLLOW R.C.O. REQUIREMENTS AND ALL LOCAL CODES AS THEY PERTAIN TO THIS PROJECT.

WINDOW SCHEDULE

MARK	TYPE	QTY.	WIDTH	HEIGHT
A	DOUBLE HUNG	8	2'-0"	1'-0"
B	DOUBLE HUNG	8	3'-0"	5'-6"

NOTE:
WINDOW SIZES ARE BASED UPON THE ROUGH OPENING DIMENSION. CONTRACTOR TO CHOSE THE WINDOW THAT BEST FITS THIS SIZE AND THE WINDOW COMPANY PER THE OWNERS CHOICE. EGRESS LAWS MUST BE FOLLOWED AS THEY APPLY TO THE LOCAL CODES FOR NET WINDOW CLEAR OPENING WITH WINDOW OPENED.

(29) — INDICATES NEW DOOR LOCATIONS ALL DOORS 6'-8" HIGH WITH DOOR WIDTH INDICATED AT EACH LOCATION



FLOOR PLAN
1/4"=1'-0"

1,970 SQ. FT. – LIVING AREA
450 SQ. FT. – GARAGE

DESIGN OPTION 'A'

contractors:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
PRICE RESIDENT LIGHT COMMERCIAL
(937) 902-4337
steveelleuryohio@gmail.com

date:
10-04-2020

sheet number:
A-1

Outdoor Functional Layout

Sideyard as Primary Outdoor Space





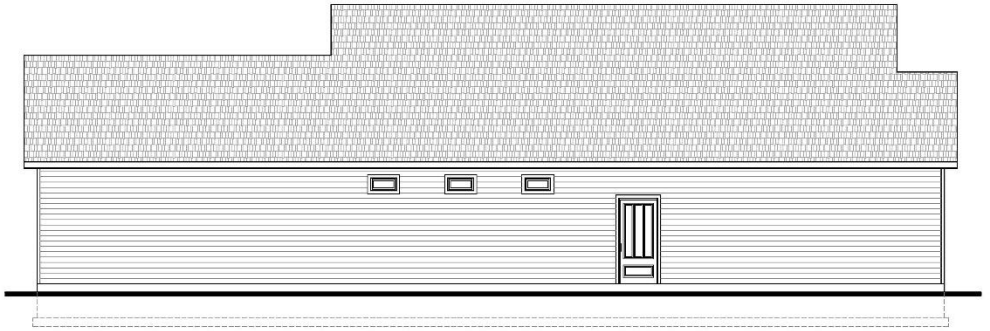
FRONT ELEVATION
¼"=1'-0"



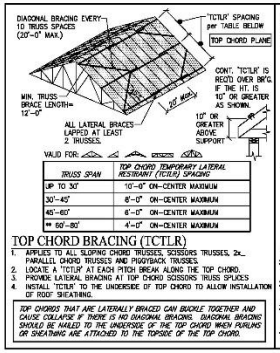
RIGHT ELEVATION
¼"=1'-0"



BACK ELEVATION
¼"=1'-0"



LEFT ELEVATION
¼"=1'-0"

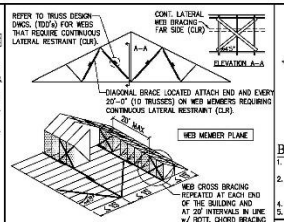


TRUSS SPAN	TOP CHORD TEMPORARY LATERAL RESTRAINT (TCTLR) SPACING
UP TO 30'	10'-0" ON-CENTER MAXIMUM
30'-45'	8'-0" ON-CENTER MAXIMUM
45'-60'	6'-0" ON-CENTER MAXIMUM
** 60'-80'	4'-0" ON-CENTER MAXIMUM

TOP CHORD BRACING (TCTLR)

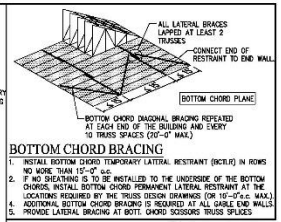
1. APPLIES TO ALL SLOPING CHORD TRUSSES, SCISSORS TRUSSES, 2x_ PARALLEL CHORD TRUSSES AND PIGGYBACK TRUSSES.
2. LOCATE A "TCTLR" AT EACH PITCH BREAK ALONG THE TOP CHORD.
3. PROVIDE LATERAL BRACING AT TOP CHORD SCISSORS TRUSS SPLICES
4. INSTALL "TCTLR" TO THE UNDERSIDE OF TOP CHORD TO ALLOW INSTALLATION OF ROOF SHEATHING.

TOP CHORDS THAT ARE LATERALLY BRACED CAN BUCKLE TOGETHER AND CAUSE COLLAPSE IF THERE IS NO DIAGONAL BRACING. DIAGONAL BRACING SHOULD BE NAILED TO THE UNDERSIDE OF THE TOP CHORD WHEN PURLINS OR SHEATHING ARE ATTACHED TO THE TOPSIDE OF THE TOP CHORD.



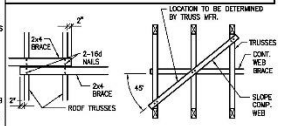
WEB MEMBER BRACING

1. INSTALL DIAGONAL BRACING ON WEB MEMBERS (VERTICAL WEBS WHENEVER POSSIBLE), AT OR NEAR BOTTOM CHORD LATERAL RESTRAINT (SEE BELOW).
2. WEB MEMBERS THAT REQUIRE MORE THAN ONE ROW OF "CLR" SHALL HAVE THE CLRs AND DIAGONAL BRACING INSTALLED AS THE TRUSSES ARE INSTALLED.
3. MONO TRUSSES, DEEP FLAT TRUSSES AND OTHER TYPES OF TRUSSES WITH DEEP ENDS ALSO REQUIRE CLR's AND DIAGONAL BRACING ON THE LONG WEB MEMBERS AT THE DEEP END OF THE TRUSS.
4. REFER TO BCSI-B2 AND BCSI-B3 FOR ADDITIONAL INFORMATION PERTAINING TO WEB MEMBER RESTRAINT AND BRACING.



BOTTOM CHORD BRACING

1. INSTALL BOTTOM CHORD TEMPORARY LATERAL RESTRAINT (BCTLR) IN ROWS NO MORE THAN 15'-0" o.c.
2. IF NO SHEATHING IS TO BE INSTALLED TO THE UNDERSIDE OF THE BOTTOM CHORDS, INSTALL BOTTOM CHORD PERMANENT LATERAL RESTRAINT AT THE LOCATIONS REQUIRED BY THE TRUSS DESIGN DRAWINGS (OR 10'-0" o.c. MAX.)
4. ADDITIONAL BOTTOM CHORD BRACING IS REQUIRED AT ALL GABLE END WALLS.
5. PROVIDE LATERAL BRACING AT BOTT. CHORD SCISSORS TRUSS SPLICES



LAP DETAILS AT 2X4 ROOF BRACES
N.T.S.



FRONT ELEVATION
¼"=1'-0"
(STONE FRONT ELEVATION ON DESIGN OPTION 'A')

DESIGN OPTION 'A'

contractor:
CHRIS KOEHLER

client and project address:
CHRIS KOEHLER
TO BE DETERMINED
HUBER HEIGHTS, OHIO 45424

project title:
NEW HOUSE DESIGN

DESIGN DRAFTING SERVICE
NEW DESIGN
OFFICE LAYOUT
MAY COMMERCIAL
(937) 902-4337
stevelleuryohio@gmail.com

date:
10-04-2020

sheet number:
A-2

Surface Area	
Whole House	**Area**
Total Area	2410
Without Doors and Windows	2100
Without Doors, Windows, and Gable Ends	1729
Front of House	
Total Area	700
Without Doors and Windows	547
Without Doors, Windows, and Gable Ends	316

Design 1	
Sqft Masonry	330
Masonry %:	
	14%
	16%
	19%
	47%
	60%
	104%

Design 2	
Sqft Masonry	330
Masonry %:	
	14%
	16%
	19%
	47%
	60%
	104%

Design 3	
Sqft Masonry	275
Masonry %:	
	11%
	13%
	16%
	39%
	50%
	87%

Design 1



FRONT ELEVATION

Design 2



FRONT ELEVATION

Design 3



FRONT ELEVATION

Target Style:








White Oak Way

Neighbor Concerns/Questions

- Would not maintain the size, character, and density of homes currently in The Oaks

The proposed homes are larger than the minimum house size in the Oaks. Proposed Decision Record will hold same building material standard as existing Oaks Development. Proposed section more dense than existing Oaks Subdivision.

- Value of our homes

Limited research shows no decrease in home values where new rental properties were built compared to similar areas distant from rental development.

- Lot sizes and number of homes

Lot sizes have smaller widths to take into account a smaller width house, but deeper house.

- Homeowners' Association in place in The Oaks

Proposed homes will be run by single ownership group with set of standards for management.

- The retention area not always able to handle runoff

Proposed development will have own detention area and remove drainage pattern from existing detention basin.

- Water drainage from the field is a problem

Water will now be diverted to proposed detention basin, not rear of existing lots.

- Who will maintain the buffer between The Oaks and new development

The property owner will maintain the buffer.

- Financing/funding

Not a basis for decision in a Zoning Case.

- Promised million-dollar homes behind The Oaks

This is a different area and Zoning cannot promise sale price.

- Standards of full-frontal wrap, no two houses the same side by side, sheds match the homes

Proposed decision record recommends matching masonry requirements of Oaks homes, which does not require full-frontal warp or two houses the same side by side. Owner proposes to prohibit sheds.

- Water Main and Sewer Main

Development will connect to public water and sewer which has capacity for this density of product.

- Sidewalks extend to intersection of Bellefontaine and Fishburg

Proposed Decision Record calls for improvements of Bellefontaine and Fishburg, including sidewalks.

- Will these homes have central air-conditioning

Zoning does not set requirements on types of air conditioning.

- Will they be built on site or are they manufactured homes

This is not a requirement of Zoning, but appears to be stick built.

- Sidewalks in front of homes

Their proposal is to not have sidewalks along the private interior street.

- Children and pets with a fence free neighborhood

The City does not regulate number of children or require fencing for pets. There is a requirement for pets to be leashed outdoors.

- No above ground pools

There is no proposal for a pool.

- 6 feet fence made of metal and privacy slats as well as berm

There could be if Planning Commission requests for it to be put in the Decision Record.

- Minimum setbacks

Request is 20 feet front, 25 feet rear, 7.5 feet side.

- 3-acre green space

They are proposing approximately 1.75 acres of open space.

- Access easements

There will be access easements along the roadways.

- Traffic flow/street parking

Traffic will flow between two entrances, one along Fishburg and one along Bellefontaine. Parking will be provided in driveways of each unit.

- Rental properties

These are proposed to be rental homes with one common ownership group.

- How will we get to Cottonwood park after this area is closed off

Along the public sidewalks. The Oaks Section 9 has recently been approved and construction is underway. There were never any public access easements through this private property.

- Tremendous turnover and higher crime rates, The Oaks resident's safety

I have not seen data to support or contradict this statement.

- Who is the builder

The builder is not a requirement for Zoning cases. The specifications are approved and must be followed no matter who the builder is.

- Name of the development

Orangerie Courtyard

- Viewed as part of The Oaks

There is no direct connection to the Oaks as like the original plan before the church.

- Lawn responsibility

The property owner.

- Playground

There is no proposed playground.

- North of The Oaks, any plans to develop that area

That is not part of this application.

- No road should come out on Fishburg

Road connections are in similar locations to the Church concept and two access points are preferred to split traffic and for emergency access.

- Will clash with other three corners of the intersection

Two of the corners are single family residential and the other is an Assisted Living facility.

- Transition between other areas in the city

Transition areas are considered in Zoning decisions.

- Proper comprehensive planning

2011 Comprehensive Plan calls for this property to be Single Family Residential, which is what is proposed.

- Lower tax base for the City

Not a basis for a decision on a Zoning Case.

- Zoned for a church

The church decided not to move forward with a build.

- Flood control

This development will improve drainage in the area reducing the flow into backyards and reducing flow off the site per City regulations.

- Noise

There is a City Noise Ordinance that all residents must follow.

- Diversity of typical Huber Heights neighborhood

These homes could be built in many Huber Heights neighborhoods today that are currently zoned.

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2021-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC DEVELOPMENT PLAN FOR THE OAKS OF HUBER HEIGHTS IN A PR PLANNED RESIDENTIAL DISTRICT FOR 14.18 ACRES LOCATED AS PARCEL P70 03908 0146 ON THE MONTGOMERY COUNTY AUDITOR'S TAX MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION. (ZONING CASE 20-31).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Zoning Case 20-31 and on December 15, 2020, recommended approval by a vote of 5-0 of the Major Change to the Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Major Change to the Basic Development Plan (Zoning Case 20-31) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The approved Basic Development Plan shall be the plans and descriptions stamped received by the City of Huber Heights Planning Department on October 21, 2020, unless specifically modified below.

2. 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, as per the landscape design plan. Said mound may be modified for drainage purposes as approved by the City Engineer.

3. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house.

4. All single-story houses at the corner lots and the entrances to Bellefontaine and Fishburg Roads shall have fifty percent (50%) masonry on the exterior, excepting trim, soffits, gables, etc.

5. The comments of the Engineering and Fire Divisions must be satisfied prior to approval of a Detailed Development Plan.

6. Lot Requirements: For lots abutting existing platted lots to the north and west, the minimum lot depth is 132 feet; minimum frontage at the setback is 60 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard. For all other lots, the minimum lot depth is 107 feet; minimum frontage at the setback is 55 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard.

7. The houses shall meet or exceed the following provisions:

   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.

8. Fishburg Road and Bellefontaine Road shall have improvements to an eighteen foot from centerline half section with sidewalks.

9. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

10. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the_____ day of_____, 2020;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____ _____
Clerk of Council Mayor

_____ _____
Date Date

CITY OF HUBER HEIGHTS

STATE OF OHIO

ORDINANCE NO. 2021-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC DEVELOPMENT PLAN FOR THE OAKS OF HUBER HEIGHTS IN A PR PLANNED RESIDENTIAL DISTRICT FOR 14.18 ACRES LOCATED AS PARCEL P70 03908 0146 OF THE MONTGOMERY COUNTY AUDITOR'S TAX MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION. (ZONING CASE 20-31)

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Section 1. The application requesting approval of a Major Change to the Basic Development Plan (ZONING CASE 20-31) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The approved Basic Development Plan shall be the plans and descriptions stamped received by the City of Huber Heights Planning Department on October 21, 2020, unless specifically modified below.

2. 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, as per the landscape design plan. Said mound may be modified for drainage purposes as approved by the City Engineer.

3. All houses shall be constructed with a minimum of twenty five percent (25%) masonry on the exterior of the house.

4. All single-story houses at the corner lots and the entrances to Bellefontaine and Fishburg Roads shall have fifty percent (50%) masonry on the exterior, excepting trim, soffits, gables, etc.

5. The comments of the Engineering and Fire Divisions must be satisfied prior to approval of a Detailed Development Plan.

6. Lot Requirements: For lots abutting existing platted lots to the north and west, the minimum lot depth is 132 feet; minimum frontage at the setback is 60 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard. For all other lots, the minimum lot depth is 107 feet; minimum frontage at the setback is 55 feet; minimum setbacks include 20' front, 25' rear, minimum of 5' side yard.

7. The houses shall meet or exceed the following provisions:

   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.

8. Fishburg Road and Bellefontaine Road shall have improvements to an eighteen foot from centerline half section with sidewalks.

9. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

10. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property. Said subdivision plat shall include a conservation easement on landscape buffer areas.

11. Prior to the issuance of a zoning permit, the applicant shall enter into a PUD Agreement with the City to be recorded with the Montgomery County Recorder's Office, for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning Department and upon determination by the department that the landscaping has been completed in accordance with the approved landscaping plan, 80% of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons, or letter of credit equal to 20% of the initial performance bond or letter of credit to ensure maintenance of the landscaping, is submitted to and accepted by the Planning Department. The term of the maintenance bond shall be three growing seasons. Agreement shall also include maintenance requirements along with City remedies for non-compliance.

12. The interior streets shall be public streets with four foot wide sidewalks on one side.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the_____ day of_____, 2020;

_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____ _____

Clerk of Council Mayor

_____	_____
Date	Date

AI-7383 **Topics of Discussion** **G.**

Council Work Session

Meeting Date: 01/19/2021

Request For Proposals - Comprehensive Plan

Submitted By: Scott Falkowski

Department: Planning **Division:** Planning

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Request For Proposals - Comprehensive Plan

Purpose and Background

The City's Comprehensive Development Plan was last updated in 2011. The plan is scheduled to be updated every ten years. The City would like to provide a Request For Proposals from qualified professionals to complete the plan update with a budget of $120,000. The update will include information from the 2020 U.S. Census. The plan update will include scheduled public meetings for input and the involvement of regional partners for collaboration.

Fiscal Impact

Source of Funds: Various Funds

Cost: $120,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2021-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE PROPOSALS FROM QUALIFIED PROFESSIONAL CONSULTANTS FOR THE UPDATE TO THE CITY COMPREHENSIVE DEVELOPMENT PLAN.

WHEREAS, the City of Huber Heights has experienced tremendous growth during the last decade; and

WHEREAS, the previous Comprehensive Development Plan was developed in 2011; and

WHEREAS, it is necessary for the City to undertake the update to the Comprehensive Development Plan to anticipate the future growth and make necessary preparations to address the new growth.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified vendors in accordance with Section 171.03(a)(1) of the Codified Ordinances of Huber Heights for the creation of the update to the City Comprehensive Development Plan.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2021;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

_____ _____
Clerk of Council Mayor

_____ _____
Date Date

AI-7385 **Topics of Discussion** **H.**

Council Work Session

Meeting Date: 01/19/2021

Marian Meadows – Site Improvement/Building Demolition Update

Submitted By:	Scott Falkowski		
Department:	Planning	**Division:**	Planning
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	01/19/2021
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Marian Meadows – Site Improvement/Building Demolition Update

Purpose and Background

Resolution No. 2020-R-6853 authorized the purchase of property along with environmental studies and the demolition of structures within said properties. This agenda item is to give updates on those projects moving forward as quotes and analysis have been received and reviewed by City Staff.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.

AI-7384 **Topics of Discussion** I.

Council Work Session

Meeting Date:	01/19/2021		
Metronet - City Wide Fiber Project			
Submitted By:	Scott Falkowski		
Department:	Planning	**Division:**	Planning
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	01/19/2021
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Metronet - City Wide Fiber Project

Purpose and Background

Metronet is a fiber utility that will be installing a new fiber option throughout the City. A representative will join the meeting to update the City Council and the public on this business and the construction process.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.

AI-7390 **Topics of Discussion** J.

Council Work Session

Meeting Date:	01/19/2021		
Streets Improvements Policy			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	01/19/2021
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

Streets Improvements Policy

Purpose and Background

This agenda item is for discussion regarding the development of a Streets Improvements Policy for the City of Huber Heights. This agenda item was a follow up item from discussion by the City Council at the January 5, 2021 Council Work Session.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

No file(s) attached.

AI-7394 **Topics of Discussion** **K.**

Council Work Session

Meeting Date: 01/19/2021

Personnel Appeals Board Appointment - K. Herstine

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/19/2021

Audio-Visual Needs: None **Emergency Legislation?:** No

Motion/Ordinance/ Resolution No.:

Agenda Item Description or Legislation Title

Board and Commission Appointments

Purpose and Background

The City's interview panel recommends the appointment of Kenneth Herstine to the Personnel Appeals Board for a term ending March 31, 2023. A background check is in process on Mr. Herstine with Human Resources.

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

Application - K. Herstine

Application For City Boards and Commissions

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Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, marital or veteran status, or disability.

PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION COMPLETELY AND ACCURATELY

Board or Commission Applied For:	**Date Applied:**
Personnel Appeals Board	December 3, 2020

Last Name	First Name	Middle Name
Herstine	Kenneth	M.

Address	City	State	Zip Code
4215 Silver Oak Way	Huber Heights	OH	45424

Home Phone Number	Daytime Phone Number	E-mail Address
937 609-1611	937 609-1611	TBallKing1@aol.com

EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Crestview Local Columbiana County, OH	
COLLEGE	Park College Parkville, Missouri	B.S. Logistics Management
GRADUATE SCHOOL	Embry Riddle Aeronautical U. Daytona Beach, FL	M.A.S. Master of Aeronautical Science
OTHER (Specify)		

COMMUNITY INVOLVEMENT

Please list all civic, community, or non-profit organizations to which you have belonged or currently do belong, and your dates of service.

Organization	Dates of Service
HHYBL, Huber Heights Youth Baseball League	Coach 1990-2006
HHYBA, " " " Basketball Assoc.	Coach 1994-2001, Coach 2004-2007
Sulphur Grove UMC, Various Programs	2016-present
Faith Luth Church, Dayton, Various Programs	1993-2014

EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Quantech Services, Part-Time	Govt. Contractor, Project Mgr.	Oct 2015 - Present
USAF Civilian, Retired	Supervisory Program Analyst	1981 - 2015
USAF Reserve, Retired	Colonel - Inspector General	2012 - 2017
USAF Reserve & Active Duty	Lt. Col - Commander, Force Support Squadron	1976 - 2012

REFERENCES

Name	Address	Telephone Number
Don Wren	8763 Carey Woods Ln. West Chester OH	(513) 470-8244
Jay Smeltzer	6094 Oak Ridge Dr., Huber Heights	(937) 708-1888
Carolyn Mouzon	4425 S. Tecumseh Rd, Springfield, OH	(937) 324-0111

STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

I have lived in Huber Heights since 1982. I've moved within the city four times and built my present home here. My three children attended Valley Forge, Titus, Weisenborn, Studebaker and all graduated from Wayne High School. I feel very invested in our community. I like the direction of the city's recent growth and development and want to see continued success. I want Huber Heights to thrive! I'm semi-retired, enjoy volunteering with our church and would like to get involved with our community in another fashion. I believe my work experience would translate well into the Personnel Appeals Board.

REQUIREMENTS AND APPLICANT STATEMENT

Are you at least 18 years of age? ☑ **Yes** ☐ **No**

Do you currently reside in the City of Huber Heights? ☑ **Yes** ☐ **No**

Have you resided in the City of Huber Heights for at least one year prior to making this application? ☑ **Yes** ☐ **No**

Are you a registered voter? ☑ **Yes** ☐ **No**

Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☑ **Yes** ☐ **No**

I certify that all of the information furnished in this application and its addenda are true and complete to the best of my knowledge. I understand that the City of Huber Heights may investigate the information I have furnished and I realize that any omissions, misrepresentation or false information in this application and/or its addenda may lead to revocation of any volunteer appointment.

I hereby acknowledge that I, voluntarily and of my own free will, have applied for a volunteer position with the City of Huber Heights with the understanding that the City may use a variety of screening procedures to evaluate my qualifications and suitability for appointment. I have been advised that these screening procedures might include, but are not limited to, interviews, criminal record checks, driving records checks and reference checks. I also acknowledge that any such screening procedures, as reasonably required by the City of Huber Heights, are prerequisites to my appointment to a volunteer position with the City of Huber Heights.

In addition, I also hereby understand that the City of Huber Heights cannot guarantee the confidentiality of the results of, or information obtained through the aforementioned screening procedures. Decisions of the Ohio Supreme Court regarding the Ohio Public Records Act indicate that, with certain enumerated exceptions, records maintained by a governmental entity are a matter of public record and, should a proper request be made by a member of the public for such records, the governmental entity would be required to make such records available to that member of the public within a reasonable time. Additionally, all information furnished in this application is subject to disclosure under the Ohio Public Records Act.

Therefore, in consideration of my application being reviewed by the City of Huber Heights, under no legal disability, and on behalf of my heirs and assigns, hereby release and agree to hold harmless the City of Huber Heights and any of its agents, employees, or related officials from any and all liability, whatever the type and nature resulting from the administration of any such screening procedures and/or release of the results therefrom.

[signature] 28 NOV 2020

Signature **Date**

AI-7389		**Topics of Discussion**	L.
Council Work Session			
Meeting Date:	01/19/2021		
2021 Rules of Council			
Submitted By:	Anthony Rodgers		
Department:	City Council		
Council Committee Review?:	Council Work Session	**Date(s) of Committee Review:**	01/05/2021 and 01/19/2021
Audio-Visual Needs:	None	**Emergency Legislation?:**	No
Motion/Ordinance/ Resolution No.:			

Agenda Item Description or Legislation Title

2021 Rules of Council

Purpose and Background

At least annually, City Council reviews, updates and approves the Rules of Council by a motion of the City Council at a City Council Meeting. The current 2020 Rules of Council are attached for consideration and review. This agenda item is for a discussion on the Rules of Council for 2021.

Proposed draft revisions to the Rules of Council regarding virtual meetings have been prepared for review and discussion as requested at the January 5, 2021 Council Work Session (see attached).

Fiscal Impact

Source of Funds:	N/A
Cost:	N/A
Recurring Cost? (Yes/No):	N/A
Funds Available in Current Budget? (Yes/No):	N/A
Financial Implications:	

Attachments

2020 Rules of Council

Proposed Revisions - Virtual Meetings

City of Huber Heights

RULES OF COUNCIL

(Adopted by the Huber Heights City Council on January 27, 2020)

HUBER HEIGHTS

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I. POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 4.01, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 4.06 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

1. Making policy necessary for the operation of the City.
2. Appointing a City Manager and establishing a salary for the City Manager (Section 6.01, City Charter).
3. Appointing a Clerk of Council (and Deputy Clerk of Council) and establishing a salary for the Clerk(s) (Section 4.08, City Charter).
4. Appointing a Law Director and establishing a salary for the Law Director (Section 7.05, City Charter).
5. Obtaining reports from the City Manager concerning conditions, efficiencies, needs, and other affairs and related City matters.
6. Evaluating and approving the City budget and appropriations and their modifications.
7. Evaluating the effectiveness of City programs and the performance of the City Manager, the Clerk of Council, and the Law Director.
8. Informing the public of City activities and needs.
9. Regulating its own organization and membership (Sections 4.02, 4.03, 4.05, 4.06, 4.07, 4.10 and 4.13, City Charter).

Council shall adopt, by a simple majority vote of its members currently holding office, its own Rules of Council which shall not conflict with the City Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council then holding office. The Rules of Council shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of Council (Section 4.14, City Charter).

II. MEETINGS

A. **Regular City Council Meetings:** Regular Council City Meetings will be held on the second and fourth Mondays of each month (except for December) unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be

adjusted to address the holiday. Meetings will begin at 7:00 P.M. and will be held in the Council Chambers at the City Hall Building.

B. **Special City Council Meetings:** Special City Council Meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

C. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. Council Work Sessions will be generally held on the Tuesday of the week prior to the Regular Council City Meetings unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be adjusted to address the holiday. Council Work Sessions will generally begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building. Council Work Sessions may also be called for any purpose at other dates and times by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

D. **Committee of the Whole:** Council may schedule committee meetings of the entire Council as a Committee of the Whole meeting. Committee of the Whole meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

E. **Between Regularly Scheduled City Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager, the Law Director, or the Clerk of Council; may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.

F. **Public Notification of Meetings:** The Clerk of Council will make public notice of all Regular or Special City Council Meetings, Council Work Sessions, and other

meetings of Council at least twenty-four (24) hours in advance of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice at the City Hall building.
2. Posting of the public notice on the City of Huber Heights official website.
3. Posting of the public notice on the City of Huber Heights official Facebook and Twitter accounts.
4. Distribution of the public notice by email via the Internet through an electronic distribution list maintained by the Clerk of Council that includes media outlets and individual members of the public who have requested notification in advance (see below).

The public may also obtain notice of the date, time, place, and purpose of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council by contacting the Office of the Clerk of Council.

Any person may obtain advance notification of all Council meetings by email via the Internet through an electronic distribution list maintained by the Clerk of Council at no charge. This request should be made in writing to the Clerk of Council. Any such request shall be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules of Council.

G. **Executive Session Meetings:** Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22, the Ohio Sunshine Law. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may motion that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22 and passed by a majority or unanimous vote (depending on the purpose of the Executive Session), is required for Council to recess to Executive Session.

All other Council meetings must also comply with the requirements of Ohio Revised Code Section 121.22 as described above.

Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the Regular City Council Meetings or Special City Council Meetings, as well as Council Work Sessions and other Council meetings, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Ohio Revised Code. In addition, the

aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

H. **Pre-Meeting Information:** Two (2) business days prior to scheduled City Council Meetings, Council Work Sessions, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to the Office of the Clerk of Council through the AgendaQuick system and approved by the City Manager on the Wednesday immediately preceding each meeting by 5:00 P.M. The Law Director will also be provided all of this information to allow for proper legal review.

I. **Recesses and Adjournments:** City Council Meetings, Council Work Sessions, or other Council meetings may be adjourned or recessed to another time, date, or place without giving the notice required in paragraph B, Special Meetings, above (Section 4.13 (C), City Charter). Short recesses (5-15 minutes) may be designated by the Presiding Officer during regular or special meetings without a vote of Council. Other recesses require a simple majority vote of Council.

J. **Presiding Officer:** The Mayor presides over Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole meetings, or other Council meetings; however, in the absence of the Mayor, the Vice Mayor presides (Section 4.04, City Charter). In the absence of the Mayor and the Vice Mayor or at the discretion of the Mayor or Vice Mayor, the Council may elect a Councilmember to serve as Presiding Officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues in Regular City Council Meetings or Special City Council Meetings except in cases of tie votes (Section 4.04, City Charter). The Mayor is a non-voting member of all Council appointed committees (Section 4.04, City Charter). The Vice Mayor serves as a Councilmember with all voting and other rights accorded that position (Section 4.04, City Charter).

K. **Clerk of Council:** The Clerk of Council (with the assistance of the Deputy Clerk of Council) serves as Council administrator. The Clerk attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by Council and required by law (Section 4.08, City Charter). The job duties and functions of the Clerk of Council and the Deputy Clerk of Council are also defined in the applicable position descriptions. These job duties and functions are further defined through the day to day general supervision and

assignment of duties, tasks, and responsibilities by the Clerk of Council to the Deputy Clerk of Council.

L. Quorum and Majority Votes:

1. Quorum: Five (5) members of Council, other than the Mayor, shall constitute a quorum for all Council meetings. Confronted with a lack of a quorum, a smaller number of Councilmembers may convene and may compel the attendance of absent members and may adjourn meetings to a subsequent date (Section 4.12, City Charter).

2. Majorities: In determining a simple, a two-thirds (2/3), or a three-fourths (3/4) majority vote of Council, the Mayor is counted. Majorities are based on the total number of Councilmembers holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number nine (9) as denominator. Thus, five (5) constitutes a simple majority, six (6) a two-thirds (2/3) majority, and seven (7) a three-fourths (3/4) majority.

M. Attendance, Absences, and Removals: Councilmembers are required and expected to attend all Regular City Council Meetings and Special City Council Meetings. Absences from Council meetings may be excused for reasonable cause. All absences from meetings will be communicated through the Clerk of Council's Office. For the official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority vote.

Unexcused absences from three (3) consecutive Regular City Council Meetings may result in the removal of a Councilmember. A two-thirds (2/3) majority of the Councilmembers then holding office, exclusive of the Councilmember being considered for removal, is required (Section 13.08, City Charter).

A Councilmember or the Mayor may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of a two-thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.

N. Agendas:

1. Preparation: The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the City Manager and the Presiding Officer. The Presiding Officer may also solicit input from Councilmembers and the Mayor for the agendas for all Council meetings. Any three (3) Councilmembers may also compel an item to be placed on the agenda for Council Work Sessions as described under Section II, C. of this document.

2. Review: Council will be previously apprised and informed of all proposed legislation/motions and/or other matters of significance on the agendas through Council Work Sessions, other Council meetings, or written

communications from the City Manager or the Clerk of Council (except for emergency situations) or as otherwise determined by Council.

3. Format:

A. Regular City Council Meetings of Council will follow this format unless changed by any five (5) Councilmembers:

1. Call the Meeting to Order
2. Invocation
3. Flag Ceremony
4. Pledge of Allegiance
5. Roll Call
6. Approval of Minutes
7. Special Presentations/Announcements *****
8. Citizens Comments **
9. Citizens Registered to Speak on Agenda Items ******
10. City Manager Report
11. Pending Business
12. New Business
13. City Official Reports and Comments
14. Executive Session
15. Adjournment

***** Usually reserved to accommodate non-profit or citizen groups whose purpose is to make a short, formal presentation.

****** Citizens wishing to reserve time to speak must complete a Citizens Comments Request.

B. Council Work Sessions will normally follow this format:

1. Call the Meeting to Order/Roll Call
2. Approval of Minutes
3. City Manager Report
4. Work Session Topics of Discussion
5. Executive Session
6. Adjournment

O. Public Participation at Meetings: The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. Members of the public desiring to speak at Council Work Sessions or other Council meetings may approach the podium and be recognized at the discretion of the Presiding Officer. Citizens

granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision of such agenda items. Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the Presiding Officer. Regarding pending legislation, citizen comments will be heard only after the reading of the legislation and explanation by City Staff and discussion by Council.

P. **Minutes:** The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Council may, by a simple majority vote, direct that more detailed minutes be kept for all or part of a meeting.

Q. **Councilmember Decorum:** During all official meetings of the Council, whether Committee Meetings, Council Work Sessions, Regular City Council Meetings, or Special City Council Meetings, the members of Council in attendance will represent the City in a professional manner by directing their comments to the business of the Council and the policy implications of such business.

Disparaging comments about a specific member of Council's personhood, political affiliations, or matters of a personal nature will be ruled out of order by the Presiding Officer. For repeated offenses, the Presiding Officer shall put the question of whether the offender shall be removed from the meeting which shall be determined by a vote of three-fourths (3/4) of Councilmembers then present (excluding the offender) without debate.

In no way is this section designed to eliminate the natural and appropriate disagreement or communication of such disagreements between Councilmembers on particular views, positions, directions, or political and/or philosophical positions of individual Councilmembers. Additionally, this section is not designed to limit any First Amendment rights of individual Councilmembers in their private or political capacities outside of official City meetings.

III. LEGISLATION

A. **The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. A motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter (Section 5.01, City Charter). All motions of Council require seconds. Voting records by individual Councilmembers on each item voted on are to be kept by the Clerk of Council.

Article V of the City Charter prescribes procedures that must be adhered to in regard to legislation. The Law Director assures that any proposed legislation fulfills all legal requirements.

Step 1. If determined appropriate, the Presiding Officer will refer proposed legislation to a Council Work Session for Council to review the proposed legislation and to make any recommendations regarding the proposed legislation. Council may also refer the matter to additional Council Work Session(s) to review the proposed legislation in between the ongoing reading(s) of the legislation. In most cases, the proposed legislation will have already been reviewed by a Council Work Session prior to being placed on the meeting agenda for a Regular City Council Meeting or Special City Council Meeting. After discussion on proposed legislation, the Presiding Officer will inquire if there any objections from Councilmembers to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. If there are any objections to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading, the Presiding Officer may continue the discussion on the proposed legislation to determine an appropriate course of action.

Step 2. The proposed legislation is placed on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. A copy of all proposed legislation, except personnel-related actions, will be posted on the bulletin board in City Hall. The Clerk of Council will endeavor to have legislation posted as soon as available prior to the meeting. All readings of legislation are made by title only unless a majority of Council approves by an adopted motion a full text reading. No discussion by Councilmembers will occur until after a motion is on the floor and the motion is seconded. Each resolution must be read on one separate Council meeting day. Each ordinance must be read on two separate Council meeting days, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers then holding office (Section 5.04, City Charter). Approval or rejection of a proposed resolution usually takes place immediately after this first reading, but the resolution can be read at additional readings at the discretion of Council.

Step 3. A second reading is held for a proposed ordinance, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers

then holding office (Section 5.04, City Charter). Approval or rejection of the proposed ordinance usually takes place immediately after this second reading but the ordinance can be read at additional readings at the discretion of Council.

Step 4. When approved by Council, the legislation is assigned an index number from the legislation journal and typed in final form by the Clerk of Council. An annual indexing system is used. Ordinances are coded "O" and Resolutions "R"; for example, 2017-O-1000 and 2017-R-1000. The legislation is then authenticated by the signatures of the Clerk of Council and the Presiding Officer (Section 5.08(A), City Charter) after the City Council Meeting when available or in a forthwith manner. Amended legislation or legislation not available for authentication by the Clerk of Council and the Presiding Officer during or immediately following the City Council Meeting will also be authenticated forthwith. Motions by Council (beginning in 2009) are also assigned an index number and typed in final form by the Clerk of Council using an annual indexing system. Motions are coded "M"; for example, 2017-M-1000.

Step 5. Any legislation which is enacted by less than a two-thirds (2/3) majority vote must be presented to the Mayor for approval except those enacted by the Mayor having cast the deciding vote. If the Mayor does not approve (i.e., vetoes) the legislation, the Mayor shall return it after its passage or adoption, with any objections in writing, to the Council at the next Regular City Council Meeting. The Mayor's written objections shall be entered upon the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If the Mayor does not return such ordinance or resolution with written objections within the time limited in this Section, it shall take effect in the same manner as if the Mayor had signed it, unless the Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it as herein provided with any written objections, the Council may reconsider it no later than the Regular City Council Meeting, and if such ordinance or resolution upon such reconsideration is approved by a two-thirds (2/3) vote of the members of Council then holding office, it shall take effect as if signed by the Mayor. If Council does not reconsider the Mayor's veto as herein provided, the content of the legislation in question may be considered thereafter in the same way all new legislation is considered (Section 5.12, City Charter).

Step 6. Legislation is published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its passage in public places within the City or places of public access as determined by Council. The designated public places are:

1. Legislative Bulletin Board - City Hall Building
2. Legislative Public Binder - City Hall Building
3. Clerk of Council's Office

4. Huber Heights Public Library
5. Huber Heights Police Station
6. City of Huber Heights Official Website

Step 7. The Clerk of Council certifies in the legislative journal the dates that publication occurred.

B. **Effective Date of Legislation:** Any resolutions take effect immediately upon adoption by Council, unless a later date is specified. Ordinances dealing with appropriations of money; annual tax levies for current expenses of the City; certain improvements petitioned for by owners; questions to be submitted to the electorate or determinations to proceed with elections; approval of revisions, codifications, recodifications, or rearrangements of the City Code; and, any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified. All other ordinances take effect thirty (30) days after adoption by Council, unless a later date is specified. The thirty (30) day effective date of legislation is calculated by counting from the date after adoption by Council of the ordinance with the effective date being the thirty-first (31st) day after date of adoption by Council of the ordinance.

C. **Emergency Legislation:** Emergency ordinances are those necessary for the immediate preservation of the public peace, health, safety or welfare, or an emergency in the operation of the City. Emergency ordinances must contain a statement, "the emergency clause", describing the necessity for the emergency. A vote of two-thirds (2/3) of Councilmembers holding office is required to approve emergency ordinances (Section 5.06, City Charter). Any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified.

D. **Copies of Ordinances and Resolutions:** The Clerk of Council shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The Clerk of Council shall charge the established rate in the Huber Heights Public Records Policy for such copies.

IV. MOTIONS

Unless there is a conflict with these Rules of Council or the City Charter, Roberts Rules of Order will be used as guidance during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject **(requires majority vote)**.

2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:

a. To adjourn **(requires majority vote)**.
b. To recess **(requires majority vote)**.

c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council **(decision of Presiding Officer)**.

d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order **(decision of Presiding Officer)**.

e. To lay on the table to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed **(requires majority vote)**.

f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.

g. To limit or extend limits of debate **(requires two thirds vote)**.

h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.

i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.

j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. No motions can be made to amend an amendment. A rejected amendment may not be moved again in the same form **(requires majority vote)**.

k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or "kills" the main motion for the duration of the session **(requires majority vote)**.

l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in "a", "b", "c" and "f" are decided without debate.

3. **<u>Motion to Take Matter From Committee</u>:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.

4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter **(requires majority vote)**.

V. COUNCIL WORK SESSIONS/COMMITTEES

A. Council Work Sessions: Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. The Council Work Sessions shall consist of the Mayor and all of the Councilmembers. Council Work Sessions shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.

Proposed legislation/motions and/or other matters of significance will generally be reviewed initially through assignment to a Council Work Session. Exceptions to the review of proposed legislation/motions and/or other matters of significance through assignment to a Council Work Session can be made by Council for routine matters, including approval of expenses legislation and end of the year legislation. Council may also opt to review proposed legislation/motions and/or other matters of significance that arise in emergency situations at Regular City Council Meetings or Special City Council Meetings without assignment to a Council Work Session.

All Council Work Sessions shall comply with the requirements of Ohio Revised Code Section 121.22 under Ohio's Open Meetings Act. It shall be the responsibility of the Presiding Officer to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy of all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

B. Committee of the Whole: The working business of the Council may also be conducted through Committee of the Whole meetings. The Committee of the Whole shall consist of the Mayor and all of the Councilmembers. The Committee of the Whole meetings shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.

C. Special Committees: The Mayor may appoint temporary special committees, unless objected to by Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to

specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed by the Mayor shall be advisory only. The Mayor shall be a non-voting ex-officio member of all special committees. A Special Committee Chair will be elected by the members of the special committee to act as the Presiding Officer of meetings of the special committee. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under the Ohio's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

D. **Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, ongoing reports shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote of Council.

VI. COMPENSATION AND EXPENSES

Council may increase or decrease the compensation of its members by ordinance or resolution. However, no Councilmember shall benefit from any increase in compensation enacted during such Councilmember's current term of office (with the exception of increases or decreases in fringe benefits). Any ordinance or resolution changing the compensation of Council shall be adopted no later than June 1 of any odd numbered year (Section 4.10, City Charter).

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Vice Mayor before such expenses are reimbursable. Those who use a personal vehicle during authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Office of the Clerk of Council after approval by the Mayor (or Vice Mayor for the Mayor's travel expenses) for processing by the Finance Department.

VII. IN-SERVICE TRAINING

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of

information that enhance a Councilmember's ability to perform Council duties. Councilmembers shall be reimbursed for these expenses.

VIII. LAW DIRECTOR AND OTHER LEGAL COUNSEL

No legal services shall be performed by the Law Director except as authorized by the City Charter and City Council, or as requested by the City Manager, the Clerk of Council, and Senior City Staff. City Council, through the Council Work Sessions or any other Council meetings including the Committee of the Whole as determined by City Council, shall be responsible for administration and management of the Law Director and the Law Department. All administrative matters involving the Law Director shall be brought before the appropriate Council meeting including the Council Work Session or the Committee of the Whole. Conflicts of interest shall be resolved between Law Director and City Council through the appropriate Council meeting including the Council Work Session or Committee of the Whole.

The Law Director shall attend all Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of official business. The Law Director shall attend meetings of other City bodies when, in the Law Director's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The chairs of City boards, committees, and commissions generally should request, through the City Manager, the attendance of the Law Director at any meetings, if necessary. Communication will also be forwarded to City Council by the City Manager regarding the attendance of the Law Director regarding such meetings.

Preliminary drafts of legislation should be submitted to the Law Director for review as part of the legislative process established in Section III of the Rules of Council. In addition, the Law Director will draft legislation at the specific direction of the City Manager, the Clerk of Council, or from Council meetings and shall review all legislation for legal form and propriety.

The Law Director will provide Council, the City Manager, and the Clerk of Council with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The Law Director will provide Council with a quarterly activity report, including a verbal and written update on all significant active legal actions (such as civil suits, etc.). Between these reports, the Law Director will advise Council and the City Manager of any matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the Law Director will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.

IX. COUNCIL/ADMINISTRATION COMMUNICATIONS

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager (Section 4.06(C), City Charter).

Requests to the City Manager for routine information, which involve minimal extra work by City Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the City Staff will be shared by the City Manager with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmembers inquiries to the Law Director for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins and will be detailed on the Law Director's billing statements.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the City Staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of City Staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, a goal setting session shall be held every six (6) months.

X. INVESTIGATIONS

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, federal and state law, and in consultation with the Law Director.

XI. BOARDS AND COMMISSIONS

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and

commissions. A simple majority vote of Councilmembers currently holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Huber Heights Board and Commission Handbook.

XII. CONFLICTS OF INTEREST AND ETHICS

Councilmembers are subject to all Ohio and local statutes and federal and state law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials (Section 13.09, City Charter). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

XIII. COMPLAINTS

Complaints against employees are to be made to the City Manager and handled in accordance with the City Personnel Policy Manual. Complaints against Councilmembers, the City Manager, the Law Director, the Clerk of Council, or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Vice Mayor. Complaints are required to be in writing.

Only complaints against Councilmembers or the Mayor that are limited to the following grounds will be investigated:

1. Alleged ethical violations/conflicts of interest.
2. Alleged failure of a Councilmember or Mayor to posses or maintain the qualifications of the office as prescribed by the City Charter.
3. Alleged intentional violation of the prohibitions set forth in Section 4.06 of the City Charter.
4. Alleged violation of any other expressed provision of the City Charter.

* Alleged violations of State or Federal law are not considered complaints under this rule and should be filed by the complainant with the City Prosecutor or law enforcement.

Upon receipt of a complaint, that is to be investigated under this rule, the Mayor or Vice Mayor shall distribute a copy of the complaint to all members of the City Council for review. All actions taken to investigate and resolve the complaint shall be documented as a matter of record. The Mayor or Vice Mayor will complete a written response as soon as possible advising the initiator and the City Council of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim written response and target date for completion will be provided to the initiator of the complaint and the City Council.

If the Mayor or Vice Mayor as the case may be, believes the complaint is unfounded, the Mayor or Vice Mayor shall advise the complainant and City Council in a written response. If the same individual complainant has three or more determinations of an unfounded complaint within a twelve (12) month period, City Council may advise the Mayor or Vice Mayor to disregard any future complaints from that individual for one (1) year. Oral

complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The Presiding Officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about the City Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

XIV. EVALUATION OF CITY OFFICIALS

It shall be the responsibility of Council to provide a written evaluation of the performance of the City Manager, the Law Director, and the Clerk of Council annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to the finalization of these evaluations. The Mayor or the Vice Mayor shall consolidate and present final evaluations to all City Officials.

XV. SUSPENSION OR WAIVER OF THE RULES OF COUNCIL

Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a simple majority vote of Councilmembers currently holding office.

XVI. SOCIAL MEDIA GUIDELINES AND STANDARDS FOR COUNCIL

These Guidelines and Standards apply to City Councilmembers ("Elected Officials") that may maintain and use personal web pages, websites, blogs, and social networking sites (collectively "Internet Platform").

Elected Official's Internet Platforms are not controlled by the City of Huber Heights. The City does not require or promote such sites, nor provides web space or access (links) for such sites through any official City channels. Communications on Elected Official's Internet Platforms are not created, received, maintained or used by the City. Nor are they meant to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City or its Council as a whole.

Social Media Guidelines

1. The site should NOT be designated as a "governmental" page.

2. The site should NOT appear to be an official City internet platform.

3. The site should have a disclaimer predominantly featured on the site, such as:

> This is a private page under the sole control of _____. The comments expressed by me are my own and do not reflect the opinions and/or position of the City of Huber Heights or its officers and employees. This page is not sanctioned or monitored by the City. This Page cannot be used for service of any legal notice, administrative notice or any other legal

process directed to the City. As this site is not monitored by the City, do not use this site to request City records.

4. Elected Officials should NOT promote their private Internet Platforms at official City meetings or in official City correspondence.

5. If the Internet Platform is interactive (allows third parties to post) the site should expressly provide that it is not intended to be a public forum and that posts that are vulgar, off topic, hate speech etc. will be deleted according to a posted policy advising of such. A sample provision is:

> I reserve the right to remove or edit any posts that are unlawful, threatening, libelous, defamatory, obscene, pornographic, invasive of privacy, infringing of intellectual property rights, or otherwise violate any law. This includes comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability, or sexual orientation. Spam, links to other sites, information that is clearly off topic, and/or apparent spamming or trolling will be removed.

Social Media Standards

1. Elected Officials should not disclose information that is considered privileged or confidential. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets.

2. Elected Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery.

3. Elected Officials should never represent themselves as a spokesperson for the City Council, board, committee, or commission.

4. Elected Officials should consider the potential impact of social media statements prior to posting.

5. Elected Officials should not post information about matters involving pending or threatened litigation, items that are or may be appealed to them in their official capacity or to City boards or commissions.

6. Elected Officials should not use internet platforms to communicate with city employees about City-related matters.

7. Elected Officials should not "tag" a matter to a City employee's personal internet platform site.

8. Elected Officials should be mindful of the risks of electronic communication in relation to the Ohio Public Records Laws and the Open Meeting Law; communication between elected officials should be avoided on internet platforms.

9. Elected Officials should not reference any document(s) as a basis for making an official decision unless that document is available through the City as a public record.

10. Removing a user's comment or post because the person is criticizing some government action is not advisable.

11. When an Elected Official desires to have a matter posted to an Official City Internet Platform, the Elected Official shall provide the item or link to the Clerk of Council who will then forward it to the designated person in charge of the City Internet Platform for posting consistent with the City's Social Media Policy.

Virtual Meetings; The authority to hold virtual meetings of Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole Meetings, and meetings of the City's boards and commissions shall apply for only such time as permitted under Ohio House Bill 197 as amended by Ohio House Bill 404; or until such time that this authority is amended or revoked by the City Council.

Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole Meetings, and meetings of the City's boards and commissions may be held virtually by videoconference technology as determined by the Mayor. Public notification of meetings shall be provided in accordance with the procedures set forth in Section II – Meetings, F. – Public Notification of Meetings in the Rules of Council.

Any Councilmember or member of a City board or commission that is participating in a virtual meeting through the City-established videoconference technology with the ability to hear and speak to the other members and meeting participants is deemed present for the meeting for purposes of attendance, deliberation, and voting. Any Councilmember or member of a City board or commission shall vote by an oral response of 'yes" or "no."

If during the course of a virtual meeting, a technical difficulty interrupts a Councilmember's or a City board or commission member's ability to continue participating in the meeting such that a quorum is no longer present, the meeting will stand in recess until such time as the member can rejoin the meeting or until such time as the remaining members assign a time to resume the meeting.

Any virtual Regular City Council Meeting, Special City Council Meeting, Council Work Session, Committee of the Whole Meeting, or a meeting of a City board or commission will be viewable by the public by live stream utilizing the meeting link specified on the publicly distributed meeting notice for the virtual meeting, except for non-public Executive Sessions for a statutorily-authorized reason.

The City Council continues to encourage the participation of Huber Heights residents and the general public. Any person wishing to provide Citizen Comments at a virtual Regular City Council Meeting, Special City Council Meeting, Council Work Session, Committee of the Whole Meeting, or a meeting of a City board or commission may do so utilizing the methods specified on the publicly distributed meeting notice for the virtual meeting.

If it is necessary to conduct a public hearing as part of a virtual meeting, the City Manager and the Clerk of Council will establish procedures and technical capability for Councilmembers or members of a City board or commission to converse with parties, witnesses, and citizens; and to receive documentary testimony and physical evidence.

A virtual meeting is considered "open to the public" if a meeting link or other instruction for accessing the live stream has been posted on the City's website, Facebook page, or other generally accessible means reasonably calculated to provide general public access to observe the meeting. City Staff will work diligently and in good faith to ensure live stream capability for

virtual meetings. The City does not assume responsibility for hosting platform or user defects, deficiencies, or errors that prevent or interrupt users' observation of virtual meetings.