



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
City Council Meeting  
Regular Session  
April 25, 2022  
6:00 P.M.**

**City Hall - Council Chambers - 6131 Taylorsville Road**

1. **Call The Meeting To Order - Mayor Jeff Gore**
2. **Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**
3. **Flag Ceremony - Wayne High School Junior ROTC Honor Guard**
4. **Pledge Of Allegiance**
5. **Roll Call**
6. **Approval Of Minutes**
  - A. City Council Meeting Minutes - March 28, 2022
  - B. City Council Meeting Minutes - April 11, 2022
7. **Special Presentations/Announcements**

- A. Wayne High School Men's And Women's Bowling Teams Recognition And Proclamation Presentation - Mayor Jeff Gore

8. **Citizens Comments**

9. **Citizens Registered to Speak on Agenda Items**

10. **City Manager Report**

11. **Pending Business**

12. **New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

- A. A Motion To Appoint Matthew Shomper, Ronald Deak, Jen Sirucek, Scott Davidson, And Jeffrey Held To The 2022 Comprehensive Development Plan Steering Committee.
- B. A Motion To Appoint Bayram Gulalieu To The Culture And Diversity Citizens Action Commission For A Term Ending December 31, 2023.
- C. A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #0055605 For Action Palace At 5605 Old Troy Pike, Huber Heights, Ohio 45424.
- D. A Resolution Authorizing The Law Director To Register An Objection To A Liquor Permit Renewal And Request A Hearing.  
(first reading)
- E. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case 21-45. The Applicant Is Kirmon Khalilov. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan In A PC (Planned Commercial) District For The Property Located At 5840 Old Troy Pike And Further Described As Parcel ID P70 01923 0004 On The Montgomery County Auditor's Map (Zoning Case 21-45).
- F. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-07. The Applicant Is Charles Simms Development. The Applicant Is Requesting Approval Of A Basic Development Plan For Property Located At Brandt Pike North Of The Reserves At The Fairways (Zoning Case BDP 22-07).



- G. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-08. The Applicant Is Amarjit Takhar. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To PC (Planned Commercial) For Property Located At State Route 235 and Center Point 70 Boulevard And Further Identified As Parcel Numbers P70 03903 0005 And P70 03903 0079 On The Montgomery County Auditor's Map.
- H. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case CBDP 22-11. The Applicant Is Campbell Berling Huber Heights, LLC. The Applicant Is Requesting Approval Of A Combined Basic And Detailed Development Plan For 22.38 Acres And A Rezoning To Planned Residential (PR) On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Described As Parcel Number P70 03908 0126 On The Montgomery County Auditor's Map.
- I. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-12. The Applicant Is Horizon Line Development. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To Planned Mixed (PM) For Property Located At 7125 Executive Boulevard And Further Described As Parcel ID P70-03910-0005 On The Montgomery County Auditor's Map.
- J. A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case ORD 22-16. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of Proposed Changes To Sidewalks Requirements.

#### **ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- K. An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 5840 Old Troy Pike And Further Identified As Parcel Number P70-01923-0004 On The Montgomery County Auditor's Map And Rejecting The Recommendation Of The Planning Commission (Zoning Case 21-45).  
(first reading)
- L. An Ordinance To Approve A Basic Development Plan For The Property Located On Brandt Pike North Of The Reserves At The Fairways And Further Identified As Parcel Number P70-03910-0057 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-07).  
(first reading)
- M. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Commercial (PC) For A 35 Acre Parcel Of Property Located On The East Side Of The Intersection Of State Route 235 And Center Point 70 Boulevard And Further Identified As Parcel Numbers P70-03903-0079 And P70-03903-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-08).  
(first reading)

- N. An Ordinance To Approve A Combined Basic And Detailed Development Plan And Rezoning To Planned Residential (PR) For 22.968 Acres For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case CBDP 22-11).  
(first reading)
- O. An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Mixed Use (PM) For The Property Located At 7125 Executive Boulevard And Further Identified As Parcel Number P70-03910-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-12).  
(first reading)
- P. An Ordinance Amending Part Eleven – Planning And Zoning Code, Title One – Subdivision Regulations; Chapter 1109 – Subdivision Design Standards; Section 1109.15 – Sidewalks; 1109.08 – Official Thoroughfare Design Standards; And Table 4 Of The Codified Ordinances Of The City Of Huber Heights (Zoning Case ORD 22-16).  
(first reading)
- Q. A Resolution Establishing And/Or Amending The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.  
(first reading)
- R. A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.  
(first reading)
- S. An Ordinance Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The Fire Division Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)
- T. A Resolution Authorizing The Execution Of A Termination Of The Land Use Restriction Agreement In Connection With The City's Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A.  
(first reading)
- U. A Resolution Authorizing The City Manager To Enter Into A Community Reinvestment Area Agreement With Flyer Red Properties II, LLC Under Certain Terms And Conditions.  
(first reading)
- V. An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)

- W. An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.  
(first reading)
- X. A Resolution Authorizing The Acceptance Of State Of Ohio Funding And Establishing The OneOhio Opioid Settlement Fund.  
(first reading)
- Y. A Resolution Authorizing The City Manager To Enter Into A Contract For The 2022 Rehabilitation Of Sewer Lines Project.  
(first reading)
- Z. A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The 2022 Water Main Replacement Program.  
(first reading)

13. **City Official Reports and Comments**

14. **Executive Session**

15. **Adjournment**

AI-8364

Minutes A.

**City Council Meeting**

**Meeting Date:** 04/25/2022

Approval of Minutes - 3/28/22

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - March 28, 2022

**Purpose and Background**

Approval of the minutes from the March 28, 2022 City Council Meeting.

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**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:**

There are no financial implications to this agenda item.

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**Attachments**

Minutes

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**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council met in a Regular Session on March 28, 2022. Mayor Jeff Gore called the meeting to order at 6:00 p.m.

**2. Invocation - Pastor Randy Griffith Of The Free Methodist Church At 6875 Old Troy Pike, Huber Heights, Ohio**

**3. Flag Ceremony - Wayne High School Junior ROTC Honor Guard**

**4. Pledge Of Allegiance**

**5. Roll Call**

Present: Richard Shaw, Kathleen Baker, Mark Campbell, Nancy Byrge,  
Glenn Otto, Ed Lyons, Anita Kitchen, Don Webb, Jeff Gore

**6. Approval Of Minutes**

- A. City Council Meeting Minutes - March 14, 2022

**7. Special Presentations/Announcements**

- A. Presentation Of Newly Hired Police Officers Within The Police Division – Police Chief Mark Lightner And Mayor Jeff Gore

Police Chief Mark Lightner said 2021 was an extremely busy year for the Police Division as there were two funded positions to fill and six veteran officers retired, leaving eight vacancies.

Police Chief Lightner introduced Officer Brent Waler, who was hired on June 21, 2021. He said after attending Bethel High School, Brent Waler began his career in public safety as a wildland firefighter with the U.S. Forest Service. He said in 2013 he transitioned into law enforcement and attended Clark State Community College. He said Brent Waler has worked as a Police Officer for Kettering Health Network, Columbus State Community College, and the City of Riverside.

Police Chief Lightner introduced Officer Bryce Hodges, who was hired on June 22, 2021. He said Bryce Hodges previously worked for the Miami County Sheriff's Office for seven years.

Police Chief Lightner introduced Officer Warren Perkins, who was hired on July 11, 2021. He said Warren Perkins graduated from New Albany High School, and in 2015 he graduated from Eastland Police Academy, Groveport, Ohio. He said Warren Perkins took a position as an auxiliary Police Officer for the Village of Lithopolis for one year. He said Warren Perkins was a part-time Police Officer for the Village of Utica from 2016 until 2018, and in March 2018 he took a full-time police position with Otterbein University while also working as a part-time Police Officer for the Village of St. Louisville.

Police Chief Lightner introduced Officer Kyle Beatty, who was hired on July 12, 2021. He said Kyle Beatty graduated from Fairborn High School and then Sinclair Community College. He said Kyle Beatty graduated from Sinclair's Police Academy and then the Columbus Police Academy. He said Kyle Beatty worked as a Columbus Police Officer for the past ten years.

Police Chief Lightner introduced Officer Jared Bailey, who was hired on August 15, 2021. He said Jared Bailey graduated from Shawnee High School in 2016 and attended Rhodes State Community College where he obtained an Associate Degree in Criminal Justice. He said Jared Bailey was hired by the Allen County Sheriff's Department as a full-time Deputy Sheriff in 2018.

Police Chief Lightner introduced Officer Caleb Harper, who was hired on August 16, 2021. He said Caleb Harper attended Indiana Wesleyan University and graduated with a Bachelor's Degree in Criminal Justice. He said the Greenville Police Department sent Caleb Harper through the Ohio State Highway Patrol Academy Basic Class 139 and he then worked for the Greenville Police Department for three and a half years. He said he was a backup Student Resource Officer and part of the Quick Response Team that responded to overdoses and provided persons on scene with options for where to seek help.

Police Chief Lightner introduced Officer Reagan Morrett, who was hired on September 27, 2021. He said Reagan Morrett graduated from Edison State Police Academy in 2019 and worked for Sinclair Community College Police Department for one year before coming to Huber Heights.

Police Chief Lightner introduced Officer Zachary Williams, who was hired on January 31, 2022. He said Zachary Williams graduated from Wayne High School in 2008 and was a member of the Huber Heights Explorer Program. He said Zachary Williams attended Sinclair Community College where he became a Level II Firefighter and an EMT and worked for numerous fire departments within Montgomery County. He said Zachary Williams took the Civil Service Test with the Dayton Police Department and was hired and worked on both the east and west sides of Dayton before being selected to become a Detective. He said Zachary Williams worked with the Special Victims Unit for two and a half years. He said Zachary Williams was moved to the homicide unit and worked as lead investigator on many cases. He said Zachary Williams has experience on the Dayton S.W.A.T. team, the Dayton Regional Bomb Squad, he is crisis intervention team trained, and he has training and knowledge in crowd management.

All of the Police Officers were sworn in by Police Chief Mark Lightner.

- B. Mayoral Proclamation Presentation To Ms. Chelsie Ashburn For Special Olympics Representation - Mayor Jeff Gore

Mayor Jeff Gore read the proclamation and presented it to Chelsie Ashburn for her participation in the Special Olympics.

Ms. Ashburn thanked Mayor Gore and Council.

- C. Wayne High School Women's Indoor Track Team Recognition And Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore read the proclamation and presented proclamations to the Wayne High School Women's Indoor Track Team and coaches.

- D. Wayne High School Men's Indoor Track Team Recognition And Proclamation Presentation - Mayor Jeff Gore

Mayor Jeff Gore read the proclamation and presented proclamations to the Wayne High School Men's Indoor Track Team and coaches.

- E. National League Of Cities/Service Line Warranty Program Advocate Award And Check Presentation To The City Of Huber Heights And The Wayne Township/Huber Heights Historical Society - Mr. Richard Shaw, Ward 1 Councilmember, And Mayor Jeff Gore

Councilmember Richard Shaw and Mayor Gore joined Mrs. Pat Stephens and Mrs. Judy Blankenship representing the Wayne Township/Huber Heights Historical Society for the presentation. Mr. Shaw said through the Savings and Solutions Program with the National League of Cities, the residents of the City of Huber Heights have saved over \$174,000.00 through participation in various programs. He said the National League of Cities honored Huber Heights in Washington D.C. this year with a Program Advocate Award. He said with this award comes a check to an organization of the City's choosing. He said he reached out to Mayor Gore and they agreed the best organization to receive this award is the Wayne Township/Huber Heights Historical Society. He said the check would be in the amount of \$500, which would be mailed directly to the Wayne Township/ Huber Heights Historical Society. Mr. Shaw presented the award to Mayor Gore to accept on behalf of the City.

**8. Citizens Comments**

Ms. Julie Reese said she is a new Bethel Township Trustee and she said she is strongly against annexation. She said her personal opinion as a Bethel Township citizen is that she is against creating a Carriage Trails 2.0 and she stated her reasons are the number of students will be increased, the roads do not support the amount of traffic, and that it is changing the culture of the township. She said recently a township member likened the annexation to Russia invading the Ukraine. She said the Bethel Township residents do not have a choice, and it is up to the City of Huber Heights to put a stop to this annexation and not take their land. She said Huber Heights and Bethel Township are neighbors, and she is asking the City of Huber Heights not to be Russia and to be good to Bethel Township and to not take their land and lifestyle away.

Mayor Gore said he was offended that Ms. Reese called the City of Huber Heights, Russia. He said there would be a meeting where all these things could be discussed. He said Ms. Reese is a township trustee and she will have the opportunity to be at that meeting. He said, as the Mayor of this City, it is highly offensive that she came into this Council Chambers and called Huber Heights, Russia when a landowner in Bethel Township made the decision to sell their property. He said that it was not the City taking property, it is someone selling their property.

Mr. Otto said he was not offended and said he understood the gist of what Ms. Reese was trying to say and he quite frankly agrees. He thanked her for coming out and said he looked forward to working with her.

Mayor Gore said the joint meeting between the City of Huber Heights and Bethel Township to discuss annexation is scheduled for Thursday, April 7, 2022 at 6:00 p.m.

Ms. Reese said she did not call the City of Huber Heights, Russia. She said a resident likened annexation to what is happening in Russia.

**9. Citizens Registered to Speak on Agenda Items**

There were no Citizens Registered To Speak On Agenda Items.

**10. City Manager Report**

Interim City Manager Bryan Chodkowski said the water main replacement on Chippingdon Drive will begin on April 4, 2022. He said the City is 90 percent engineered with regard to the East Water Main Extension Project and City Staff will be submitting to the EPA for permitting. He said the annual Water Main Replacement Program is also 90 percent complete with the engineering work. He said City Staff is on schedule to release bids next week for this program. He said last week's meeting between the City of Huber Heights, the City of Riverside, and the Oakes Tree Development was very fruitful. He said a potential resolution had been reached to address the concerns expressed in Council Chambers. He said the group will work through the conversation that was had and memorialize some items on paper and will be back to Council to talk about that issue. He said today ground was broken in

Thomas Cloud Park for the EV charging stations which were purchased with a grant to the City. He said the new sign at Monita Field Park is going in tomorrow. He said, after an extended absence for medical reasons, Community Engagement Specialist Sarah Williams is back to work today.

Mrs. Byrge asked if next month's event from the Arts and Beautification Commission could be advertised from the dais in meetings and be listed on the digital boards and the City's website.

Mr. Chodkowski said that request will be taken up at tomorrow's City Staff meeting.

Mr. Lyons said regarding ZC 22-11, he and Mr. Chodkowski had received a lot of emails about the development from the citizens who live in The Oaks. He thanked Mr. Chodkowski for responding to each individual personally.

Mr. Shaw asked if Mr. Chodkowski had any updates on additional EV infrastructure throughout the community in addition to the EV and hybrid vehicles.

Mr. Chodkowski said two or three electric vehicles were ordered under the Enterprise Fleet Management to introduce these vehicles to the fleet and to see how they work. He said City Staff are waiting on modifications from AES in order to support EV charging stations and are continuing to monitor that issue. He said with respect to the broader scope, that is not a subject he and City Staff have had, but he is happy to follow up.

Mr. Shaw asked that Council consider adding the topic of EV infrastructure to a Council Work Session. He said Broad Reach is starting demolition work and, with the acquisition of Marian Meadows, he feels moving forward, Council should heavily consider installing that infrastructure in various locations in the City.

Mayor Gore said that item will be added to a future Council Work Session.

## **11. Pending Business**

- A. An Ordinance Approving The Editing And Inclusion Of Certain Ordinances And/Or Resolutions As Parts Of The Various Component Codes Of The City Code Of Huber Heights, Ohio; Providing For The Adoption And Publication Of New Matter In The Updated And Revised City Code As Supplement 9; And Repealing Ordinances And Resolutions In Conflict Therewith.  
(second reading)

Clerk of Council Anthony Rodgers said this item is a standard legislation Council sees regularly as part of updates to the City Code. He said this item is Supplement 9 for the period of October 1, 2021 through December 31, 2021.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

- B. An Ordinance To Approve A Rezoning To Planned Residential And A Basic Development Plan For The Property Located At 6502 Old Troy Pike And Further Identified As Parcel Number P70 04004 0003 On The Montgomery County Auditor's Tax Map And Accepting The Recommendation Of The Planning Commission (Zoning Case 21-34).  
(seventh reading)



Interim City Manager Bryan Chodkowski said the Annex Group had been looking to evaluate its financial model and its need for assistance from the City to make its proposed project work. He said City Staff received some information back from the Annex Group prior to the Council Work Session and he had shared that information with the City Council. He said based on the conversations this body had previously as well as communications with the Annex Group, City Staff would recommend Council move to table this item indefinitely.

Mr. Campbell moved to postpone action indefinitely on Item 11-B at the seventh reading; Ms. Baker seconded the motion.

Mr. Otto said it feels to him that tabling it indefinitely takes it off the table indefinitely, but he would prefer to just vote on this item and be done with it completely.

Mr. Rodgers said this motion is basically a kill motion.

Mr. Shaw said he would agree a vote taking place on this item would be more appropriate, but he is fine moving forward with tabling the item.

Mr. Webb said he would like to hear from legal counsel as to the implications of one consideration or the other.

Law Director Gerald McDonald said postponing action indefinitely on this item will kill it. He said voting no would kill the item, but someone could appeal that decision.

On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

**12. New Business**

**CITY COUNCIL**

**Anthony Rodgers, Clerk of Council**

- A. A Motion To Appoint Carla Staigl To The Culture And Diversity Citizen Action Commission For A Term Ending December 31, 2024.

Clerk of Council Anthony Rodgers said the background check on Ms. Staigl had been completed, and he said this appointment was the recommendation of the interview panel.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mr. Webb moved to adopt; Mrs. Kitchen seconded the motion. On a call of the vote, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, and Mr. Campbell voted yea; none voted nay. The motion passes 8-0.

- B. A Motion To Appoint Steve Zbinden And Herman Karhoff To The 2022 Comprehensive Development Plan Steering Committee.

Mr. Rodgers said the recommendation was to make these two appointments this evening. He said the background checks have been completed on the individuals. He said there was a third individual who has been out of town and unable to complete the release for the background check.

Mayor Gore said the Council Work Session recommendation was to adopt this item.

Mrs. Byrge moved to adopt; Mr. Campbell seconded the motion. On a call of the vote, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, and Mrs. Byrge voted yea; none voted nay. The motion passes 8-0.

- C. A Motion To Appoint Mayor Jeff Gore And Two Councilmembers To The 2022 Comprehensive Development Plan Steering Committee.

Mr. Rodgers said this item was discussed at the Council Work Session and at that time there were three Councilmembers who expressed an interest in serving on this Steering Committee. He said this item would be a discussion as to who to appoint of the three individuals - Mrs. Byrge, Mr. Webb, and Mrs. Kitchen.

Mr. Campbell moved to appoint Mrs. Byrge, Mrs. Kitchen, and Mayor Gore to the 2022 Comprehensive Development Plan Steering Committee; Mr. Otto seconded the motion. On a call of the vote, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, and Mr. Otto voted yea; none voted nay. The motion passes 8-0.

#### **ADMINISTRATION**

**Bryan Chodkowski, Interim City Manager**

- D. A Resolution Authorizing The City Manager To Increase The 2022 Not To Exceed Amount With Vendor Landscape Structures/Penchura For The Purpose Of Purchasing And Installing Playground Equipment For The City Of Huber Heights And Waiving The Competitive Bidding Requirements.  
(first reading)

Mr. Chodkowski said this legislation is before Council due to a technical language issue in Resolution No. 2022-R-7079 where City Staff tied both the purchase of the equipment and the installation of the equipment together. He said the initial legislation was the authorization of money from a 2021 purchase order to purchase the equipment, and now the City needs to pay for the installation. He said there is money in the 2022 City Budget to pay for that cost. He said, based on this technical issue, City Staff is asking Council to approve this item so that when the product arrives, it can be installed as quickly as possible.

Mr. Campbell moved to adopt; Mrs. Baker seconded the motion. On a call of the vote, Mrs. Kitchen, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, and Mr. Lyons voted yea; none voted nay. The motion passes 8-0.

- E. A Resolution Authorizing The City Manager To Apply For And Accept Grant Funds From The Bureau Of Justice Assistance Bulletproof Vest Partnership For The Purpose Of Purchasing Replacement Protective Body Armor.  
(first reading)

Mr. Chodkowski said this legislation is to authorize the grant application for the bulletproof vest grant. He said, if successfully awarded, the City will incur an out-of-pocket expense of just under \$6,000. He said this money is available in the 2022 City Budget.

Mr. Shaw moved to adopt; Mr. Otto seconded the motion. On a call of the vote, Mr. Webb, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, and Mrs. Kitchen voted yea; none voted nay. The motion passes 8-0.

- F. A Resolution Authorizing The City Manager To Award And Enter Into Contracts For The 2022 Street Program.  
(first reading)

Mr. Chodkowski said this item is annual recurring legislation and he asked Council to adopt the item so City Staff may engage contractor John R. Jurgensen for this work in 2022. He said the bids received were just over 7.4 percent above the City Engineer's estimate. He said at the last meeting, Council passed the related supplemental appropriations, so sufficient funds will be available.

Mr. Otto moved to adopt; Mr. Webb seconded the motion.

Mrs. Kitchen said she wanted to state on the record again from Ward 4, she wants to make sure the City looks at that area before doing any work regarding what is going on with the water issues.

On a call of the vote, Mr. Shaw, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, and Mr. Webb voted yea; none voted nay. The motion passes 8-0.

**13. City Official Reports and Comments**

Mr. Otto welcomed the eight new police officers. He said, with the athletic teams' accomplishments, the City will have to expand the gateway signs to brag it up a little. He congratulated the Wayne Township/Huber Heights Historical Society and said he and Mr. Shaw have probably written its name down so many times over the years to get that money.

Mr. Shaw said his complete report and analysis from his National League of Cities trip in Washington D.C. will be available to Council as he has done for numerous years. He said he would be sending a lot of information via email to City Staff. He said he will be having additional conversations with in-state aides from Senator Portman's office on different projects in the City which he thinks the City will receive a lot of assistance on, one item being EV installations.

**14. Executive Session**

Mayor Gore said there is a need for an Executive Session.

Mr. Rodgers stated this is a motion to go into Executive Session to discuss pending or imminent litigation.

Mr. Campbell moved to go into Executive Session to discuss pending or imminent litigation; Mrs. Kitchen seconded the motion. On a call of the vote, Ms. Baker, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, and Mr. Shaw voted yea; none voted nay. The motion passes 8-0.

City Council went into Executive Session at 6:58 p.m.

City Council adjourned from Executive Session at 7:17 p.m.

Mr. McDonald read a motion to authorize the City Manager to enter into a mediation settlement agreement in Montgomery County Case No. 2022 CV 00517 for RJK Associates versus the City of Huber Heights Planning Commission.

Mr. Campbell moved to adopt the motion; Mr. Shaw seconded the motion. On a call of the vote, Mr. Campbell, Mrs. Byrge, Mr. Otto, Mr. Lyons, Mrs. Kitchen, Mr. Webb, Mr. Shaw, and Ms. Baker voted yea; none voted nay. The motion passes 8-0.

**15. Adjournment**

Mayor Gore adjourned the Regular Session City Council Meeting at 7:18 p.m.

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-8365

Minutes B.

**City Council Meeting**

**Meeting Date:** 04/25/2022

Approval of Minutes - 4/11/22

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

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**Agenda Item Description or Legislation Title**

City Council Meeting Minutes - April 11, 2022

**Purpose and Background**

Approval of the minutes from the April 11, 2022 City Council Meeting.

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**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:**

There are no financial implications to this agenda item.

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**Attachments**

Minutes

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Present: Don Webb, Jeff Gore

Absent: Richard Shaw, Kathleen Baker, Anita Kitchen, Mark Campbell, Ed Lyons, Nancy Byrge, Glenn Otto

**1. Call The Meeting To Order - Mayor Jeff Gore**

The Huber Heights City Council was scheduled to meet in Regular Session on April 11, 2022. Mayor Jeff Gore opened the meeting at 6:00 p.m.

Mayor Gore said the scheduled Public Hearings for Items 11-B, 11-C, and 11-D are hereby opened for the sole purpose of continuing the Public Hearings until the April 25, 2022 City Council Meeting due to lack of a quorum for the April 11, 2022 City Council Meeting. He said due to the lack of a quorum, the April 11, 2022 City Council Meeting has been cancelled.

Mayor Gore adjourned the Regular Session City Council Meeting at 6:00 p.m.

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

AI-8331

**Special Presentations/Announcements A.**

**City Council Meeting**

**City Council**

**Meeting Date:** 04/25/2022

WHS Men's and Women's Bowling Teams Recognition and Proclamation Presentation

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** None

**Date(s) of Committee Review:** N/A

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

**Motion/Ordinance/** N/A

**Resolution No.:**

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**Agenda Item Description or Legislation Title**

Wayne High School Men's And Women's Bowling Teams Recognition And Proclamation Presentation - Mayor Jeff Gore

**Purpose and Background**

Mayor Jeff Gore will be presenting proclamations and City coins to the players of the Wayne High School Men's and Women's Bowling Teams in recognition of the Men's Bowling Team placing seventh and the Women's Bowling Team placing thirteenth in the Ohio High School Athletic Association (OHSAA) Division 1 State Tournament.

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**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:**

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**Attachments**

Proclamation

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# City of Huber Heights Mayoral Proclamation SPECIAL RECOGNITION

**WHEREAS**, the City of Huber Heights wishes to express its appreciation and admiration for a group of very special individuals who are most worthy of this highest mark of our favor; and

**WHEREAS**, the Wayne High School Men's and Women's Bowling Teams demonstrated high levels of competitive spirit and good sportsmanship by competing recently in the Ohio High School Athletic Association (OHSAA) Division 1 State Tournament on March 11-12, 2022; and

**WHEREAS**, the Men's Bowling Team placed seventh and the Women's Bowling Team placed thirteenth in the Ohio High School Athletic Association (OHSAA) Division 1 State Tournament.

**NOW, THEREFORE**, I, Jeff Gore, Mayor of the City of Huber Heights, Ohio do hereby extend our very best wishes for health, happiness, and continued success to:

## Wayne High School Men's and Women's Bowling Teams

**BE IT FURTHER RESOLVED**, that this recognition is sealed by presenting to these honored individuals a City coin from the City of Huber Heights as a token of our esteem.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Huber Heights to be affixed this twenty-fifth day of April in the Year of Our Lord, Two Thousand and Twenty-Two.

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JEFF GORE  
MAYOR



AI-8332

**New Business    A.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

2022 Comprehensive Development Plan Steering Committee - Citizen Appointments

**Submitted By:** Bryan Chodkowski

**Department:** Planning

**Division:**

Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 03/22/2022 and  
04/05/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** 2022-M-452

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**Agenda Item Description or Legislation Title**

A Motion To Appoint Matthew Shomper, Ronald Deak, Jen Sirucek, Scott Davidson, And Jeffrey Held To The 2022 Comprehensive Development Plan Steering Committee.

**Purpose and Background**

The City has engaged YARD & Company to prepare an update to the City's Comprehensive Development Plan (Comp Plan). The Comp Plan is a document that looks at how the City has developed over the last ten years, marries that data with various community perspectives about what the community should look like in the future, and presents recommendations on how the City might want to support or encourage growth over the next ten years. While this effort will involve public input, a steering committee is necessary to help the consultant and City Staff understand and prioritize public input, fill in any informational gaps, as well as provide context to the vision of Huber Height's future.

The City Council approved the establishment of the steering committee on March 14, 2022. The City Council recommends the appointment of Matthew Shomper, Ronald Deak, Jen Sirucek, Scott Davidson, and Jeffrey Held as citizen members to the 2022 Comprehensive Development Plan Steering Committee. The City has completed background checks on all of these individuals through Human Resources.

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**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:**

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**Attachments**

Application - M. Shomper

Application - R. Deak

Application - J. Sirucek

Application - S. Davidson

Application - J. Held





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# Application For Board/Commission Membership

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**

<b>Board or Commission Applied For:</b> City Steering Committee		<b>Date Applied:</b> 3-6-2022
<div>Shomper</div> <div>Matthew</div> <div>Raymond</div>		
Last Name	First Name	Middle Name
4096 Forestedge St. Tipp City Ohio		45371
Address	City	State Zip Code
937 470 1817	937 470 1817	mshomper70@gmail.com
Home Phone Number	Daytime Phone Number	E-mail Address

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Wayne	HS Diploma -1989
COLLEGE	Earlham College	Bachelors - Mathematics <sup>1993</sup>
GRADUATE SCHOOL	Univ. of Cincinnati	Masters - Ed. Leadership
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
H.H. Masonic Lodge #777	Endowed Member since 2007?



## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Dayton Public Schools	Teacher	2017 to Present
Lakefront Lines	Charter Bus Driver	2016 to 2020
Tipp City Schools	Athletic Director	2006 to 2016
Springboro Schools	Teacher / A.D.	1998 to 2006
Princeton City Schools	Teacher	1993 to 1998

## REFERENCES

Laurie Blucker	4348 Leston Drive	937 760 2311
Name	Address	Telephone Number
Maria Thompson	7346 Rustic Woods	937 422 0911
Name	Address	Telephone Number
Jeff Gore	6967 Charlesgate Rd.	937 672 7272
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

My father is one of the founding father's of Huber Heights. My love and passion for our city runs very deep. I want to become more involved in the city to help plan for the future and continue to move Huber Heights in a great direction. Development is a "hot topic" in the city and I want to help in the planning process and ensure the citizens that due diligence in all aspects of planning is taking place.

Wendy Blucker

3/6/2022

Signature

Date



## 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

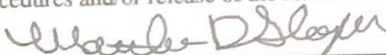
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

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.

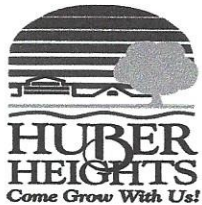


Signature

3-7-2022

Date





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# Application For Board/Commission Membership

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**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION  
COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> COMPREHENSIVE PLAN BOARD	<b>Date Applied:</b> 3-24-22
---	---------------------------------

Last Name DEAK	First Name RONALD	Middle Name J
Address 5908 OAK CREEK TRAIL	City HUBER HEIGHTS	State OH
		Zip Code 45424
Home Phone Number	Daytime Phone Number 7816989177	E-mail Address TAD@DD.com

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	WASSON 1978	DIPLOMA
COLLEGE	U. COLORADO BOULDER	B. ENVIRONMENTAL DESIGN ARCHITECTURE 1982
GRADUATE SCHOOL	WEBSTER U. ST. LOUIS MO	M. BUSINESS MANAGEMENT
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
BEDFORD SCHOOL BOARD BEDFORD MA	2003-2004
WENT THROUGH AF CAREER	1983-2007

## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
USAF	COMMANDER 7 TIMES	1983-2007
SERCO, SUMARIA USAF	SENIOR PGM MGR	2007-PRESENT

## REFERENCES

CINDY SMITH	6171 OAK RIDGE DR H.H.	619 8044856
Name	Address	Telephone Number
PETER DEARMOND	WPAFB	618 780 5067
Name	Address	Telephone Number
VANESSA JARRALL	POWNEY CA	858 850-6099
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

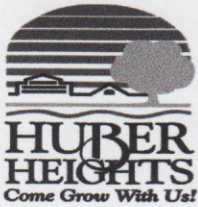
IN MY PREVIOUS CAREER IN AIR FORCE WAS COMPREHENSIVE PLANNER OF  
 AF ALSO HAD PE/PA IN MY EARLY CAREER AND USED THEM  
 WORLD WIDE AT OVER 300 AF BASES AND SITES TO PROPERLY  
 DESIGN, LOCATE, POSITION IN A SUPERVISORY ROLL. WANT TO  
 CHANNEL THE EXPERIENCE TO ENSURE H.H. IS PROPERLY  
 POSITIONED FOR FUTURE GROWTH EXECUTED IN A MEANINGFUL  
 THOUGHTFUL MANNER THAT BLENDS WITH THE SURROUNDING  
 DEVELOPED AREA.

Signature

Date

24 MAR 22





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# Application For City Boards and Commissions

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color, religion, sex, national origin, marital or veteran status, or disability.

**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION  
COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> 2022 CDP Steering Committee		<b>Date Applied:</b> 3/25/22	
Jirucek		Jen	
Last Name		First Name	
Middle Name			
9069 Buttercup Dr.		Tipp city Ohio 45371	
Address		City State Zip Code	
937-272-2484		jenrwilbgsu@gmail.com	
Home Phone Number		Daytime Phone Number	
E-mail Address			

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	Chaminade-Julienne	College Prep - Diploma
COLLEGE	Bowling Green State U.	Biology, BS
GRADUATE SCHOOL	Bowling Green State U.	Organization Development MS
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
Chair - Dayton Area Recreators Alliance	2017 - Current
Chair - Job/Job Readiness Taskforce - Clark Co.	2017 - Current
Ohio Means Jobs - Board Member - Clark Co.	2018 - Current
Clark State - Mgmt Advisory Board Member	2018 - Current



## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Assurant	Hr Partner	3/2017 - Current
Home Care by Blackstone	Talent Management	Coord. 2/14 - 7/16

## REFERENCES

Monique Allhouse	neighbor	501-697-5027
Name	Address	Telephone Number
Amy Donahoe	Workforce Dev	937-408-4285
Name	Address	Telephone Number
Mayor Jeff Gore		
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

Citizen who is committed to the local community. Belives there is always a positive outcome that is "win-win" for both residents & businesses who share space together. We are all better when we work together.



## 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

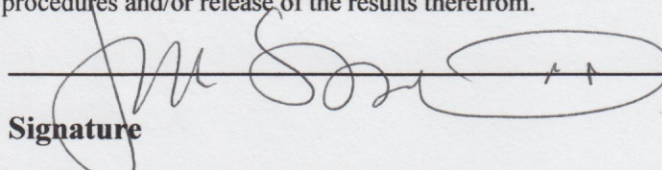
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

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.

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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

3/25/22  
Date



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# Application For City Boards and Commissions

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color, religion, sex, national origin, marital or veterans status, or disability.

**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION  
COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> Comprehensive Development Plan Steering Comm	<b>Date Applied:</b> 3-25-22
---	---------------------------------

DAVIDSON	Scott	A
Last Name	First Name	Middle Name
8003 RIVER DOWNS CT	HUBER HEIGHTS	OH
Address	City	State
		Zip Code
45424		
937-313-0683		SCOTTSPADD@AOL.COM
Home Phone Number	Daytime Phone Number	E-mail Address

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	NORTHRIDGE	DIPLOMA
COLLEGE	SINCLAIR	Automotive
GRADUATE SCHOOL		
OTHER (Specify)	HMI	masters Degree

## 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
BZA IN HUBER	2021 to current
SINCLAIR CAST Advisory Committee	2008 to current
OHIO PAL	2010-2016
ASA	2000-2010

**EMPLOYMENT HISTORY**

Name of Employer	Position(s) Held	Dates of Employment
DAN DSON GARAGE	SELF/OWNER	1983 - Current
NEDS	ARBITRATOR	2000 - Current

**REFERENCES**

KEN ELRICH		937-673-6559
Name	Address	Telephone Number
CHRIS MURFEY		937-490-9333
Name	Address	Telephone Number
CHARLES WRIGHT		937-307-6202
Name	Address	Telephone Number

**STATEMENT OF INTEREST**

Please tell us why you are interested in serving on this board or commission

Looking out for the future of Huber Heights d growth of the city. This committee will help me understand the needs in the city and to come, for future knowledge of committees or boards I would like to be on in the near future and what direction the city will be going in the next 10 years



## 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

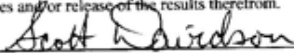
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

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.

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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.



3-25-22

Signature

Date



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# Application For City Boards and Commissions

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color, religion, sex, national origin, marital or veteran status, or disability.

**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION  
COMPLETELY AND ACCURATELY**

<b>Board or Commission Applied For:</b> Comprehensive Development Plan Steering Committee		<b>Date Applied:</b> 3/28/2022	
Held	Jeffrey	Franklin	
Last Name	First Name	Middle Name	
3203 Dry Run St	Tipp City	OH	45371
Address	City	State	Zip Code
757-912-3852		held.jeffrey@yahoo.com	
Home Phone Number	Daytime Phone Number	E-mail Address	

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	E.L. Meyers High School	
COLLEGE	Pennsylvania State University	BA Psychology
GRADUATE SCHOOL		
OTHER (Specify)	Community College of the Air Force	Associates of Intelligence Studies Associates of Education

## 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
H2Grow	06/01/2019
USAF Wright-Patterson Top 3	10/1/2017

## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
USAF	Superintendent	2003-Present

## REFERENCES

Danna Plewe	6958 Charlesgate Rd, Huber Heights	937-510-5772
Name	Address	Telephone Number
Don Webb	8801 Classic Ct, Huber Heights	937-478-5231
Name	Address	Telephone Number
Jeff Gore	6967 Charlesgate Rd Huber Heights	937-672-7272
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

My wife and I plan to make Huber Heights our home. I care very deeply about the future of Huber Heights,
and would be honored to help shape the future of it.
I believe the city is in a great position to take advantage of the numerous opportunities available to them. The
Dayton area is becoming an area known for new technology development, Wright-State is graduating engineers and
other STEM and medical professionals every year, our proximity to interstate highways and the Dayton Airport
makes Huber Heights a community that can grow even more prosperous. I would like to put what talent, skills,
and ideas I have to the benefit of our community.

## 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

I am currently in the process of changing my residency to Ohio and will register to vote as soon as I can

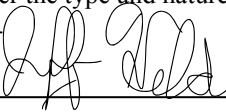
Are you willing to sign a release to allow the City of Huber Heights to perform a background screening and criminal records check? ☒ Yes ☐ No

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3/28/22

Signature

Date



AI-8363

**New Business    B.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Culture and Diversity Citizen Action Commission Appointment - B. Gulalieu

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 04/19/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-M-453

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**Agenda Item Description or Legislation Title**

A Motion To Appoint Bayram Gulalieu To The Culture And Diversity Citizens Action Commission For A Term Ending December 31, 2023.

**Purpose and Background**

The City's interview panel recommends the appointment of Bayram Gulalieu to the Culture and Diversity Citizen Action Commission for a term ending December 31, 2023. A background check on Mr. Gulalieu was completed through 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:**

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**Attachments**

Application - B. Gulalieu

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# Application For City Boards and Commissions

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**PLEASE COMPLETE ALL SECTIONS AND EACH QUESTION  
COMPLETELY AND ACCURATELY**

**Board or Commission Applied For:**

*Culture and Diversity*

**Date Applied:**

*3-15-2022*

Last Name	First Name	Middle Name
<i>Gulabew</i>	<i>Bayram</i>	<i>P</i>
Address	City	State
<i>3331 Arrowwood St Tipp City OH</i>		<i>45371</i>
Home Phone Number	Daytime Phone Number	E-mail Address
	<i>9713446170</i>	

## EDUCATION

	SCHOOL	COURSE OF STUDY OR DEGREE EARNED
HIGH SCHOOL	<i>Russia</i>	
COLLEGE		
GRADUATE SCHOOL		
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
<i>Osman Gazi Mosque</i>	<i>2018 - Present</i>

## EMPLOYMENT HISTORY

Name of Employer	Position(s) Held	Dates of Employment
Infinity lines llc (SELF EMPLOYE)	Owner	2016 - Present

## REFERENCES

Name	Address	Telephone Number
Jeff Gore		
Name	Address	Telephone Number
Cindy Davidson		
Name	Address	Telephone Number

## STATEMENT OF INTEREST

Please tell us why you are interested in serving on this board or commission

I am involved in Gray Wolf wrestling developed by Turkish Community. We are working with children and teenagers to get them interested in sports. Our goal is to keep our children to serve our community. I am interested in serving on this board to be more involved and help our community to grow and be more productive and healthy.



## 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

Date

3-15-2022

AI-8362

**New Business    C.  
City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Liquor Permit #0055605 - Action Palace - 5605 Old Troy Pike

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Type of** New

**Liquor Permit:**

**Motion/Ordinance/** 2022-M-454

**Resolution No.:**

---

**Agenda Item Description**

A Motion To Direct The Clerk Of Council To Respond To The Ohio Division Of Liquor Control With No Objections In Reference To New Liquor Permit #0055605 For Action Palace At 5605 Old Troy Pike, Huber Heights, Ohio 45424.

**Review and Comments - Police Division**

The Police Division has no objections to the approval of this liquor permit.

**Review and Comments - Fire Division**

The Fire Division has no objections to the approval of this liquor permit.

---

**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**

Liquor Permit

---

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0055605		NEW	ACTION PALACE OHIO LLC DBA ACTION PALACE 5605 OLD TROY PIKE HUBER HGTS OH 45424
PERMIT NUMBER		TYPE	
ISSUE DATE			
03 15 2022			
FILING DATE			
D5			
PERMIT CLASSES			
57	083	A	D34403
TAX DISTRICT		RECEIPT NO.	

FROM 03/30/2022

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 03/30/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN.

05/02/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A NEW 0055605**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF HUBER HGTS CITY COUNCIL  
6131 TAYLORSVILLE RD  
HUBER HGTS OHIO 45424

AI-8369

**New Business     D.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Liquor Permit Objection - Marathon - 7851 Old Troy Pike

**Submitted By:** Anthony Rodgers

**Department:** City Council

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 04/19/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7113

---

**Agenda Item Description or Legislation Title**

A Resolution Authorizing The Law Director To Register An Objection To A Liquor Permit Renewal And Request A Hearing.  
(first reading)

**Purpose and Background**

This legislation is to authorize the City to object to the renewal of the liquor permit for the Marathon gas station at 7851 Old Troy Pike.

---

**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:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
MONTGOMERY COUNTY, OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE LAW DIRECTOR TO REGISTER AN OBJECTION TO A LIQUOR PERMIT RENEWAL AND REQUEST A HEARING.

WHEREAS, Ohio Revised Code provides the City with the right to object to the renewal of a liquor permit and request a hearing by passing a Resolution specifying the reason for objecting; and

WHEREAS, the Law Director has recommended that the City object to the renewal of the liquor permit for Hai Radhe LLC DBA 7851 Marathon at 7851 Old Troy Pike, Huber Heights Ohio for the reason that the owners have operated the premises in a manner that demonstrates a disregard for the laws, regulations, or local ordinances and is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the renewal of the permit and operation by the applicant.

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

Section 1. The Law Director, or his designee, is authorized to object to the renewal of a liquor permit for Hai Radhe LLC DBA 7851 Marathon at 7851 Old Troy Pike, Huber Heights Ohio and request a hearing regarding same for the reason that the owners have operated the premises in a manner that demonstrates a disregard for the laws, regulations, or local ordinances and because the premises is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace or good order would result from the renewal of the permit and operation by the applicant.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8333

**New Business    E.  
City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC 21-45 - Major Change - Basic and Detailed Development Plan - Kirmon Khalilov - 5840 Old Troy Pike - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case 21-45. The Applicant Is Kirmon Khalilov. The Applicant Is Requesting Approval Of A Major Change To The Basic And Detailed Development Plan In A PC (Planned Commercial) District For The Property Located At 5840 Old Troy Pike And Further Described As Parcel ID P70 01923 0004 On The Montgomery County Auditor's Map (Zoning Case 21-45).

**Purpose and Background**

The applicant, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan for property located at 5840 Old Troy Pike (ZC 21-45).

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**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:**

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**Attachments**

*No file(s) attached.*

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AI-8334

**New Business    F.  
City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-07 - Basic Detailed Development - The Gables - Brandt Pike - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Council Committee Review?:** Council Work Session      **Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:**      **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-07. The Applicant Is Charles Simms Development. The Applicant Is Requesting Approval Of A Basic Development Plan For Property Located At Brandt Pike North Of The Reserves At The Fairways (Zoning Case BDP 22-07).

**Purpose and Background**

The applicant, Charles Simms Development, is requesting approval of a Basic Development Plan for the property located on Brandt Pike and further identified as Parcel Number P70-03910-0057 on the Montgomery County Auditor's Tax Map (ZC BDP 22-07).

---

**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:**

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**Attachments**

*No file(s) attached.*

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AI-8323

**New Business    G.  
City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-08 - Amarjit Takhar - Rezoning/Basic Development Plan - State Route 235 - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 4/19/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-08. The Applicant Is Amarjit Takhar. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To PC (Planned Commercial) For Property Located At State Route 235 and Center Point 70 Boulevard And Further Identified As Parcel Numbers P70 03903 0005 And P70 03903 0079 On The Montgomery County Auditor's Map.

**Purpose and Background**

The applicant, Amarjit Takhar, is requesting approval of a Basic Development Plan and a Rezoning to PC (Planned Commercial) for 9 acres of a 35-acre parcel of property located at State Route 235 and Center Point 70 Boulevard (Zoning Case BDP 22-08).

---

**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:**

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**Attachments**

*No file(s) attached.*

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AI-8327

**New Business     H.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC CBDP 22-11 - Campbell Berling Huber Heights, LLC - Rezoning/Combined Basic and Detailed Development Plan -Bellefontaine Road - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case CBDP 22-11. The Applicant Is Campbell Berling Huber Heights, LLC. The Applicant Is Requesting Approval Of A Combined Basic And Detailed Development Plan For 22.38 Acres And A Rezoning To Planned Residential (PR) On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Described As Parcel Number P70 03908 0126 On The Montgomery County Auditor's Map.

**Purpose and Background**

The applicant, Campbell Berling Huber Heights, LLC, is requesting approval of a Combined Basic and Detailed Development Plan and a Rezoning for property located on Bellefontaine Road (Zoning Case CBDP 22-11).

---

**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:**

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**Attachments**

*No file(s) attached.*

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AI-8330

**New Business I.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-12 - Horizon Line Development - Rezoning/Basic Development Plan - 7125 Executive Boulevard - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case BDP 22-12. The Applicant Is Horizon Line Development. The Applicant Is Requesting Approval Of A Basic Development Plan And A Rezoning To Planned Mixed (PM) For Property Located At 7125 Executive Boulevard And Further Described As Parcel ID P70-03910-0005 On The Montgomery County Auditor's Map.

**Purpose and Background**

The applicant, Horizon Line Development, is requesting approval of a Basic Development Plan and a Rezoning to Planned Mixed (PM) for property located at 7125 Executive Boulevard (BDP 22-12).

---

**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:**

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**Attachments**

*No file(s) attached.*

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AI-8335

**New Business J.**  
**City Council**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC ORD 22-16 Sidewalk Requirements - Public Hearing

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:**

Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** N/A

---

**Agenda Item Description or Legislation Title**

A Public Hearing Scheduled For April 25, 2022 By The Huber Heights City Council For Zoning Case ORD 22-16. The Applicant Is The City Of Huber Heights. The Applicant Is Requesting Approval Of Proposed Changes To Sidewalks Requirements.

**Purpose and Background**

The applicant, the City of Huber Heights, is requesting approval of the Proposed Changes to the Ordinance for Sidewalk Requirements (ZC ORD 22-16).

---

**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.*

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AI-8336

**New Business     K.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC 21-45 - Kirmon Khalilov - Major Change - Basic and Detailed Development Plan - 5840 Old Troy Pike

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** Passed to  
a Second  
Reading

---

**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Major Change To The Basic And Detailed Development Plan For The Property Located At 5840 Old Troy Pike And Further Identified As Parcel Number P70-01923-0004 On The Montgomery County Auditor's Map And Rejecting The Recommendation Of The Planning Commission (Zoning Case 21-45).  
(first reading)

**Purpose and Background**

The applicant, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan in a PC (Planned Commercial) District for the property located at 5840 Old Troy Pike and further identified as Parcel Number P70-01923-0004 on the Montgomery County Auditor's Tax Map (ZC 21-45).

---

**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:**

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**Attachments**

Drawing

Picture

Fire Assessment

Staff Report

Opposition Letters

Decision Record

Minutes

Ordinance

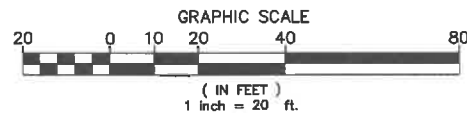
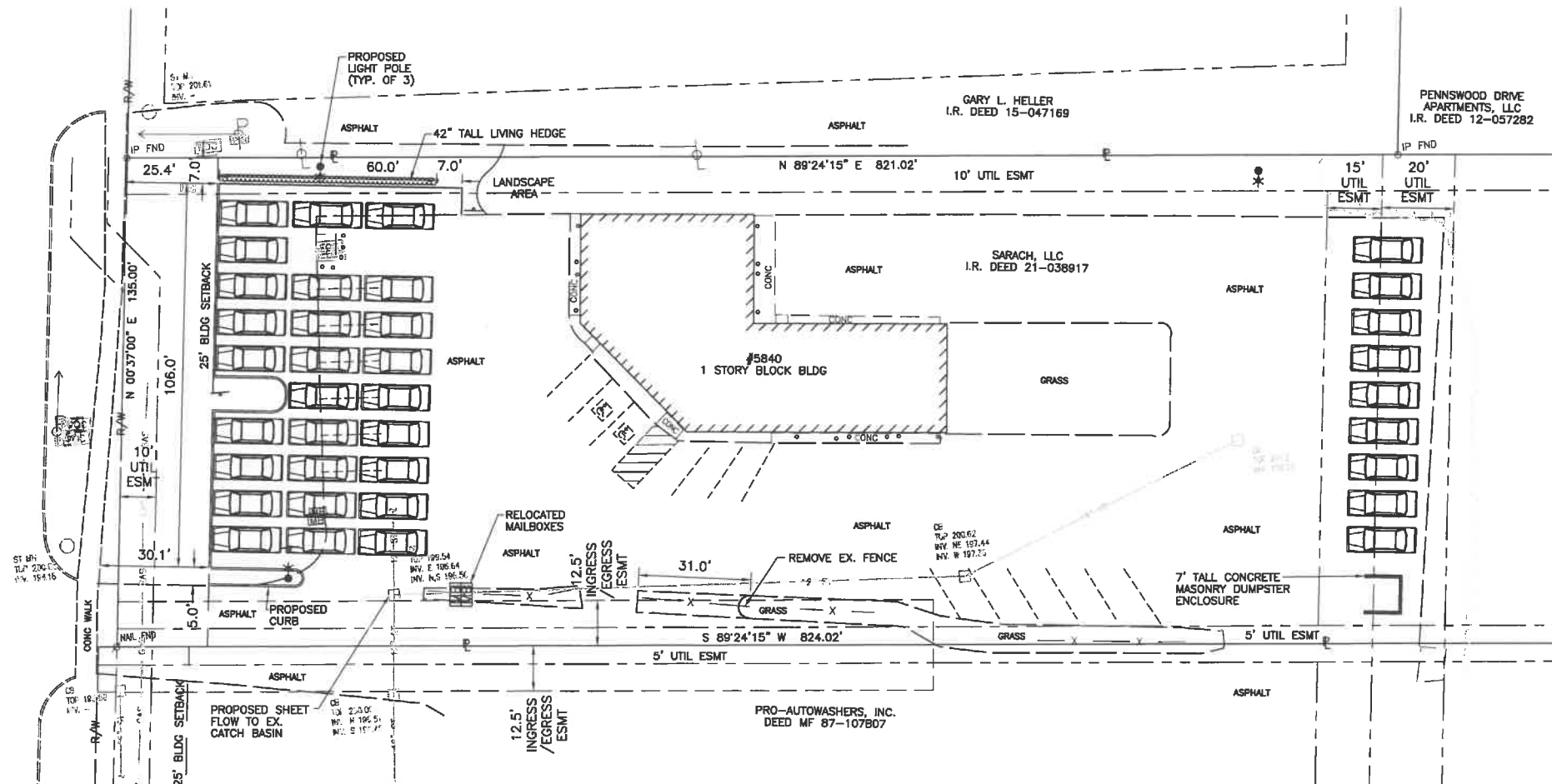
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C:\CADD\3D Projects\21-030 5840 OLD TROY SURVEY\DWG\21030-ssite.dwg Thu, Jan 08, 2021 - 2:55pm

OLD TROY PIKE (S.R. 202)



- LEGEND**
- |           |                      |                       |
|-----------|----------------------|-----------------------|
| IP FND    | IRON PIN FOUND       | STORM SEWER           |
| SPIKE FND | RAILROAD SPIKE FOUND | SANITARY SEWER        |
| WV        | WATER VALVE          | WATER LINE            |
| GV        | GAS VALVE            | GAS LINE              |
| CB        | CATCH BASIN          | OVERHEAD ELECTRIC     |
| CI        | CURB INLET           | UNDERGROUND ELECTRIC  |
| SM        | STORM MANHOLE        | OVERHEAD TELEPHONE    |
| SH        | SANITARY MANHOLE     | UNDERGROUND TELEPHONE |
| UM        | UTILITY MANHOLE      | FIBER OPTIC CABLE     |
| LP        | LIGHT POLE           | FENCE LINE            |
| PP        | POWER POLE           | EX. GUARDRAIL         |
| TP        | TELEPHONE POLE       | EX. PAVEMENT MARKING  |
| RTA       | RTA POLE             | TREE LINE             |
| FH        | FIRE HYDRANT         | CURB                  |
| S         | SIGN                 |                       |
| FL        | FLOOD LIGHT          |                       |
| FP        | FLAG POLE            |                       |
| SB        | SOIL BORING          |                       |
|           | PROPOSED PAVEMENT    |                       |



ADMIRAL ENGINEERING  
& SURVEYING INC.  
14 WEST FIRST STREET  
DAYTON, OHIO 45402  
937-223-5807  
FAX 937-223-5871



SARACH, LLC  
5840 OLD TROY PIKE  
HUBER HEIGHTS, OHIO

REVISIONS

PROJECT NUMBER  
21-030

DRAWN: DWB  
DATE: 10-7-21  
CHECKED: CSH  
DATE: 10-29-21  
CAD FILE: 21030-b008

DATE  
12-27-2021

SHEET NAME

SITE PLAN

SHEET No.

1





**Showroom**  
Auto Appearance  
Center

★ Car Polishing & Protection  
★ Electronic Rust Proofing  
★ Auto Accessories

NEVER WAX AGAIN  
GET CERAMIC PLUS

ENTER

Aftercare

Showroom

Showroom





# Huber Heights Fire Division

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

Occupancy Name:	Sarach – Proposed Car Lot		
Occupancy Address:	5840 Old Troy Pike		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:		HHFD Plan:	21-232
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	11/22/2021

## **Fire Department Comments:**

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

**These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted.**

### **Requirements: (Site Plan)**

- **Driveways are existing and acceptable and appear to meet Ohio Fire Code requirements for turn radius. Parked cars shall not block fire department access.**
- **A certificate of occupancy shall be applied for with Montgomery County Building Regulations, along with a permit application for any modifications to the building.**

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

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

# Memorandum

Staff Report for Meeting of February 15, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: February 9, 2022

Subject: ZC 21-45 (Major Change to the Basic and Detailed Development Plan in a  
Planned Commercial District – 5840 Old Troy Pike.

Updated plans received January 12, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Kirmon Khalilov – Applicant / Owner

**DEVELOPMENT NAME:**

**ADDRESS/LOCATION:** 5840 Old Troy Pike

**ZONING/ACREAGE:** Planned Commercial / 2.55 acres

**EXISTING LAND USE:** Auto detailing service

**ZONING  
ADJACENT LAND:** North: O-1 & R-6; East: R-6; South: PC; West: PC

**REQUEST:** The applicant requests a major change to the Basic and Detailed Development Plan for a car dealer and auto service to prep the for-sale vehicles.

**ORIGINAL APPROVAL:**

**APPLICABLE HHCC:** Chapter 1176, 1182

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

## **Overview**

This application was heard and tabled at the December 14, 2021 Planning Commission meeting. Based on the minutes, there was discussion about whether vehicles would be serviced on site, existing buffering between the adjacent funeral home, and moving the parking setback significantly closer to Old Troy Pike.

The applicant has submitted a revised plan which:

- Includes auto sales and service as the primary use;
- Added a masonry dumpster enclosure to the rear of the lot;
- Added a 42-inch hedge as screening between the front parking area and the funeral home parking area;
- Illustrates possible building expansion for garage bays and/or possible office; and
- Added three 25-foot light poles (two in front, one at the rear).

No other substantial changes were submitted.

## **STAFF ANALYSIS AND RECOMMENDATION:**

This analysis will focus on the changes to the proposal since the application was tabled at the December 14, 2021 meeting:

### **Vehicle Display and Landscaping**

The revised plan includes a 42" hedge, 60-feet long, between the display area and the property line. While this does help buffer the display area from the adjoining property, the proposed plan reduces the existing required yard buffer from 15-feet (required in the PC District) to approximately 7-feet.

The code states:

1176.03 (b)(1): All yards within the development plan except those abutting a Business or Industrial District shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15 feet along property lines.

Both the original and revised plan locate the vehicle display area 25-feet from the right-of-way. While this meets the zoning standards for a parking area, the proposed plan shows three tightly packed display rows. This will have a greater visual impact along Old Troy Pike than a traditional parking area with one row of parked vehicles, separated by a 20-foot drive aisle. Additionally, parking areas of this size would be required to have interior parking landscaping to break up the mass of the vehicles and reduce storm water runoff. There are little to no recently developed uses within the vicinity that have such concentrated vehicular display or parking areas.

### **Conformance with Zoning Regulations**

The proposed vehicle sales and service uses are permitted uses within the Planned Commercial district, if the Planning Commission approves such uses. At this time, there are no vehicle sales uses in this area of Old Troy Pike.

The proposed site plan brings the site out of conformance with the yard standards set in 1176.03(b)(1), described above.

If the Planning Commission deems the vehicle display area as a parking area, the site plan is not in conformance with the parking requirements found in Chapter 1185.

### **Standards for Approval**

#### 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.*

### **Staff Analysis**

As proposed, it is the staff's opinion that the site becomes less conforming to the zoning code than it currently exists. This includes yard standards, and parking layout and design.

### **Additional Comments:**

**Fire:**

**City Engineer:**

### **Planning Commission Action**

The Planning Commission may:

- 1) Approve the Basic and Detailed Development Plan;
- 2) Deny the Basic and Detailed Development Plan; or
- 3) Table the decision.

# MARKER & HELLER

FUNERAL HOMES, INC.  
AND CREMATION SERVICES

*December 5, 2021*

*City of Huber Heights  
City Planning Commission  
6131 Taylorsville Road  
Huber Heights, Ohio 45424*

*Dear Planning Commission,*

*I am writing to express my strong opposition to case number 21-45, the proposed major change to the Planned Unit Development (PUD) located at 5840 Old Troy Pike. Several years ago when the property was first being planned for development, the Representatives from the City of Huber Heights, Ron Sizemore the lot owner/developer, my father George Heller and myself had several meetings to discuss the proposed development including the building to be constructed, usage of the building, the site plan including the setback from Old Troy Pike and the buffer area and green space between our funeral home and the oil change.*

*The setback from Old Troy Pike was established so the parking in front of the oil change would line up with the first parking space on the south side of our funeral home. This would keep a large green space in front of our funeral home, past the oil change to the retention pond at the car wash. The proposed new plan shows this green space paved for autos. We are very concerned that having cars, trucks, campers, boats, semi-trucks etc. parked that close to the road will block the line of site for people entering and exiting the funeral home and cause a visual obstruction for the funeral processions when they exit. There is no indication of any additional landscape buffer on the side of the stationary vehicles between the funeral home and the proposed car lot.*

*At the initial planning meetings there was lengthy discussion concerning the businesses that would occupy this development. We were then and are still very concerned about the amount of noise that can be generated from this area. The oil change business was very quiet and even the vacuums they used were shielded with*

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*sound damping boxes. Through the years the change to auto detailing has continued to maintain a quite environment. Sound levels are a huge concern to us due to the fact that when people come to our funeral home they expect a peaceful and tranquil place to have funeral services for their family. I have not seen any information concerning the plans of the proposed car lot noise levels. Are they planning on working on cars there? We also have a residence above the funeral home and there are several apartments adjacent to this property where the residents expect and deserve to live in a peaceful environment.*

*From the illustration provided, the green space between the funeral home and the proposed car lot would be removed and paved at the front to accommodate parking cars. We were told when the PUD was established that the buffer area and green space along our property would always remain. Please note that the agreed upon buffer to screen the oil change building from the funeral home has never been maintained as promised.*

*The information provided to us is very incomplete lacking any reference to an updated drainage plan, lighting plan, noise levels, screening (buffer) plan, or any reference to traffic issues. Also we question the number of cars, trucks, campers, semi-trucks etc. that will be housed on this property.*

*We are strongly opposed to the changes presented and are very concerned how an auto lot will change the atmosphere and culture of our area of Huber Heights.*

*Thank you for your continued service and support of our community.*

*Best regards,*

A handwritten signature in cursive script, appearing to read "Gary L. Heller". The signature is fluid and stylized, with a large initial "G" and "H".

Gary L. Heller

## MARKER & HELLER

FUNERAL HOMES, INC.  
AND CREMATION SERVICES

February 14, 2022

City of Huber Heights  
City Planning Commission  
6131 Taylorsville Road  
Huber Heights, Ohio 45424

Dear Planning Commission,

*I am writing again to strongly express my opposition to case number 21-45, the proposed major change to the Planned Unit Development (PUD) located at 5840 Old Troy Pike. The revised plan for the development of the property as a car lot and now requested service of vehicles confirms our fears how this usage of the property will change our area.*

*With the service of vehicles added to the request, we are even more worried with the noise from working on vehicles that close to our funeral home. The noise generated from working on cars instead of just changing their oil could easily disrupt our funeral services & affect the families living in the apartments adjoining this property. We are also confused if the term, service, allows body work etc.? The noise issue is a major concern to us.*

*I do not know of any property in our area that is packed with parked cars, trucks, campers, boats, semi-trucks etc. as indicated on the proposed plan. Also, in the past, it was explained to us that with this property being zoned a PUD, a 15 foot buffer would always be present and the revised plan still has vehicles parked within 7 feet of the property line with the utility easement paved. Please check your records concerning this issue. Some additional landscape screening has been indicated but this doesn't address the area where the existing landscape screening was agreed upon thirty years ago and not maintained.*

*The information provided is again very incomplete. We are strongly opposed to the changes presented and are very concerned how an auto sales lot and service will change the atmosphere of our area of Huber Heights, affect the funeral services of the families we serve and the living conditions in the adjoining apartments.*

*Again, thank you for your continued service and support of our community.*

Best regards,



Gary L. Heller

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(937) 275-7434



## Planning Commission Decision Record

WHEREAS, on November 2, 2021, the applicant, Kirmon Khalilov, requested approval of a Major Change to the Basic and Detailed Development Plan in a PC (Planned Commercial) District for the property located at 5840 Old Troy Pike, further identified as Parcel Number P70-01923-0004 on the Montgomery County Auditor's Tax Map (Zoning Case 21-45); and

WHEREAS, on March 15, 2022, 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 Major Change application submitted by the applicant, Kirmon Khalilov, requesting approval of a Major Change to the Basic Development Plan in a PC (Planned Commercial) District for the property located at 5840 Old Troy Pike, further identified as Parcel Number P70-01923-0004 on the Montgomery County Auditor's Tax Map (Zoning Case 21-45), with the following conditions:

1. The approved plans shall be the plans stamped received by the City of Huber Heights Planning Department on March 15, 2022, except as modified herein.
2. The applicant shall comply with all Fire and Building Codes prior to occupancy.
3. The parking lot shall have a minimum of 11 parking spaces striped with 1 of those designated ADA accessible.
4. Lighting shall meet the requirements of City Code 1181.21.
5. The only use approved in this decision record is the sale and service of automobiles.

6. All automobiles shall be parked on a paved or concrete surface.

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo. NAYS: Mr. Jeffries, Ms. Thomas, and Mr. Walton. Motion to recommend approval denied 3-1.

---

Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
March 15, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:01 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: Ms. Opp

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).**

Mr. Sorrell stated that this application was heard and tabled at the December 14, 2021, Planning Commission meeting. Based on the minutes, there was discussion about whether vehicles would be serviced on site, existing buffering between the adjacent funeral home, and moving the parking setback significantly closer to Old Troy Pike.

The applicant has submitted a revised plan which:

- Includes auto sales and service as the primary use;
- Added a masonry dumpster enclosure to the rear of the lot;
- Added a 42-inch hedge as screening between the front parking area and the funeral home parking area;
- Illustrates possible building expansion for garage bays and/or possible office; and
- Added three 25-foot light poles (two in front, one at the rear).

No other substantial changes were submitted.

**STAFF ANALYSIS AND RECOMMENDATION:**

This analysis will focus on the changes to the proposal since the application was tabled at the December 14, 2021, meeting:

**Vehicle Display and Landscaping**

The revised plan includes a 42" hedge, 60-feet long, between the display area and the property line. While this does help buffer the display area from the adjoining property, the proposed plan reduces the existing required yard buffer from 15-feet (required in the PC District) to approximately 7-feet.

The code states:

1176.03 (b)(1): All yards within the development plan except those abutting a Business or Industrial District shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15 feet along property lines.

Both the original and revised plan locate the vehicle display area 25-feet from the right-of-way. While this meets the zoning standards for a parking area, the proposed plan shows three tightly packed display rows. This will have a greater visual impact along Old Troy Pike than a traditional parking area with one row of parked vehicles, separated by a 20-foot drive aisle. Additionally, parking areas of this size would be required to have interior parking landscaping to break up the mass of the vehicles and reduce storm water runoff. There are little to no recently developed uses within the vicinity that have such concentrated vehicular display or parking areas.

**Conformance with Zoning Regulations**

The proposed vehicle sales and service uses are permitted uses within the Planned Commercial district, if the Planning Commission approves such uses. At this time, there are no vehicle sales uses in this area of Old Troy Pike.

The proposed site plan brings the site out of conformance with the yard standards set in 1176.03(b)(1), described above.

If the Planning Commission deems the vehicle display area as a parking area, the site plan is not in conformance with the parking requirements found in Chapter 1185.

**Staff Analysis**

As proposed, it is the staff's opinion that the site becomes less conforming to the zoning code than it currently exists. This includes yard standards, and parking layout and design.

#5 in the Decision Record would read the only use approved is the sale and service automobiles.

Strike # 7 from the Decision Record.

Revise to March 15, 2022.

Chad spoke on behalf of the applicant.

**Action**

Ms. Thomas moved to approve the request by the applicant Kirmon Khalilov, for approval of a Major Change to the Basic and Detailed Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo. NAYS: Mr. Jeffries, Ms. Thomas, and Mr. Walton. Motion to approve denied 3-1.

All three Nays stated no similar uses in the area.  
Case moves to City Council

**VII. New Business**

- 1. MINOR CHANGE - The applicant, Atlantic Sign Company, is requesting approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09).**

Mr. Sorrell stated that the applicant requests approval to replace existing wall signs due to the acquisition of Gander Outdoors by Camping World. The net effect of the change is an overall reduction in wall sign area.

**Original Approval**

As you can see below, the amount of approved and/or installed wall sign area has changed over the years:

September 2004	962 SF
July 2012	666 SF
September 2018	562 SF

**Current Application**

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Two existing wall signs remain unchanged. The total wall sign area will be reduced from approximately 562 SF to approximately 429 SF.

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Total wall sign area will be reduced from approximately 562 SF to approximately 429 SF, a reduction of approximately 23%.

Brooke Alini from Atlantic Sign Company was there for any questions.

**Action**

Ms. Vargo moved to approve the request by the applicant Atlantic Sign Company for approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09) in accordance with the recommendation of Staff's

Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**2. BASIC DEVELOPMENT PLAN - The applicant, Charles V. Simms Development, is requesting approval of a Basic Development Plan for the Gables of Huber Heights, located on Brandt Pike North of the Reserves at the Fairways (BDP 22-07).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan to construct 74 condominiums in 11 buildings on 15.93 acres, which yields an average density of 4.64 units/acre. Approximately 64% of the site is open space (10.20 acres).

This land was originally approved as part of The Reserves at the Fairways, a similar condominium development immediately south of the project site.

**Conformance with Zoning Regulations**

The proposal largely conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District (PM):

- Residential uses are permitted in the district and the buildings meet the setback requirement of 15-feet between residential buildings.
- Buildings are clustered and a large, usable greenspace area is proposed in the development. Approximately 64% of the site is open space, including detention areas.
- Walking paths are included throughout the development.
- Site access is limited to one private drive from Brandt Pike. A secondary emergency exit is proposed at the cul-de-sac terminus and connects to an existing private street (Salon Circle).
- Parking will be provided through a mixture of garage and driveway spaces and various guest parking areas. A total of 334 spaces are provided, 222 are required.
- A six-foot high landscaping mound is provided to buffer the open space area from the existing development to the south.
- Lighting will be provided through a combination of exterior building lights and lamp posts along walking and parking areas.
- Proposed building elevations indicate substantial use of masonry products on the front elevations of the buildings.

**Other Considerations**

- The applicant has agreed to enlarge the private street width to 27 feet, as required by 1111.04 of the subdivision regulations.

**Staff Analysis**

As outlined above, this land was originally envisioned and approved as a condominium development and has sat fallow for nearly 20-years. Staff feels the proposed basic development plan meets the requirements of the PM District and the general standards for approval outlined in Section 1171.06.



**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Recommendation**

Staff recommends approval of the basic development plan submitted on January 28, 2022, with the following conditions:

- Applicant shall comply will all fire code requirements.
- The minimum private street pavement width shall be 27 feet.
- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.

Robert Simms  
John Moore  
Barry Payne  
James Moore  
Christine Olinsky

Amended Decision Record to add #5, Brandt Pike road improvements may be needed subject to approval by the City Engineer for changing stripping and painting of future left lane.

**Action**

Mr. Jeffries moved to approve the request by the applicant Charles V. Simms Development, for approval of a Basic Development Plan for the Gables of Huber Heights, P70 03910 0057 of the Montgomery County Records Map (BDP 22-07) in accordance with the recommendation of Staff's Memorandum dated March 7, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**3. BASIC DEVELOPMENT PLAN - The applicant, Amarjit Takhar, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant has provided some preliminary revised plans. The applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

The land is currently zoned "I-1" Light Industrial and Mixed-Use District. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

The proposed service station and diesel repair facilities are Special Uses within the existing I-1 zoning district. The convenience store is not a principally permitted use in the existing I-1 zoning district.

There is an existing service station with convenience store adjacent to this site zoned Planned Commercial.

**On-Site Uses and Facilities**

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The applicant is proposing 62 parking spaces, including 10 for semi-trucks.

**Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1176 Planned Commercial District, 1181 General Provisions, 1182 Landscaping and Screening, 1185 Parking and Loading. The relevant sections are cited below:

**Staff Analysis**

The analysis below is based on the application and drawings originally submitted as a Planned Industrial District. Staff realized this application was in error, but not in time to enable the applicant to revise the drawings for this meeting. Additionally, staff has been in discussion with the applicant to reconfigure the site plan to allow for a future extension of Center Point 70 Blvd. The applicant has agreed to make these accommodations and is working on these revisions.

**Conformance with Zoning Regulations:**

1176 (PC) Planned Commercial District

The proposed uses are principally permitted in the PC district. The current plan indicates a 10-foot perimeter buffer yard, which must be 15-feet. All other standards for this Chapter are met.

Chapter 1181 General Provisions

The proposal meets the requirements of Chapter 1181, with the exception of the following items are not in compliance or not illustrated on the Basic Development Plan:

- Street trees shall be placed every 40-feet along the public street.
- No exterior lighting plan was submitted. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

Chapter 1182 Landscaping and Screening Standards

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

Chapter 1185 Parking and Loading

The proposal generally meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The plan indicates 62 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

The original submission illustrates a driveway that aligns with Center Point 70 Boulevard. This alignment would severely limit any future expansion of the roadway to the east. Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. This will enable the roadway to be extended in the future with less disruption to the business. This extension would also provide hundreds of acres of potential development lands with better access to I-70. The applicant has agreed, and is currently working on these revisions.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply with all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the basic development plan with the following conditions:

- A 15-foot buffer yard shall be illustrated on the basic development plan
- Street trees shall be placed every 40-feet
- The applicant shall revise the alignment and location of the gas pumps and convenience store to allow for a future extension of Center Point 70 Boulevard.
- Applicant shall comply with all fire code requirements.
- Prior to submission to City Council for review and approval, applicant shall resubmit a basic development plan that conforms with the conditions above.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 4) Approve the rezoning and basic development plan application, with or without conditions.
- 5) Deny the basic development plan.
- 6) Table the application in order to gather additional information.

Chris Besecker

**Action**

Mr. Jeffries moved to table the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel located on the East side of intersection of SR 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Records Map (BDP 22-08) in accordance with the recommendation of Staff's Memorandum dated March 10, 2022, and the Planning Commission Decision Record attached thereto.

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

4. **BASIC DEVELOPMENT PLAN - The applicant, DEC Land Co., I LLC, is requesting approval of a Detailed Development Plan and Final Plat for Section 7, Phase 5 of the Carriage Trails Development (DDP 22-10).**

Mr. Sorrell stated that the applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres.

**Conformance with Zoning Regulations**

The detailed development plan conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District and the basic development plan approved by City Council.

The mixture of lot sizes (approximately) are:

60 feet x 130 feet: 53 lots  
66 feet x 130 feet: 3 lots  
70 feet x 130 feet: 3 lots  
77 feet x 130 feet: 6 lots

Minimum yard setbacks:

Front & Rear: 25 feet  
Side: 5 feet

The HOA covenants have the following applicable requirements and restrictions:

- Uses: Limited to a single-family residence
- Building material: The covenants require a minimum of 50% of the single-family homes within each subareas shall have front façade of no less than 25% masonry materials.
- Accessory Buildings: No larger than 10' x 10' shed.
- Fences: Limited to the rear yard, no higher than 4-feet. Chain link fencing is prohibited.

The HOA will be responsible for the care and maintenance of all common areas.

**Staff Analysis**

The applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres, which is approximately 3.7 units per acre.

It is important to note that the current municipal boundary bisects lots 1 – 36 because the annexation has not yet been completed. The developer plans to build out the street infrastructure, but not fully plat lots 1 - 36 until the annexation is complete. Staff is supportive of this approach on the condition that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Additional Comments:**

**Fire:** See attached



**City Engineer:**

- The temporary cul-de-sac near the intersection of Arrowwood Street and Woodmint Drive is not required and can be removed if desired.

**Recommendation**

Staff recommends approval of the detailed development plan submitted on February 18, 2022, with the condition that that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 7) Approve the Detailed Development Plan; or,
- 8) Deny the Detailed Development Plan.

Ken Conaway

**Action**

Mr. Jeffries moved to approve the request by the applicant DEC Land Co. I LLC, for approval of the Detailed Development Plan and Final Plat for section 7, Phase 5 of the Carriage Trails subdivision (DDP 22-10) in accordance with the recommendation of Staff's Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**VIII. Additional Business**

1. **Proposed Change to an Existing Ordinance for Planning Commission Recommendation for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).**

**Action**

Ms. Vargo moved to approve the request by the applicant The City of Huber Heights, for a proposed change to an Existing Ordinance for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).

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

**IX. Approval of the Minutes**

Without objection, the minutes of the January 25, 2022, and February 15, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Rezoning State Route 235  
Basic Development Plan Brandt Pike, North of the Reserves  
Comprehensive Plan Mid-April, Yard, Inc.

**XI. Upcoming Meetings**

March 15, 2022  
March 29, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:05 p.m.

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**Terry Walton, Chair**

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**Date**

---

**Geri Hoskins, Administrative Secretary**

---

**Date**

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC AND DETAILED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 5840 OLD TROY PIKE AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-01923-0004 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND REJECTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE 21-45).

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 21-45 and on March 15, 2022, recommended denial by a vote of 3-1 of the Major Change to the Basic and Detailed 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 and Detailed Development Plan in a PC (Planned Commercial) District (Zoning Case 21-45) is hereby approved with the following conditions:

1. Uses shall be limited to automobile sales and minor service of for-sale vehicles only.
2. The applicant shall comply with all Fire and Building Codes prior to occupancy.
3. The parking and display area shall be designed and striped to meet the parking requirements of Chapter 1185.
4. Lighting shall meet the requirements of City Code 1181.21.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8337

**New Business**    **L.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-07 - Charles Simms Development - The Gables - Basic Development Plan - Brandt Pike

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** Passed to a  
Second  
Reading

---

**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Basic Development Plan For The Property Located On Brandt Pike North Of The Reserves At The Fairways And Further Identified As Parcel Number P70-03910-0057 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-07).  
(first reading)

**Purpose and Background**

The applicant, Charles Simms Development, is requesting approval of a Basic Development Plan.

---

**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:**

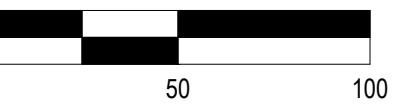
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**Attachments**

Drawings  
Elevations  
Traffic Impact Study  
Stormwater Memorandum  
Fire Assessment  
Resident Letter  
Staff Report  
Decision Record  
Minutes  
Ordinance

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**CHARLES SIMMS**  
DEVELOPMENT

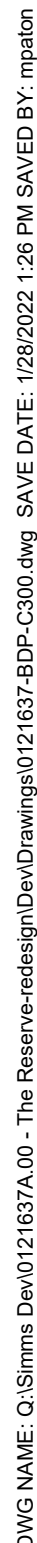
[illegible]

EXISTING CONDITIONS  
PLAN

# C100







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We think bigger.  
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[info@LJBinc.com](mailto:info@LJBinc.com)  
(866) 552-3536



0 50 100

CHARLES SIMMS  
DEVELOPMENT

[illegible]

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# C300





**FRONT ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**

**CHARLES SIMMS**  
**DEVELOPMENT**  
FOUNDED IN 1957





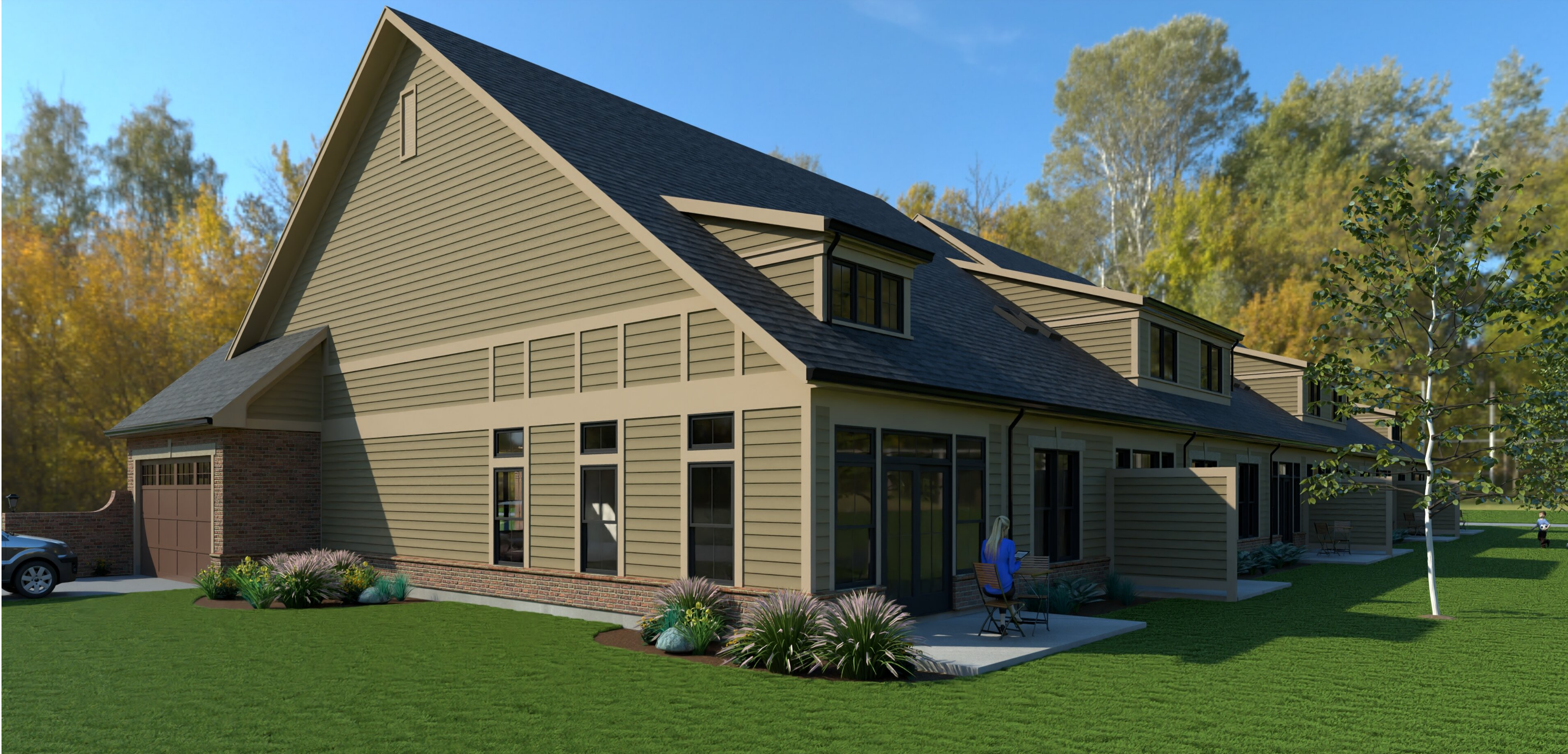
**RIGHT SIDE ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**

**CHARLES SIMMS  
DEVELOPMENT**  
FOUNDED IN 1957





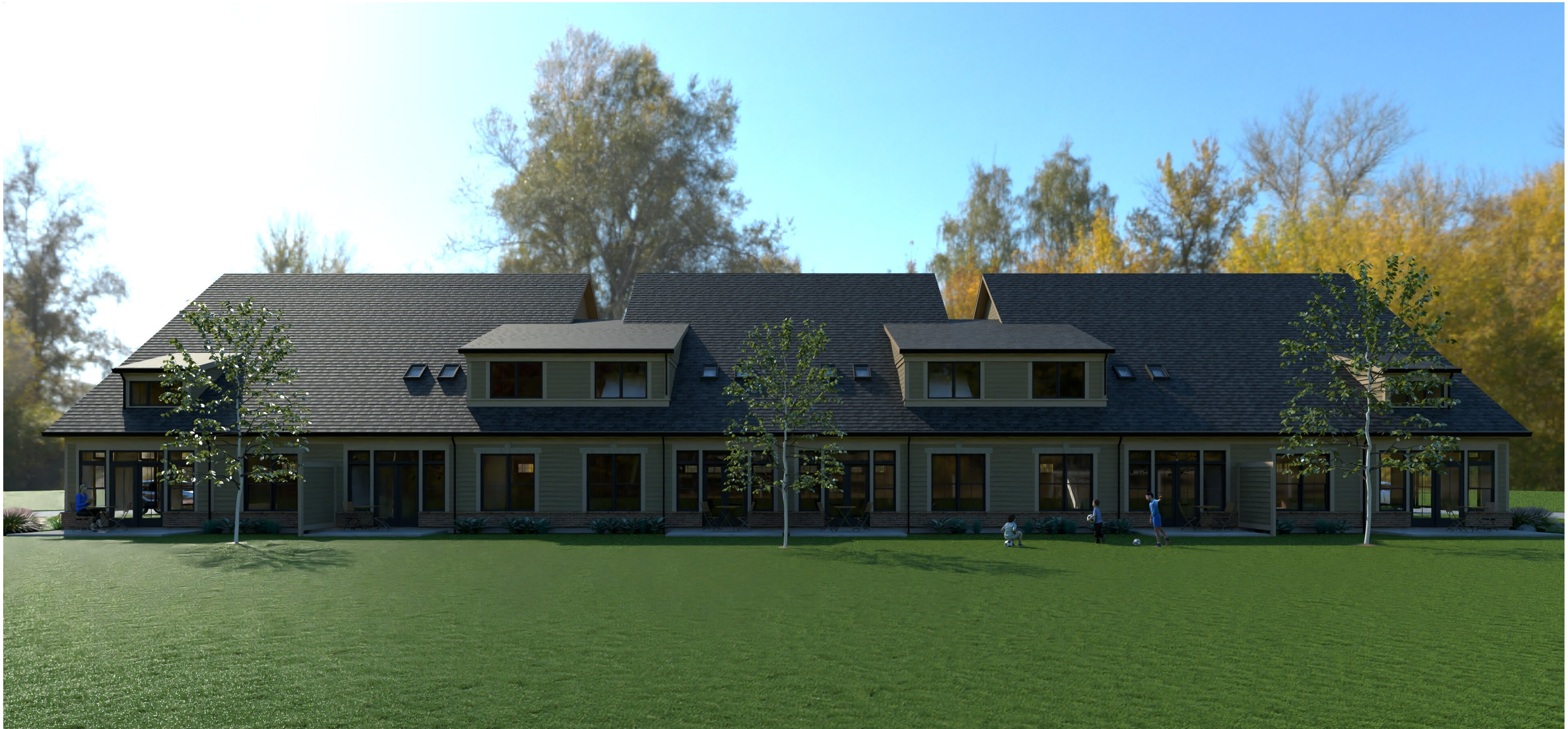
**LEFT SIDE REAR ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**







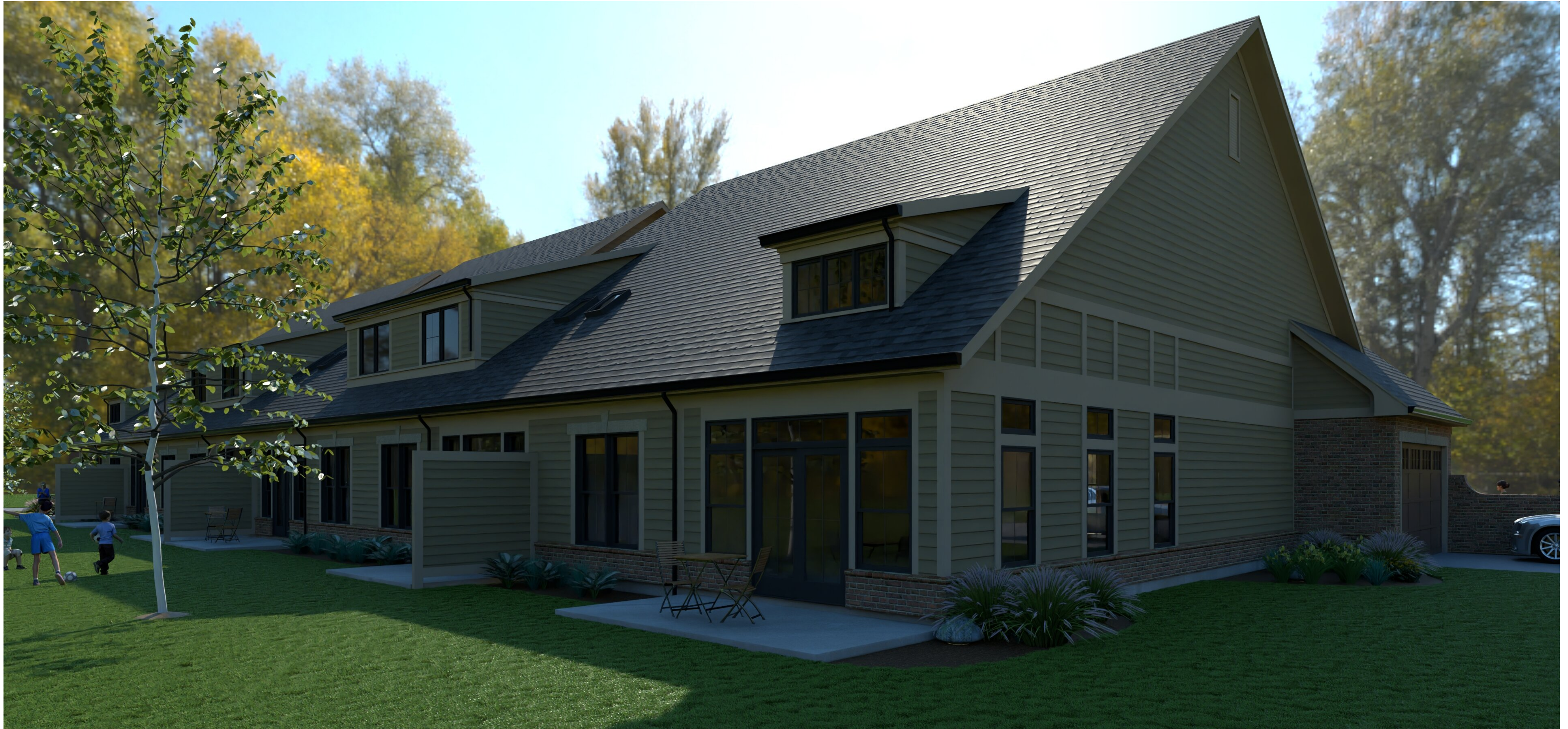
**REAR ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**

**CHARLES SIMMS  
DEVELOPMENT**  
FOUNDED IN 1957





**RIGHT SIDE REAR ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**







**LEFT SIDE ELEVATION**



**THE GABLES  
OF HUBER HEIGHTS**

**CHARLES SIMMS  
DEVELOPMENT**  
FOUNDED IN 1957





1 February 2022

Russell Bergman, P.E.  
City Engineer  
City of Huber Heights  
Government Center  
6131 Taylorsville Road  
Huber Heights, OH 45424

Re: Traffic Impact Study: The Reserves (Simms Development) Proposed Access Point on SR 201 (625' North of Shull Rd.)

Dear Mr. Bergman,

LJB has finished analysis of the subject access point on SR 201. The following is a summary of the analysis and our recommendations.

- > LJB collected 24-hour vehicular volume/speed/classification data on SR 201 in front of the proposed development 12-14 January 2022. Analysis of that data indicated that the AM and PM peak hours were at 07:00 and 16:45, respectively. Further, the recorded 85<sup>th</sup> percentile speed was 50.2 mph.
- > The proposed development is 66 multifamily housing units. Site generated trips were estimated using data and methodologies from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition for Land Use code 220 – Multifamily Housing (Low-Rise). The total expected AM peak hour trips = 21 and the total expected PM peak hour trips = 41.
- > Trips to/from the proposed development were based on the directional distribution of vehicles on SR 201 during the respective peak hour. For example: during the AM peak, 74.7% of the vehicles were going southbound and during the PM peak, 62.0% of the vehicles were going northbound.
- > To determine if turn lanes on SR 201 would be needed, LJB used ODOT turn lane warrant procedures and criteria. Based on this analysis, *a southbound right turn lane is not warranted*. However, *a northbound left turn lane is warranted*. The recommended turn lane should be 225'. (The 225' length includes the 50' taper.)
- > Traffic operation (capacity) of the proposed intersection, including the proposed northbound left turn lane, was evaluated using HCS software. The calculated delays and the associated levels of service (LOS) for the AM and PM peak hours do not indicate that there should be any appreciable delays experienced by northbound or southbound vehicles on SR 201. The LOS for both the AM and PM peak hours is an "A".

Respectfully,

Jason Oaks, P.E.  
Traffic Engineer  
LJB Inc.

Attachments: Proposed Development Site Plan, Count Data, Trip Generation, Turn Lane Warrants, HCS Reports







**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Direction: Combined

12-Jan-22		> 228 - 360 in. SU-30,M H	> 360 - 429.6 in. S-Bus 36	> 429.6 - 474 in. SU-40	> 474 - 480 in. CITY- BUS	> 480 - 504 in. P/B	> 504 - 546 in. WB-40	> 546 - 584.4 in. P/T	> 584.4 - 660 in. WB-50	> 660 - 720 in. A-BUS	> 720 - 828 in. WB-62	> 828 - 867.6 in. WB-67D	> 867.6 in.	Total Vehicles	Total Buses	Total Trucks +Buses
Time	0 - 228 in. P															
00:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
12:00	83	4	1	1	0	0	0	1	1	1	1	0	0	93	1	10
13:00	658	24	5	2	0	1	1	1	0	1	2	1	1	697	5	39
14:00	715	43	8	0	0	2	1	1	1	1	0	0	1	773	8	58
15:00	873	41	6	4	0	2	1	0	0	1	0	1	1	930	6	57
16:00	983	56	3	0	0	0	2	0	0	0	0	0	0	1044	3	61
17:00	978	53	3	0	0	0	0	1	1	0	0	0	0	1036	3	58
18:00	784	28	2	1	0	1	0	0	0	0	1	0	1	818	2	34
19:00	488	23	0	1	0	0	0	0	0	0	1	0	0	513	0	25
20:00	337	18	2	1	0	0	1	0	1	0	0	0	1	361	2	24
21:00	271	17	0	0	0	0	0	0	0	0	0	0	0	288	0	17
22:00	142	8	1	0	0	0	0	0	0	0	0	0	0	151	1	9
23:00	70	6	1	0	0	1	1	0	0	0	0	0	0	79	1	9
Total	6382	321	32	10	0	7	7	4	4	4	5	2	5	6783	32	401
% Total	94.1%	4.7%	0.5%	0.1%	0.0%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%	100.0%	0.5%	5.9%
AM Peak	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
MID Peak	15:00 873	14:00 43	14:00 8	15:00 4	* *	14:00 2	13:00 1	12:00 1	12:00 1	12:00 1	13:00 2	13:00 1	13:00 1	15:00 930	14:00 8	14:00 58
PM Peak	16:00 983	16:00 56	14:00 8	15:00 4	* *	14:00 2	16:00 2	12:00 1	12:00 1	12:00 1	13:00 2	13:00 1	13:00 1	16:00 1044	14:00 8	16:00 61

**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Direction: Combined

13-Jan-22		> 228 - 360 in. SU-30,M H	> 360 - 429.6 in. S-Bus 36	> 429.6 - 474 in. SU-40	> 474 - 480 in. CITY- BUS	> 480 - 504 in. P/B	> 504 - 546 in. WB-40	> 546 - 584.4 in. P/T	> 584.4 - 660 in. WB-50	> 660 - 720 in. A-BUS	> 720 - 828 in. WB-62	> 828 - 867.6 in. WB-67D	> 867.6 in.	Total Vehicles	Total Buses	Total Trucks +Buses
Time	0 - 228 in. P															
00:00	39	2	0	0	0	0	0	0	0	0	0	0	0	41	0	2
01:00	16	2	0	0	0	0	0	0	0	0	0	0	0	18	0	2
02:00	19	1	0	0	0	0	0	0	0	0	1	0	0	21	0	2
03:00	30	3	0	0	0	0	0	0	0	0	0	0	0	33	0	3
04:00	78	3	0	0	0	0	0	0	0	0	2	1	0	84	0	6
05:00	189	6	0	1	0	0	0	0	0	2	1	0	0	199	0	10
06:00	382	18	1	0	0	0	0	0	1	1	0	0	1	404	1	22
07:00	572	39	0	3	0	1	0	1	0	1	0	0	0	617	0	45
08:00	483	32	3	4	0	3	0	0	0	0	4	0	0	529	3	46
09:00	492	22	4	3	0	2	2	2	1	1	2	1	1	533	4	41
10:00	490	39	4	2	1	0	0	0	0	2	3	0	0	541	5	51
11:00	576	31	6	0	0	0	0	1	0	1	3	0	0	618	6	42
12:00	616	35	3	3	0	1	0	1	3	2	1	1	0	666	3	50
13:00	622	40	10	2	1	0	2	0	3	0	4	1	0	685	11	63
14:00	725	40	7	2	1	2	1	1	3	1	2	0	2	787	8	62
15:00	776	51	5	4	0	0	1	1	0	2	2	0	0	842	5	66
16:00	926	52	3	0	1	0	0	1	0	0	0	0	0	983	4	57
17:00	977	41	2	1	0	2	1	0	1	0	1	0	1	1027	2	50
18:00	718	29	0	1	0	0	0	0	2	0	1	0	0	751	0	33
19:00	516	24	2	0	0	2	0	1	0	0	0	0	0	545	2	29
20:00	362	19	1	0	0	1	0	0	0	0	0	0	0	383	1	21
21:00	230	12	0	0	0	0	0	0	0	0	1	1	0	244	0	14
22:00	155	6	0	0	0	1	1	0	0	0	0	0	0	163	0	8
23:00	80	6	0	0	0	0	0	0	0	0	0	0	0	86	0	6
Total	10069	553	51	26	4	15	8	9	14	13	28	5	5	10800	55	731
% Total	93.2%	5.1%	0.5%	0.2%	0.0%	0.1%	0.1%	0.1%	0.1%	0.1%	0.3%	0.0%	0.0%	100.0%	0.5%	6.8%
AM Peak	11:00	07:00	11:00	08:00	10:00	08:00	09:00	09:00	06:00	05:00	08:00	04:00	06:00	11:00	11:00	10:00
	576	39	6	4	1	3	2	2	1	2	4	1	1	618	6	51
MID Peak	15:00	15:00	13:00	15:00	10:00	09:00	09:00	09:00	12:00	10:00	13:00	09:00	14:00	15:00	13:00	15:00
	776	51	10	4	1	2	2	2	3	2	4	1	2	842	11	66
PM Peak	17:00	16:00	13:00	15:00	13:00	14:00	13:00	12:00	12:00	12:00	13:00	12:00	14:00	17:00	13:00	15:00
	977	52	10	4	1	2	2	1	3	2	4	1	2	1027	11	66

**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Direction: Combined

14-Jan-22		> 228 - 360 in. SU-30,M H	> 360 - 429.6 in. S-Bus 36	> 429.6 - 474 in. SU-40	> 474 - 480 in. CITY- BUS	> 480 - 504 in. P/B	> 504 - 546 in. WB-40	> 546 - 584.4 in. P/T	> 584.4 - 660 in. WB-50	> 660 - 720 in. A-BUS	> 720 - 828 in. WB-62	> 828 - 867.6 in. WB-67D	> 867.6 in.	Total Vehicles	Total Buses	Total Trucks +Buses
Time	0 - 228 in. P															
00:00	48	3	0	0	0	0	0	0	0	0	0	0	0	51	0	3
01:00	21	1	0	0	0	0	0	1	0	0	0	0	0	23	0	2
02:00	28	0	0	0	0	0	0	0	0	0	1	0	0	29	0	1
03:00	27	1	0	1	0	0	0	0	0	0	0	0	0	29	0	2
04:00	58	2	0	0	0	0	0	0	0	0	0	0	0	60	0	2
05:00	166	7	1	1	0	0	2	0	0	1	0	0	0	178	1	12
06:00	344	12	1	1	0	0	0	1	1	0	0	0	0	360	1	16
07:00	552	25	1	2	1	1	0	0	0	0	0	1	0	583	2	31
08:00	472	29	5	2	1	2	3	0	1	0	2	0	2	519	6	47
09:00	488	37	4	3	0	1	0	1	1	0	2	0	0	537	4	49
10:00	484	36	8	2	0	0	1	2	1	0	1	1	1	537	8	53
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
12:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0	0	0
Total	2688	153	20	12	2	4	6	5	4	1	6	2	3	2906	22	218
% Total	92.5%	5.3%	0.7%	0.4%	0.1%	0.1%	0.2%	0.2%	0.1%	0.0%	0.2%	0.1%	0.1%	100.0%	0.8%	7.5%
AM Peak	07:00	09:00	10:00	09:00	07:00	08:00	08:00	10:00	06:00	05:00	08:00	07:00	08:00	07:00	10:00	10:00
	552	37	8	3	1	2	3	2	1	1	2	1	2	583	8	53
MID Peak	09:00	09:00	10:00	09:00		09:00	10:00	10:00	09:00		09:00	10:00	10:00	09:00	10:00	10:00
	488	37	8	3	*	1	1	2	1	*	2	1	1	537	8	53
PM Peak	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Grand Total	19139	1027	103	48	6	26	21	18	22	18	39	9	13	20489	109	1350
% Grand Total	93.4%	5.0%	0.5%	0.2%	0.0%	0.1%	0.1%	0.1%	0.1%	0.1%	0.2%	0.0%	0.1%	100.0%	0.5%	6.6%



**OAKS Engineering, LLC**  
dba **Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Direction: Combined

12-Jan-22 Time	0 - 15 MPH	> 15 - 20 MPH	> 20 - 25 MPH	> 25 - 30 MPH	> 30 - 35 MPH	> 35 - 40 MPH	> 40 - 45 MPH	> 45 - 50 MPH	> 50 - 55 MPH	> 55 - 60 MPH	> 60 - 65 MPH	> 65 - 70 MPH	> 70 MPH	Total
0:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
1:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
2:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
3:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
4:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
5:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
6:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
7:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
8:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
9:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
12:00	1	0	0	0	3	13	30	29	15	2	0	0	0	93
13:00	0	0	0	2	10	88	237	240	98	21	1	0	0	697
14:00	0	0	0	4	15	90	269	244	129	16	5	0	1	773
15:00	0	0	0	1	15	115	310	326	135	21	4	1	2	930
16:00	0	0	0	3	19	107	293	419	173	27	2	1	0	1044
17:00	0	0	0	3	13	135	331	397	129	23	2	3	0	1036
18:00	0	0	0	1	19	168	311	251	54	12	1	1	0	818
19:00	0	0	1	1	18	96	180	174	35	7	0	1	0	513
20:00	0	0	0	0	11	64	149	100	30	7	0	0	0	361
21:00	0	0	0	1	8	53	116	76	29	2	3	0	0	288
22:00	0	0	0	1	2	27	55	44	14	5	2	0	1	151
23:00	0	0	0	0	3	12	27	20	12	4	0	0	1	79
Total	1	0	1	17	136	968	2308	2320	853	147	20	7	5	6783
% Total	0.0%	0.0%	0.0%	0.3%	2.0%	14.3%	34.0%	34.2%	12.6%	2.2%	0.3%	0.1%	0.1%	

**OAKS Engineering, LLC**  
dba **Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Direction: Combined

13-Jan-22 Time	0 - 15 MPH	> 15 - 20 MPH	> 20 - 25 MPH	> 25 - 30 MPH	> 30 - 35 MPH	> 35 - 40 MPH	> 40 - 45 MPH	> 45 - 50 MPH	> 50 - 55 MPH	> 55 - 60 MPH	> 60 - 65 MPH	> 65 - 70 MPH	> 70 MPH	Total
0:00	0	0	0	1	2	5	13	10	8	1	1	0	0	41
1:00	0	0	0	0	0	6	4	4	1	1	1	1	0	18
2:00	0	0	0	0	2	5	8	4	2	0	0	0	0	21
3:00	0	0	0	0	0	10	12	9	2	0	0	0	0	33
4:00	0	0	0	0	4	11	30	26	10	3	0	0	0	84
5:00	0	1	0	0	8	25	59	69	29	7	1	0	0	199
6:00	0	0	0	0	7	66	130	123	62	15	1	0	0	404
7:00	0	0	0	2	19	81	208	200	84	21	2	0	0	617
8:00	0	0	1	0	11	57	156	203	91	8	2	0	0	529
9:00	0	0	0	0	3	56	174	216	67	15	1	1	0	533
10:00	0	0	0	4	3	52	201	195	72	10	3	1	0	541
11:00	0	0	0	0	13	75	170	257	85	12	6	0	0	618
12:00	0	0	0	1	30	95	219	210	92	15	4	0	0	666
13:00	0	0	1	0	11	70	206	255	98	34	5	2	3	685
14:00	0	0	0	0	6	77	240	324	117	21	2	0	0	787
15:00	0	0	0	0	10	88	273	305	135	24	6	1	0	842
16:00	0	0	0	0	7	68	298	416	152	38	2	2	0	983
17:00	0	0	0	0	7	119	381	374	120	24	2	0	0	1027
18:00	0	0	0	6	27	117	333	205	54	8	1	0	0	751
19:00	0	0	4	1	17	126	176	171	43	7	0	0	0	545
20:00	0	0	0	4	6	65	155	108	36	7	1	0	1	383
21:00	0	0	0	0	7	39	95	69	24	8	1	0	1	244
22:00	0	0	0	0	7	36	51	42	20	5	0	1	1	163
23:00	0	0	0	0	4	15	27	22	12	3	1	0	2	86
Total	0	1	6	19	211	1364	3619	3817	1416	287	43	9	8	10800
% Total	0.0%	0.0%	0.1%	0.2%	2.0%	12.6%	33.5%	35.3%	13.1%	2.7%	0.4%	0.1%	0.1%	

**OAKS Engineering, LLC**  
dba **Traffic Data Collection**  
Vandalia, OH











LOCATION: SR201 965' N OF SHULL

Direction: Combined

14-Jan-22 Time	0 - 15 MPH	> 15 - 20 MPH	> 20 - 25 MPH	> 25 - 30 MPH	> 30 - 35 MPH	> 35 - 40 MPH	> 40 - 45 MPH	> 45 - 50 MPH	> 50 - 55 MPH	> 55 - 60 MPH	> 60 - 65 MPH	> 65 - 70 MPH	> 70 MPH	Total
0:00	0	0	0	0	1	10	17	19	2	1	0	0	1	51
1:00	0	0	0	0	2	5	7	8	0	1	0	0	0	23
2:00	0	0	0	0	2	10	4	6	5	2	0	0	0	29
3:00	0	0	0	0	4	6	13	4	2	0	0	0	0	29
4:00	0	1	0	0	0	12	23	16	5	2	1	0	0	60
5:00	0	0	0	1	3	22	68	56	24	4	0	0	0	178
6:00	0	0	0	0	3	53	117	115	51	19	1	1	0	360
7:00	0	0	0	3	12	75	197	209	76	7	3	0	1	583
8:00	0	0	0	1	12	69	174	176	66	18	2	1	0	519
9:00	0	0	0	1	8	69	194	169	72	20	3	1	0	537
10:00	0	0	0	5	7	79	189	175	75	3	3	1	0	537
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
12:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
13:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
14:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
15:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
16:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
17:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
18:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
19:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
20:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
21:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
22:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
23:00	*	*	*	*	*	*	*	*	*	*	*	*	*	0
Total	0	1	0	11	54	410	1003	953	378	77	13	4	2	2906
% Total	0.0%	0.0%	0.0%	0.4%	1.9%	14.1%	34.5%	32.8%	13.0%	2.6%	0.4%	0.1%	0.1%	
Grand Total	1	2	7	47	401	2742	6930	7090	2647	511	76	20	15	20489
% Grand Total	0.0%	0.0%	0.0%	0.2%	2.0%	13.4%	33.8%	34.6%	12.9%	2.5%	0.4%	0.1%	0.1%	100.0%
Speed	<div>Percentile</div> <div>Speed</div> <div>Mean Speed (Average)</div> <div>10 MPH Pace Speed</div> <div>Number in Pace</div> <div>Percent in Pace</div> <div>Number &gt; 35 MPH</div> <div>Percent &gt; 35 MPH</div> <div>15th</div> <div>50th</div> <div>85th</div> <div>95th</div> <div>39.7</div> <div>45.3</div> <div>50.2</div> <div>53.3</div> <div>40-49</div> <div>13933</div> <div>68.0%</div> <div>20031</div> <div>97.8%</div>													




































**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Time	12-Jan-22 Wednesday	SB, Lane 1	NB, Lane 2	Combined Total	
00:00		*	*	0	
00:15		*	*	0	
00:30		*	*	0	
00:45		*	*	0	
01:00		*	*	0	
01:15		*	*	0	
01:30		*	*	0	
01:45		*	*	0	
02:00		*	*	0	
02:15		*	*	0	
02:30		*	*	0	
02:45		*	*	0	
03:00		*	*	0	
03:15		*	*	0	
03:30		*	*	0	
03:45		*	*	0	
04:00		*	*	0	
04:15		*	*	0	
04:30		*	*	0	
04:45		*	*	0	
05:00		*	*	0	
05:15		*	*	0	
05:30		*	*	0	
05:45		*	*	0	
06:00		*	*	0	
06:15		*	*	0	
06:30		*	*	0	
06:45		*	*	0	
07:00		*	*	0	
07:15		*	*	0	
07:30		*	*	0	
07:45		*	*	0	
08:00		*	*	0	
08:15		*	*	0	
08:30		*	*	0	
08:45		*	*	0	
09:00		*	*	0	
09:15		*	*	0	
09:30		*	*	0	
09:45		*	*	0	
10:00		*	*	0	
10:15		*	*	0	
10:30		*	*	0	
10:45		*	*	0	
11:00		*	*	0	
11:15		*	*	0	
11:30		*	*	0	
11:45		*	*	0	
12:00		0	0	0	
12:15		0	0	0	
12:30		0	0	0	
12:45		52	41	93	
13:00		94	75	169	
13:15		84	115	199	
13:30		77	73	150	
13:45		82	97	179	
14:00		74	92	166	
14:15		78	109	187	
14:30		111	105	216	
14:45		82	122	204	
15:00		107	115	222	




























































**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

15:15	96	152	248	
15:30	106	142	248	
15:45	83	129	212	
16:00	110	155	265	
16:15	110	153	263	
16:30	106	145	251	
16:45	104	161	265	
17:00	100	169	269	
17:15	98	183	281	
17:30	101	163	264	
17:45	98	124	222	
18:00	109	125	234	
18:15	89	121	210	
18:30	105	113	218	
18:45	65	91	156	
19:00	51	83	134	
19:15	47	99	146	
19:30	47	69	116	
19:45	41	76	117	
20:00	31	54	85	
20:15	33	63	96	
20:30	39	50	89	
20:45	27	64	91	
21:00	22	65	87	
21:15	38	48	86	
21:30	22	44	66	
21:45	15	34	49	
22:00	18	28	46	
22:15	11	19	30	
22:30	20	33	53	
22:45	8	14	22	
23:00	14	12	26	
23:15	7	16	23	
23:30	4	8	12	
23:45	7	11	18	
Total	2823	3960	6783	
Percent	41.6%	58.4%		
AM Peak Volume Peak Factor				
Mid Peak	14:15	14:15	14:15	
Volume	378	451	829	
Peak Factor	0.851	0.924	0.934	
PM Peak	16:00	16:45	16:45	
Volume	430	676	1079	
Peak Factor	0.977	0.923	0.960	

**OAKS Engineering, LLC**  
dba **Traffic Data Collection**  
Vandalia, OH




































LOCATION: SR201 965' N OF SHULL

Time	13-Jan-22 Thursday	SB, Lane 1	NB, Lane 2	Combined Total	
00:00		4	10	14	
00:15		4	8	12	
00:30		6	4	10	
00:45		5	0	5	
01:00		1	3	4	
01:15		2	3	5	
01:30		3	3	6	
01:45		2	1	3	
02:00		0	3	3	
02:15		1	1	2	
02:30		4	6	10	
02:45		2	4	6	
03:00		1	2	3	
03:15		4	5	9	
03:30		5	3	8	
03:45		5	8	13	
04:00		12	2	14	
04:15		6	7	13	
04:30		12	5	17	
04:45		30	10	40	
05:00		28	8	36	
05:15		33	15	48	
05:30		43	11	54	
05:45		40	21	61	
06:00		57	20	77	
06:15		66	16	82	
06:30		84	27	111	
06:45		104	30	134	
07:00		115	31	146	
07:15		99	38	137	
07:30		128	34	162	
07:45		119	53	172	
08:00		95	45	140	
08:15		90	43	133	
08:30		83	50	133	
08:45		69	54	123	
09:00		92	49	141	
09:15		93	57	150	
09:30		74	41	115	
09:45		77	50	127	
10:00		85	54	139	
10:15		83	55	138	
10:30		73	75	148	
10:45		70	46	116	
11:00		64	58	122	
11:15		93	84	177	
11:30		88	67	155	
11:45		89	75	164	
12:00		94	82	176	
12:15		94	79	173	
12:30		73	78	151	
12:45		90	76	166	
13:00		85	91	176	
13:15		77	105	182	
13:30		81	78	159	
13:45		76	92	168	
14:00		89	96	185	
14:15		77	99	176	
14:30		108	107	215	
14:45		91	120	211	
15:00		96	89	185	















































**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

15:15	60	115	175	
15:30	110	143	253	
15:45	86	143	229	
16:00	90	138	228	
16:15	95	151	246	
16:30	95	134	229	
16:45	103	177	280	
17:00	102	170	272	
17:15	107	173	280	
17:30	92	138	230	
17:45	92	153	245	
18:00	82	121	203	
18:15	87	117	204	
18:30	88	87	175	
18:45	69	100	169	
19:00	48	86	134	
19:15	59	107	166	
19:30	51	71	122	
19:45	50	73	123	
20:00	36	69	105	
20:15	28	67	95	
20:30	38	61	99	
20:45	28	56	84	
21:00	18	39	57	
21:15	31	42	73	
21:30	19	32	51	
21:45	22	41	63	
22:00	12	32	44	
22:15	15	27	42	
22:30	20	24	44	
22:45	13	20	33	
23:00	11	15	26	
23:15	6	16	22	
23:30	3	15	18	
23:45	9	11	20	
Total	5349	5451	10800	
Percent	49.5%	50.5%		
AM Peak	07:00	10:30	07:00	
Volume	461	263	617	
Peak Factor	0.900	0.783	0.897	
Mid Peak	14:15	14:00	14:00	
Volume	372	422	787	
Peak Factor	0.861	0.879	0.915	
PM Peak	16:30	16:45	16:45	
Volume	407	658	1062	
Peak Factor	0.951	0.929	0.948	

**OAKS Engineering, LLC**  
dba **Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Time	14-Jan-22 Friday	SB, Lane 1	NB, Lane 2	Combined Total	
00:00		7	12	19	
00:15		8	9	17	
00:30		1	7	8	
00:45		1	6	7	
01:00		2	2	4	
01:15		2	5	7	
01:30		4	2	6	
01:45		3	3	6	
02:00		4	5	9	
02:15		3	4	7	
02:30		2	6	8	
02:45		2	3	5	
03:00		5	1	6	
03:15		2	3	5	
03:30		7	4	11	
03:45		5	2	7	
04:00		3	6	9	
04:15		8	9	17	
04:30		9	3	12	
04:45		16	6	22	
05:00		24	10	34	
05:15		30	10	40	
05:30		42	11	53	
05:45		38	13	51	
06:00		45	16	61	
06:15		46	20	66	
06:30		87	23	110	
06:45		95	28	123	
07:00		87	37	124	
07:15		106	53	159	
07:30		115	44	159	
07:45		93	48	141	
08:00		82	43	125	
08:15		80	35	115	
08:30		88	42	130	
08:45		95	54	149	
09:00		80	46	126	
09:15		83	45	128	
09:30		94	64	158	
09:45		76	49	125	
10:00		72	61	133	
10:15		88	66	154	
10:30		88	69	157	
10:45		50	43	93	
11:00		*	*	0	
11:15		*	*	0	
11:30		*	*	0	
11:45		*	*	0	
12:00		*	*	0	
12:15		*	*	0	
12:30		*	*	0	
12:45		*	*	0	
13:00		*	*	0	
13:15		*	*	0	
13:30		*	*	0	
13:45		*	*	0	
14:00		*	*	0	
14:15		*	*	0	
14:30		*	*	0	
14:45		*	*	0	
15:00		*	*	0	

**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

15:15	*	*	0
15:30	*	*	0
15:45	*	*	0
16:00	*	*	0
16:15	*	*	0
16:30	*	*	0
16:45	*	*	0
17:00	*	*	0
17:15	*	*	0
17:30	*	*	0
17:45	*	*	0
18:00	*	*	0
18:15	*	*	0
18:30	*	*	0
18:45	*	*	0
19:00	*	*	0
19:15	*	*	0
19:30	*	*	0
19:45	*	*	0
20:00	*	*	0
20:15	*	*	0
20:30	*	*	0
20:45	*	*	0
21:00	*	*	0
21:15	*	*	0
21:30	*	*	0
21:45	*	*	0
22:00	*	*	0
22:15	*	*	0
22:30	*	*	0
22:45	*	*	0
23:00	*	*	0
23:15	*	*	0
23:30	*	*	0
23:45	*	*	0
Total	1878	1028	2906
Percent	64.6%	35.4%	
AM Peak	06:45	09:45	07:15
Volume	403	245	584
Peak Factor	0.876	0.888	0.918
Mid Peak	09:00	09:45	09:30
Volume	333	245	570
Peak Factor	0.886	0.888	0.902
PM Peak			
Volume			
Peak Factor			
Grand Total	10050	10439	20489
Percentage	49.1%	50.9%	

**OAKS Engineering, LLC**  
**dba Traffic Data Collection**  
Vandalia, OH

LOCATION: SR201 965' N OF SHULL

Time	13-Jan-22		Combined							
	Thursday	SB, Lane 1	NB, Lane 2	Total						
00:00		4	10	14						
00:15		4	8	12						
00:30		6	4	10						
00:45		5	0	5						
01:00		1	3	4						
01:15		2	3	5						
01:30		3	3	6						
01:45		2	1	3						
02:00		0	3	3						
02:15		1	1	2						
02:30		4	6	10						
02:45		2	4	6						
03:00		1	2	3						
03:15		4	5	9						
03:30		5	3	8						
03:45		5	8	13						
04:00		12	2	14						
04:15		6	7	13						
04:30		12	5	17						
04:45		30	10	40						
05:00		28	8	36						
05:15		33	15	48						
05:30		43	11	54						
05:45		40	21	61						
06:00		57	20	77						
06:15		66	16	82						
06:30		84	27	111						
					<b>SB PEAK</b>	<b>NB PEAK</b>	<b>TOT</b>			
06:45		104	30	134	<b>HR</b>	<b>HR</b>	<b>PEAK HR</b>	<b>SB, %-Dir</b>	<b>NB, %-Dir</b>	
07:00		115	31	146						
07:15		99	38	137						
07:30		128	34	162						
07:45		119	53	172						
					<b>461</b>	<b>156</b>	<b>617</b>	<b>74.7%</b>	<b>25.3%</b>	
08:00		95	45	140	<b>480</b>	<b>160</b>	<b>630</b>	<< 2023 Vol's (2% Growth)		
08:15		90	43	133						
08:30		83	50	133						
08:45		69	54	123						
09:00		92	49	141						
09:15		93	57	150						
09:30		74	41	115						
09:45		77	50	127						
10:00		85	54	139						
10:15		83	55	138						
10:30		73	75	148						
10:45		70	46	116						
11:00		64	58	122						
11:15		93	84	177						
11:30		88	67	155						
11:45		89	75	164						

12:00	94	82	176						
12:15	94	79	173						
12:30	73	78	151						
12:45	90	76	166						
13:00	85	91	176						
13:15	77	105	182						
13:30	81	78	159						
13:45	76	92	168						
14:00	89	96	185						
14:15	77	99	176						
14:30	108	107	215						
14:45	91	120	211						
15:00	96	89	185						
15:15	60	115	175						
15:30	110	143	253						
15:45	86	143	229						
16:00	90	138	228						
16:15	95	151	246						
16:30	95	134	229		SB PEAK HR	NB PEAK HR	TOT PEAK HR	SB, %-Dir	NB, %-Dir
16:45	103	177	280						
17:00	102	170	272						
17:15	107	173	280						
17:30	92	138	230		404	658	1062	38.0%	62.0%
17:45	92	153	245		420	680	1090	<< 2023 Vol's (2% Growth)	
18:00	82	121	203						
18:15	87	117	204						
18:30	88	87	175						
18:45	69	100	169						
19:00	48	86	134						
19:15	59	107	166						
19:30	51	71	122						
19:45	50	73	123						
20:00	36	69	105						
20:15	28	67	95						
20:30	38	61	99						
20:45	28	56	84						
21:00	18	39	57						
21:15	31	42	73						
21:30	19	32	51						
21:45	22	41	63						
22:00	12	32	44						
22:15	15	27	42						
22:30	20	24	44						
22:45	13	20	33						
23:00	11	15	26						
23:15	6	16	22						
23:30	3	15	18						
23:45	9	11	20						
Total	5349	5451	10800						
Percent	49.5%	50.5%							
AM Peak	07:00	10:30	07:00						
Volume	461	263	617						
Peak Factor	0.900	0.783	0.897						
Mid Peak	14:15	14:00	14:00						
Volume	372	422	787						
Peak Factor	0.861	0.879	0.915						
PM Peak	16:30	16:45	16:45						
Volume	407	658	1062						
Peak Factor	0.951	0.929	0.948						

# Multifamily Housing (Low-Rise) (220)

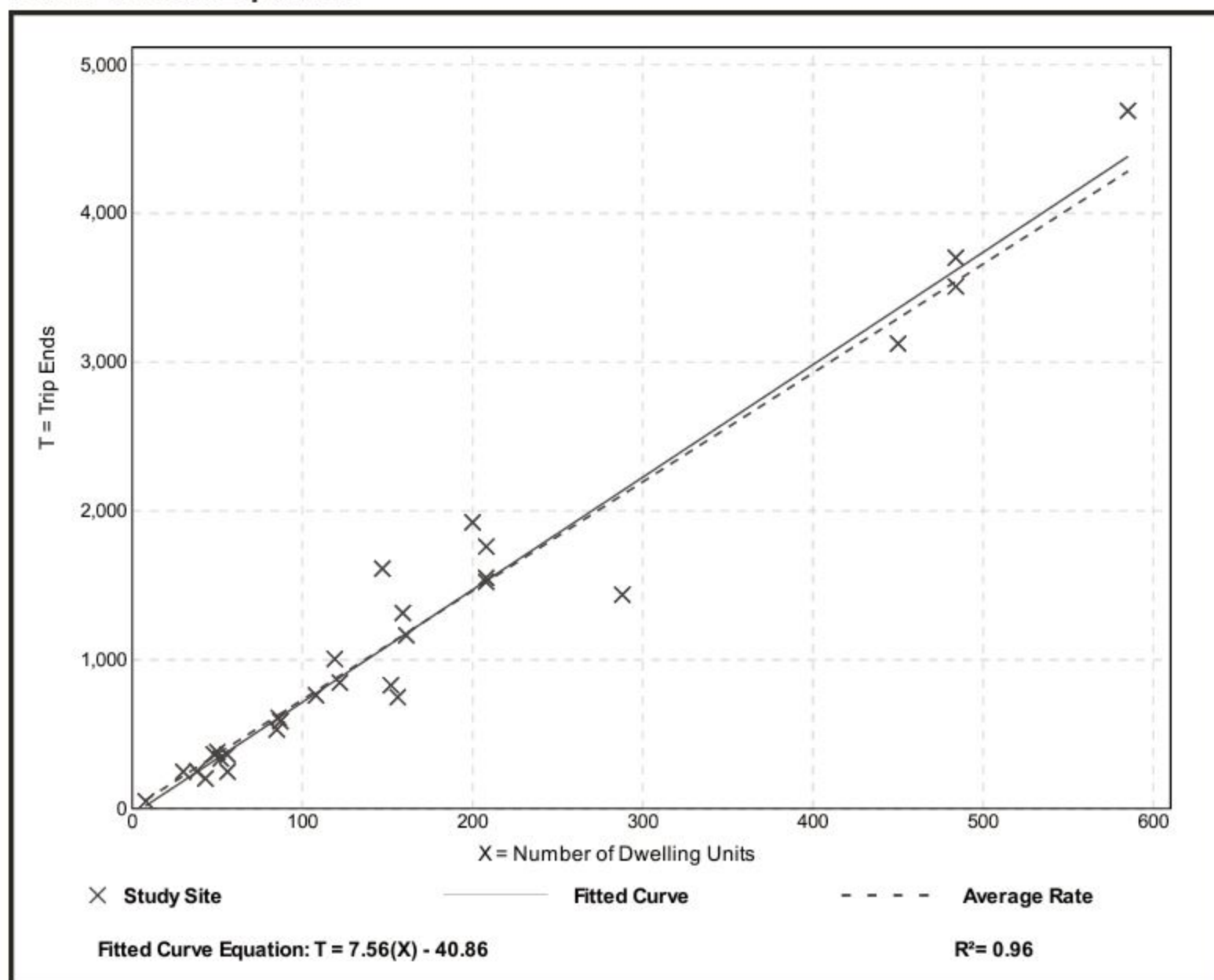
Vehicle Trip Ends vs: Dwelling Units = 66  
On a: Weekday

Setting/Location: General Urban/Suburban  
Number of Studies: 29  
Avg. Num. of Dwelling Units: 168  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

## Data Plot and Equation





## Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units = 66

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 42

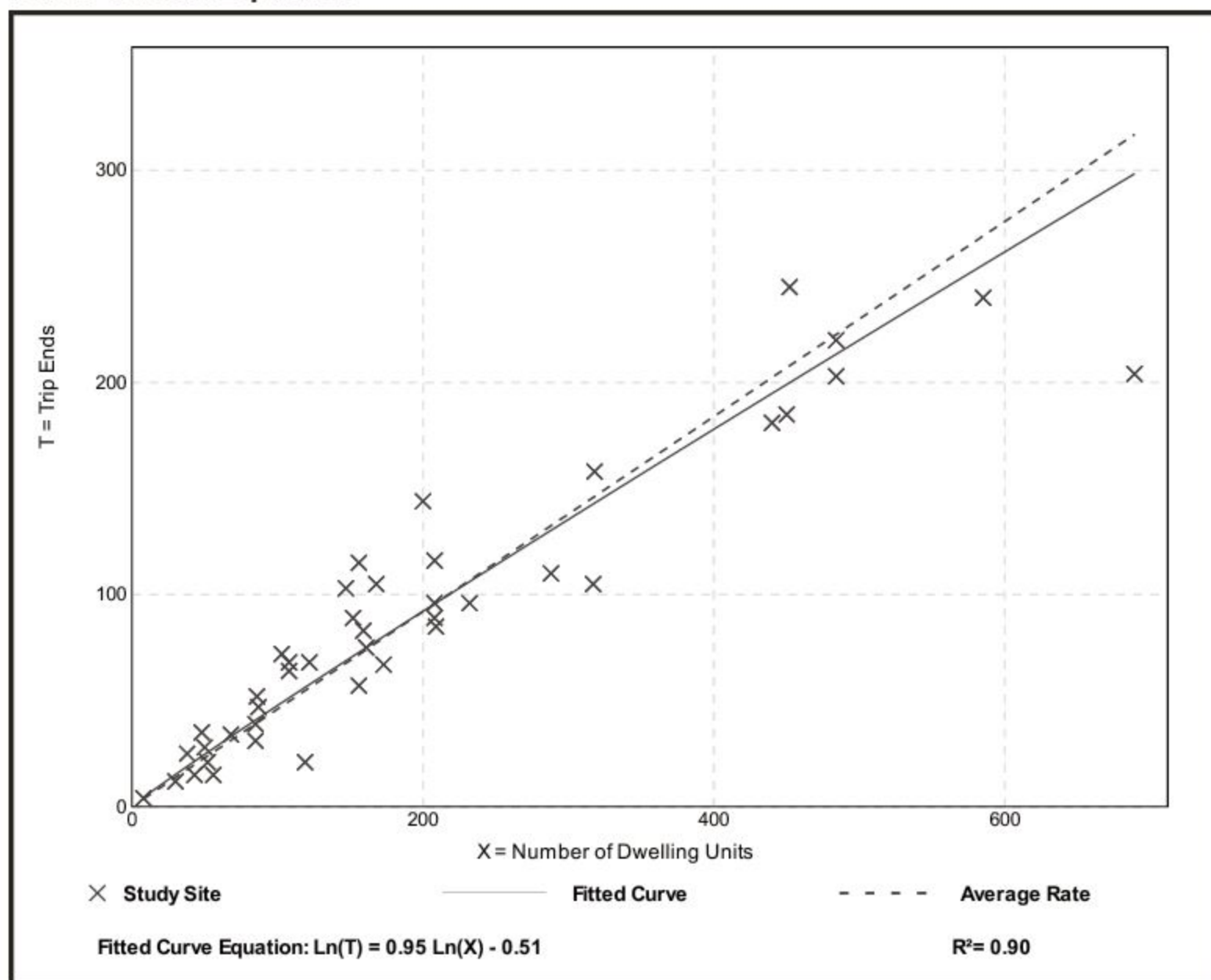
Avg. Num. of Dwelling Units: 199

Directional Distribution: 23% entering, 77% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.46	0.18 - 0.74	0.12

### Data Plot and Equation





## Multifamily Housing (Low-Rise) (220)

Vehicle Trip Ends vs: Dwelling Units = 66

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 50

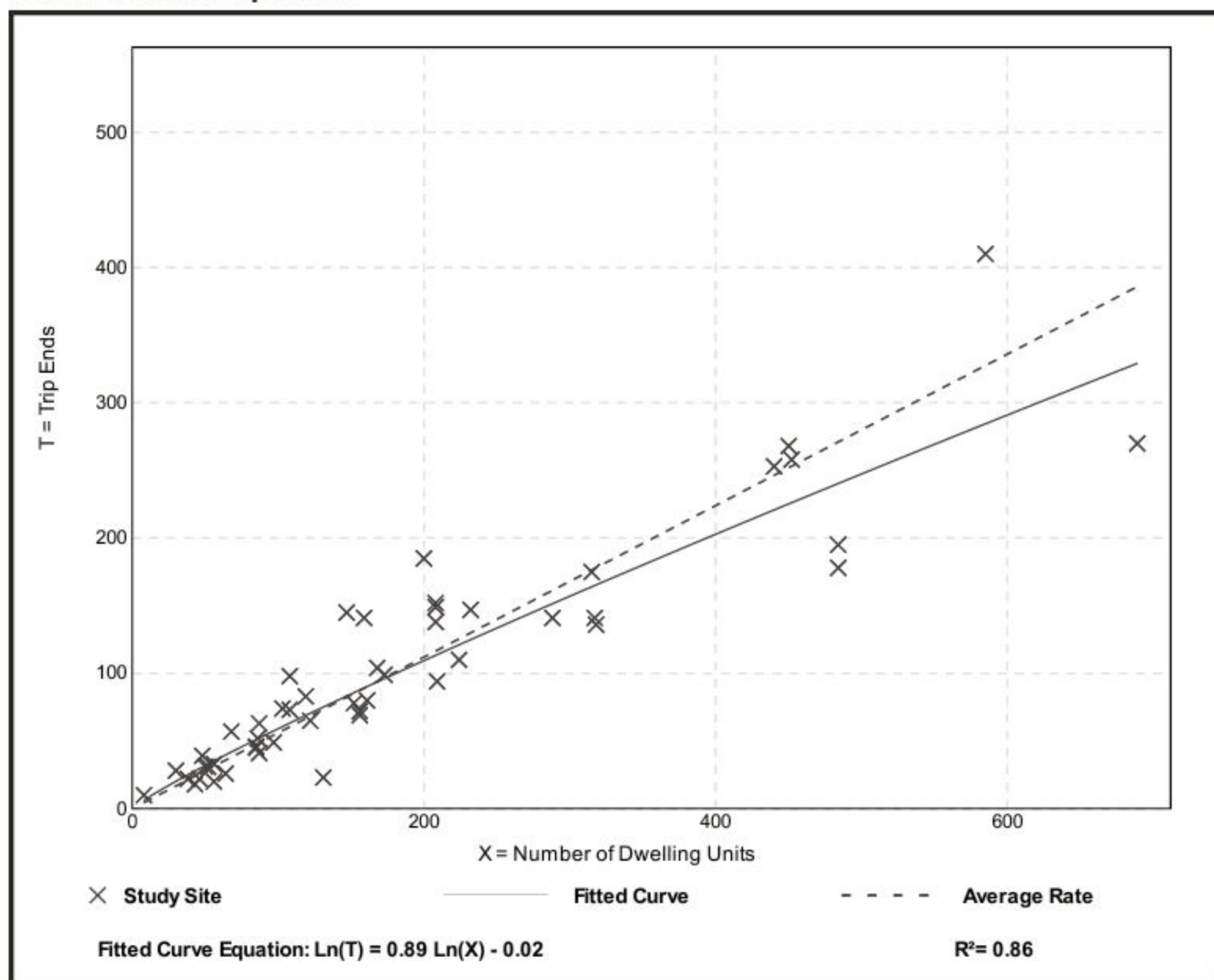
Avg. Num. of Dwelling Units: 187

Directional Distribution: 63% entering, 37% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.56	0.18 - 1.25	0.16

### Data Plot and Equation





# THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS, OHIO

## Traffic Impact Study

Trip Generation Rates

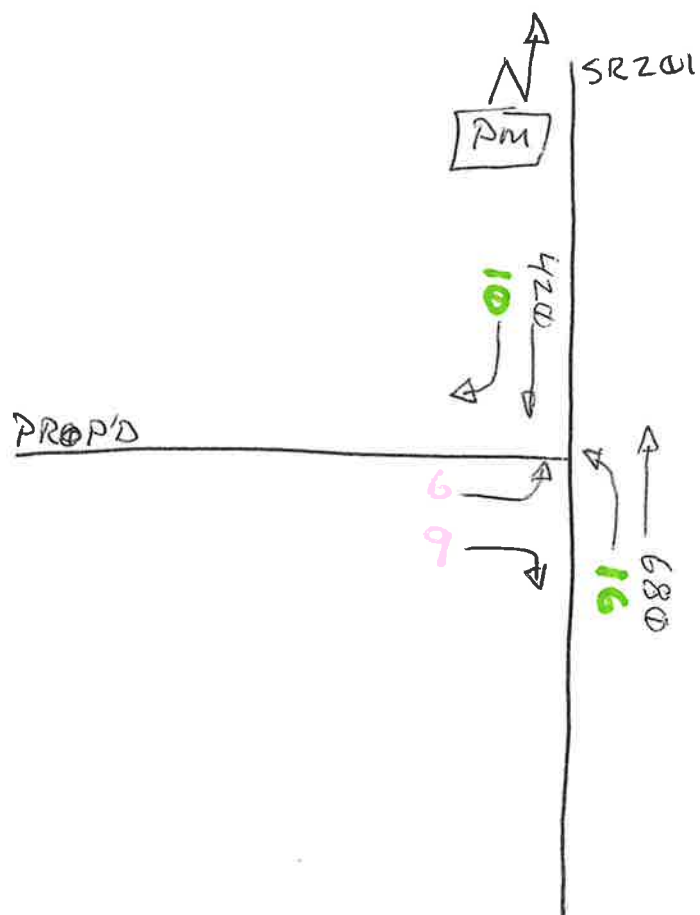
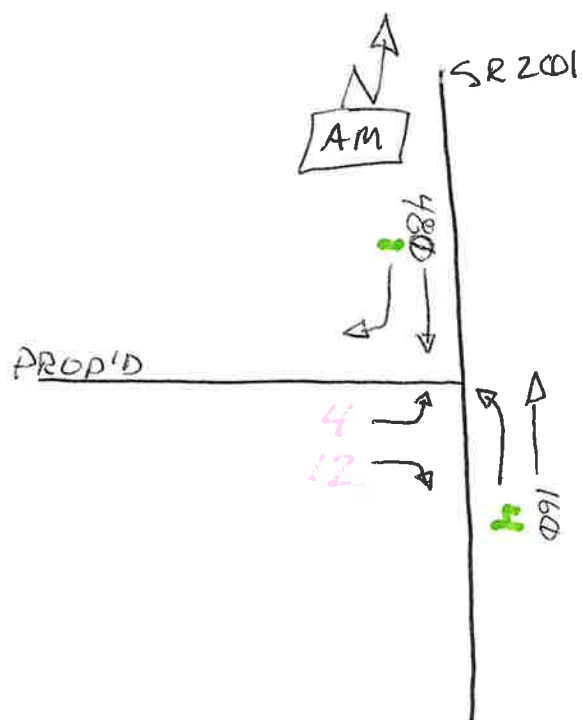
Institute of Transportation Engineer, 10th Edition

Land Use	Variable	Time Period	ITE LUC	ITE Formula	Total Trips	% Trips Entering	% Trips Exiting	Trips Entering	Trips Exiting
Multifamily Housing	66	ADT	220	$T=7.56(X)-40.86$	460	50%	50%	230	230
(Low-Rise)	Units	AM Peak	220	$\ln(T)=0.95\ln(X)-0.51$	21	23%	77%	5	16
Peak Hour of Adjacent Street Traffic		PM Peak	220	$\ln(T)=0.89\ln(X)-0.02$	41	63%	37%	26	15
TOTAL				ADT	460			230	230
				AM TOTAL	21			5	16
				PM TOTAL	41			26	15

Directional Distribution	Time Period	% NB	% SB	NbL Entering	SbR Entering	EbL Exiting	EbR Exiting
	ADT	50%	50%	115	115	115	115
	AM Peak	25%	75%	4	1	4	12
	PM Peak	62%	38%	16	10	6	9

*Note: Italics indicate volumes assumed to come/go mostly from the south.*







**Project:** THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS, OH  
**Location:** SR 201 AT "THE RESERVES" PROP'D ACCESS (~625' N OF SHULL)  
**Scenario:** 2023 OPENING DAY  
**Analyst:** JDO  
**Date:** 31 JAN. 2022



**Direction**  
 Northbound

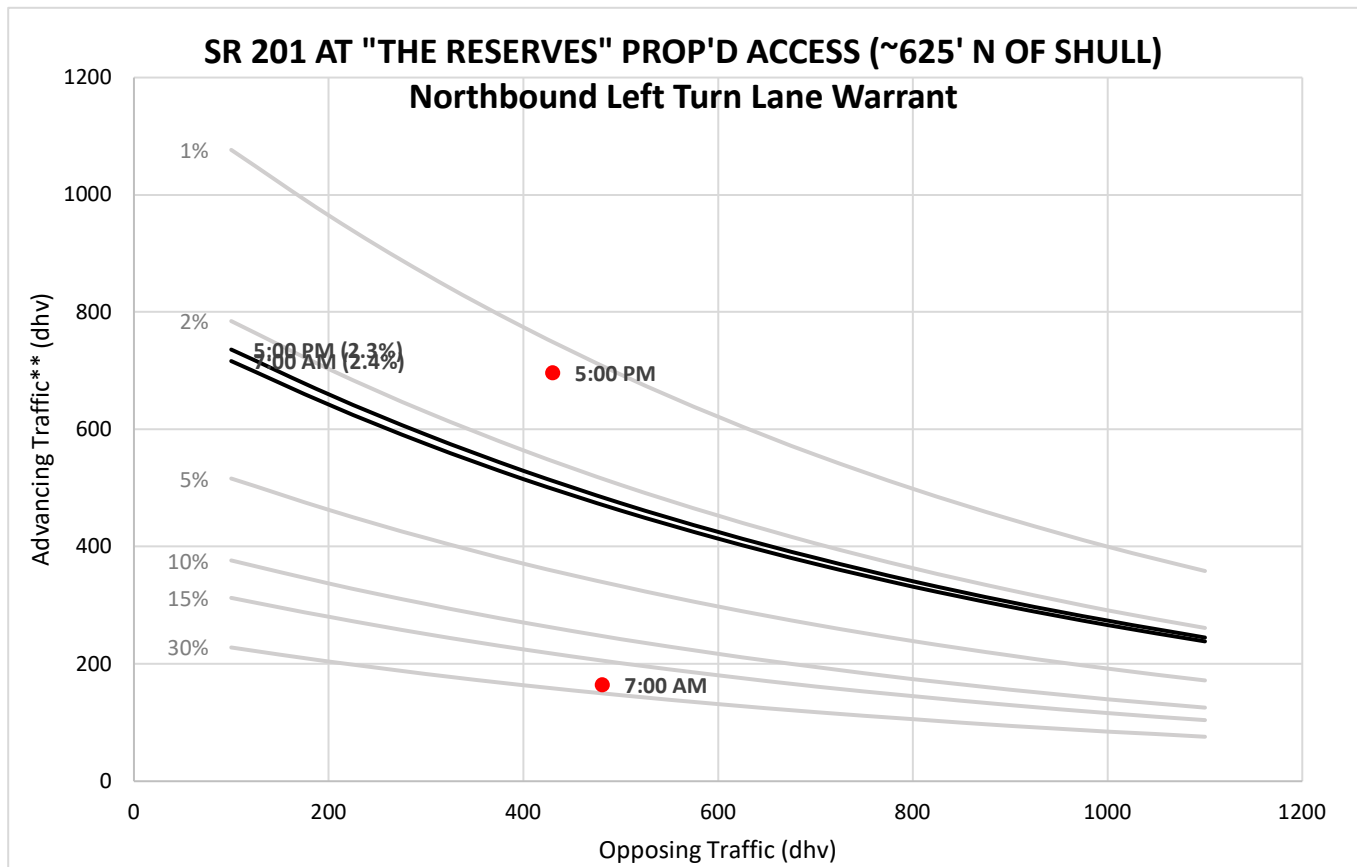
**Left/Right Turn**  
 Left Turn

**Posted Speed**  
 > 40 mph

**Number of Lanes**  
 2

**Median Type**  
 Divided\*

Start Time	Advancing Traffic**	Turning Volume	Percent Turning	Opposing Volume	Warrant Met?
6:00 AM					
7:00 AM	164	4	2.4	481	NO
8:00 AM					
9:00 AM					
10:00 AM					
11:00 AM					
12:00 PM					
1:00 PM					
2:00 PM					
3:00 PM					
4:00 PM					
5:00 PM	696	16	2.3	430	YES
6:00 PM					
7:00 PM					
8:00 PM					



Points plotted above the corresponding decision line indicate that the warrant is met

\*A highway is considered divided as long as median width is adequate for full storage of a left turn vehicle

\*\*Includes Left Turns



**Project:** THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS, OH  
**Location:** SR 201 AT "THE RESERVES" PROP'D ACCESS (~625' N OF SHULL)  
**Scenario:** 2023 OPENING DAY  
**Analyst:** JDO  
**Date:** 31 JAN. 2022



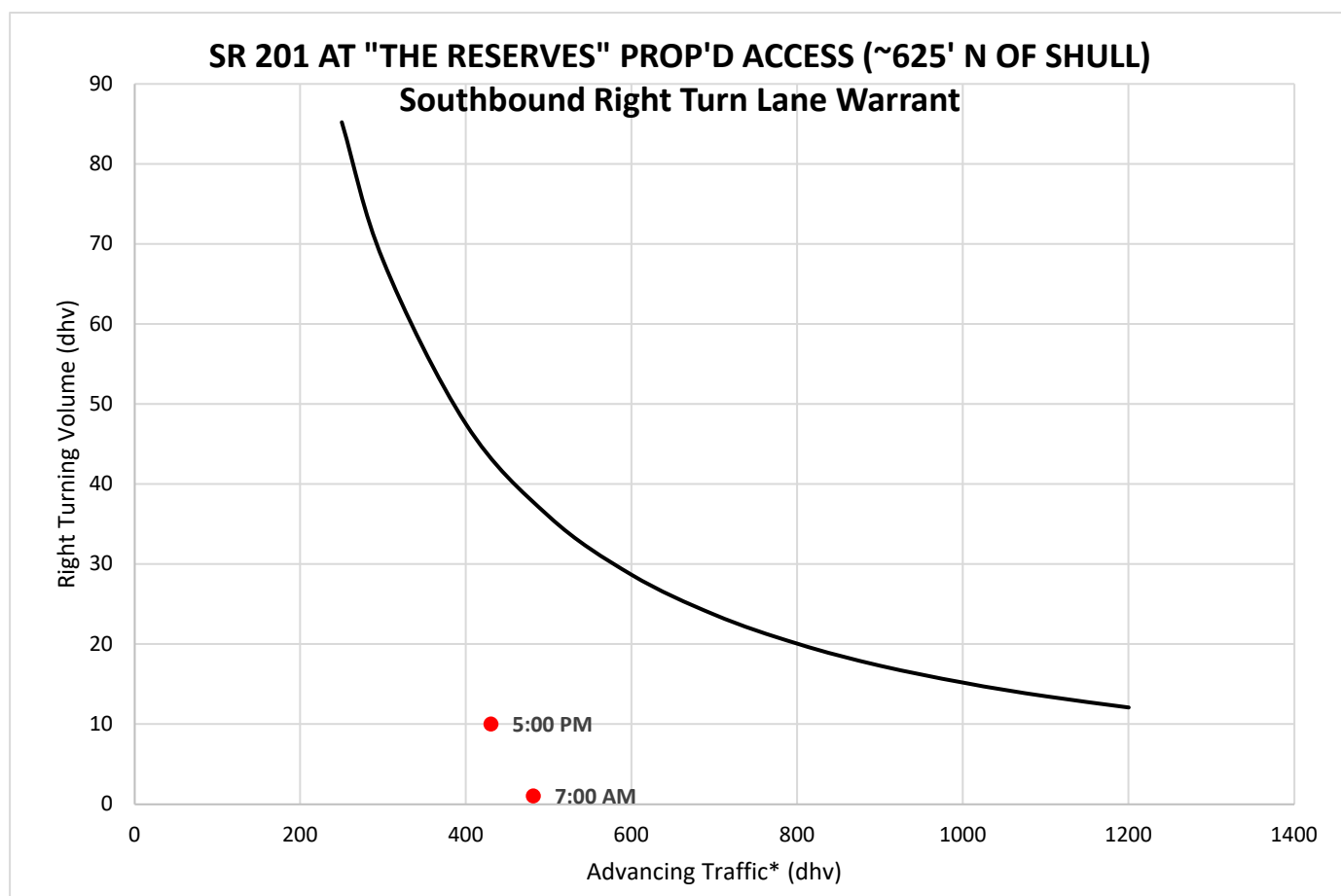
Direction
Southbound

Left/Right Turn
Right Turn

Posted Speed
> 40 mph

Number of Lanes
2

Start Time	Advancing Volume	Turning Volume	Warrant Met?
6:00 AM			
7:00 AM	481	1	NO
8:00 AM			
9:00 AM			
10:00 AM			
11:00 AM			
12:00 PM			
1:00 PM			
2:00 PM			
3:00 PM			
4:00 PM			
5:00 PM	430	10	NO
6:00 PM			
7:00 PM			
8:00 PM			



Points plotted above the corresponding decision line indicate that the warrant is met



**THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS, OH**  
**Turn Lane Length Calculations**  
**SR 201 AT "THE RESERVES" PROP'D ACCESS (~625' N OF SHULL)**

<b>MOVEMENT:NB Left Turn</b>		
<b>AM Peak hour volumes</b>		
Movement	NBLT	
Design Speed	50	mph
Cycle Length	60	seconds
Control (Stop or Signal)	Stop	
Through Volume	680	vph
Number of Through Lanes	2	
Turning Volume	16	vph
Number of Turning Lanes	1	
Design Condition	B	A, B, or C
Turning Percentage	2%	
Vehicles Per Cycle	0.3	
Storage Length	50	feet
Deceleration/Taper	225	feet
Calculated Turn Lane Length	225	feet
No Block Distance	N.A.	feet
No Block Turn Lane Length	N.A.	feet

\* - No Block Turn Lane Length adds a 50' taper to No Block Distance



# HCS7 Two-Way Stop-Control Report

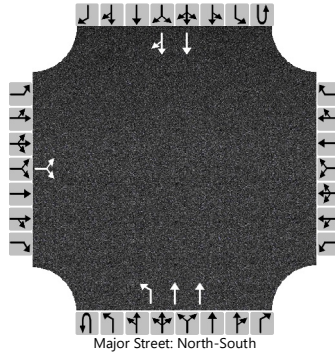
## General Information

Analyst	JDO
Agency/Co.	LJB INC
Date Performed	31-Jan-22
Analysis Year	2023
Time Analyzed	AM PEAK
Intersection Orientation	North-South
Project Description	THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS

## Site Information

Intersection	SR 201 AT THE RESERVES
Jurisdiction	HUBER HEIGHTS, OH
East/West Street	Prop'd Access
North/South Street	SR201
Peak Hour Factor	0.90
Analysis Time Period (hrs)	0.25

## Lanes



## Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	1	2	0	0	0	2	0
Configuration			LR							L	T				T	TR
Volume (veh/h)		4		12					0	4	160				480	1
Percent Heavy Vehicles (%)		2		2					0	2						
Proportion Time Blocked																
Percent Grade (%)	0															
Right Turn Channelized																
Median Type   Storage	Undivided															

## Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.84		6.94						4.14						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.52		3.32						2.22						

## Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			18							4						
Capacity, c (veh/h)			612							1030						
v/c Ratio			0.03							0.00						
95% Queue Length, Q <sub>95</sub> (veh)			0.1							0.0						
Control Delay (s/veh)			11.1							8.5						
Level of Service (LOS)			B							A						
Approach Delay (s/veh)	11.1								0.2							
Approach LOS	B															

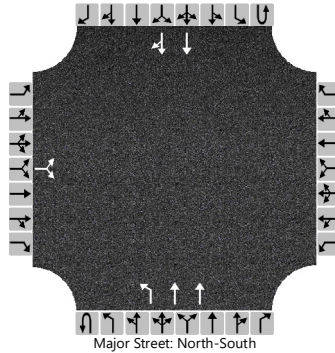


# HCS7 Two-Way Stop-Control Report

## General Information

Analyst	JDO	Intersection	SR 201 AT THE RESERVES
Agency/Co.	LJB INC	Jurisdiction	HUBER HEIGHTS, OH
Date Performed	31-Jan-22	East/West Street	Prop'd Access
Analysis Year	2023	North/South Street	SR201
Time Analyzed	PM PEAK	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	THE RESERVES (SIMMS DEVELOPMENT) - HUBER HEIGHTS		

## Lanes



## Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	1	0		0	0	0	0	1	2	0	0	0	2	0
Configuration			LR							L	T				T	TR
Volume (veh/h)		6		9					0	16	680				420	10
Percent Heavy Vehicles (%)		2		2					0	2						
Proportion Time Blocked																
Percent Grade (%)	0															
Right Turn Channelized																
Median Type   Storage	Undivided															

## Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.84		6.94						4.14						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.52		3.32						2.22						

## Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)			17							18						
Capacity, c (veh/h)			451							1081						
v/c Ratio			0.04							0.02						
95% Queue Length, Q <sub>95</sub> (veh)			0.1							0.1						
Control Delay (s/veh)			13.3							8.4						
Level of Service (LOS)			B							A						
Approach Delay (s/veh)	13.3								0.2							
Approach LOS	B															





## STORMWATER MEMO

**To:** City of Huber Heights Planning Commission  
**From:** Max Paton, PE  
**Date:** 01/27/2022  
**Subject:** The Gables of Huber Heights Basic Development Plan

To Whom it May Concern:

LJB Inc. has provided a preliminary design for the proposed Gables of Huber Heights development in compliance with Montgomery County stormwater regulations.

When evaluating the stormwater management requirements for the development, only the disturbed area draining to the outlet of the development was considered. The outlet for the proposed development will be the unnamed stream that ultimately discharges to Drylick Run.

Of the total site area, 14.22 acres will be disturbed during construction. The pre-developed site contains 8.44 acres that drains to the outlet of the post-developed site. The remaining 5.78 acres drains to the existing detention pond within the Reserves at the Fairways development. The 8.44 acres draining to outlet of the proposed site consists of bare soil and brush.

The post-developed site contains 11.57 acres that will drain to the outlet of the proposed site consisting of buildings, roadways, parking, and greenspace. Approximately 2.65 disturbed acres will continue to drain to the existing detention pond within the Reserves at the Fairways development. This area will consist only of greenspace area and will represent an improvement of the pre-developed drainage condition. Detailed calculations will be provided during the engineering permitting process to ensure that the existing detention pond has sufficient capacity for the proposed changes to the drainage conditions.

The runoff from the pre-developed and post-developed conditions were evaluated to determine the maximum allowable release rate from the proposed development. The critical storm method was used to determine the design storm for the site. The maximum allowable release rates were then used to size stormwater detention facilities for the site. The maximum allowable release rates can be seen in Table 1 below:

**Table 1: Allowable Release Rates**

Storm Event	Pre-Developed Runoff (cfs)	Allowable Runoff (cfs)
1 Year	13.23	13.23
2 Year	15.90	13.23
5 Year*	22.30	13.23
10 Year	26.96	26.96
25 Year	32.58	32.58
50 Year	36.34	36.34
100 Year	41.05	41.05

\*-Critical Storm



The Gables of Huber Heights -- Basic Development Plan

01/27/2022

Page 2

Based on the allowable release rates, a 31,000 cubic foot stormwater detention facility is required. This facility must ensure that the post developed runoff at a 5-year storm water event is reduced to the pre-developed runoff of a 1-year storm event. Additionally, any storm less frequent than a 5-year storm event must not release more runoff than its pre-developed counterpart. The detention will be provided with the use of one dry detention basin and one wet retention basin to be interconnected. The proposed basins provide 43,500 cubic feet of storage, providing ample storage to meet the runoff release rate requirements. A stormwater report and detailed hydrographs will be provided during the engineering permitting stage of the development.





# Huber Heights Fire Division

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

Occupancy Name:	The Gables of Huber Heights		
Occupancy Address:	Brandt Pike		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:		HHFD Plan:	22-032
MCBR ELE:		HHFD Box:	55
REVIEWER:	Susong	DATE:	2/25/2022

## **Fire Department Comments:**

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

**These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted. The proposed development will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.**

### **Requirements:**

- Hydrants in multi-family and commercial districts shall be placed not more than 300 feet apart, measured on the main and not more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that are in need of replacement, shall meet the Huber Heights hydrant standard for this district of two (2), five (5) inch diameter steamer nozzles. These steamer nozzles shall have a five (5) inch STORTZ quick connection and one steamer shall have a four (4) inch STORTZ connection approved by the Code Official. Huber Heights Codified Ordinance 1521.06(c). **(A utility drawing has not been provided at this time.)**
- Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate



access to fire protection equipment or fire hydrants. Ohio Fire Code 507.5.4. (See below.)

- A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. (No trees, bushes, plantings, etc.) Ohio Fire Code 507.5.5.
- The water supply shall be capable of providing required fire flows for fire protection. Ohio Fire Code 507.1 & 507.3. Calculations and findings will need to be determined and provided. (Refer to Ohio Fire Code Appendix B for required flows.)
- Verify that proposed trees do not obstruct fire department access and access roads. The minimum clear vertical height for fire apparatus access roads shall be 13 feet 6 inches, in accordance with Ohio Fire Code 503.2.1.
- Fire department access roads shall be capable of supporting the imposed load of fire apparatus weighing up to 75,000 lbs. Refer to Ohio Fire Code Appendix D102.1.
- Fire department access roads with fire hydrants shall be a minimum of 26 feet in width exclusive of shoulders. Refer to Ohio Fire Code Appendix D103.1. (Roads need to be increased from 24 feet to 26 feet.)
- Multi-family residential developments with more than 100 dwelling units shall be equipped throughout with two separate and approved fire access roads. Refer to OFC Appendix D106.1. (Current drawing indicates 74 units and a secondary emergency access off cul de sac.)
- Buildings where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, shall be provided with approved aerial fire apparatus access roads. OFC Appendix D105.1. Refer to D105.2, D105.3 and D105.4 for additional requirements. (Elevations of units has not been provided.)

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

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

## The Gables of Huber Heights – Charles Simms Development Comments and Questions

### Emergency Access Point:

According to Fire Department comments, two access roads are required only when there are more than 100 dwelling units. The Gables is to have 74; thus, it appears that an emergency access would not be required.

The concern is that there appears not to be any way to prevent traffic coming from the Gables on to Salon Circle in the Reserve via the proposed exit. Ours is a gated community with only one entry/exit point. If extra traffic from the Gables uses Salon it will increase maintenance requirements on our pavement and the automated exit gate. The Reserve HOA should not have to bear the cost of the increased maintenance.

Our request is that the emergency access be eliminated from the Simms plan.

### Separation Mound:

Will there be any landscaping on the six feet high mound that separates the two developments?

If it is merely a mound of soil without any vegetation and silt barrier, the muddy runoff will go on the surface of Salon Circle.

Our preference is that the mound be adequately mulched or grassed to prevent mud from forming. Trees, especially evergreens, planted on the mound would be desirable. This would enhance the appearance for both communities, reduce mowing, and help control erosion.

The drawings do not show a mound extending along the Reserve's buildings Monte Carlo Way and the Simms buildings. Since the developer will be removing soil in that area for the retention pond, it could be used to build the separation mound there. This would reduce his expense for removing the soil from the area while providing privacy for both communities.

### Completion Date:

What is the anticipated completion date for the development?

The buildings appear to be very beautiful and will be a positive addition to Huber Heights when completed.

Submitted by: James and Sue Bartrum

6994 Salon Circle, Huber Heights, OH

937-506-7781



# Memorandum

Staff Report for Meeting of March 15, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: March 7, 2022

Subject: Basic Development Plan: The Gables of Huber Heights

Application dated January 28, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Charles V. Simms Development – Applicant  
Trebein Limited ADK IV, LLC - Owners

**DEVELOPMENT NAME:** The Gables of Huber Heights

**ADDRESS/LOCATION:** Brandt Pike, north of The Reserves at the Fairways and the Aquatic Center.

**ZONING/ACREAGE:** Planned Mixed Use / 15.93 Acres

**EXISTING LAND USE:** Vacant

**ZONING**

**ADJACENT LAND:** Planned Mixed Use (north and south)  
R-7 (west)  
Agriculture (East – Carriage Hill MetroPark)

**REQUEST:** The applicant requests approval of the basic development plan to construct 74 for sale residential units within 11 buildings.

**ORIGINAL APPROVAL:** This land was originally intended to be developed as a later phase of the Reserves at the Fairways approved in early 2000.

**APPLICABLE HHCC:** Chapter 1171, 1179

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

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview**

The applicant requests approval of a basic development plan to construct 74 condominiums in 11 buildings on 15.93 acres, which yields an average density of 4.64 units/acre. Approximately 64% of the site is open space (10.20 acres).

This land was originally approved as part of The Reserves at the Fairways, a similar condominium development immediately south of the project site.

### **Conformance with Zoning Regulations**

The proposal largely conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District (PM):

- Residential uses are permitted in the district and the buildings meet the setback requirement of 15-feet between residential buildings.
- Buildings are clustered and a large, usable greenspace area is proposed in the development. Approximately 64% of the site is open space, including detention areas.
- Walking paths are included throughout the development.
- Site access is limited to one private drive from Brandt Pike. A secondary emergency exit is proposed at the cul-de-sac terminus and connects to an existing private street (Salon Circle).
- Parking will be provided through a mixture of garage and driveway spaces and various guest parking areas. A total of 334 spaces are provided, 222 are required.
- A six-foot high landscaping mound is provided to buffer the open space area from the existing development to the south.
- Lighting will be provided through a combination of exterior building lights and lamp posts along walking and parking areas.
- Proposed building elevations indicate substantial use of masonry products on the front elevations of the buildings.

### **Other Considerations**

- The applicant has agreed to enlarge the private street width to 27 feet, as required by 1111.04 of the subdivision regulations.



## **Standards for Approval**

### *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.*

### **Staff Analysis**

As outlined above, this land was originally envisioned and approved as a condominium development and has sat fallow for nearly 20-years. Staff feels the proposed basic development plan meets the requirements of the PM District and the general standards for approval outlined in Section 1171.06.

### **Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

### **City Engineer:**

- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

### **Recommendation**

Staff recommends approval of the basic development plan submitted on January 28, 2022 with the following conditions:

- Applicant shall comply will all fire code requirements.
- The minimum private street pavement width shall be 27 feet.
- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

### **Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.





## Planning Commission Decision Record

WHEREAS, on January 28, 2022, the applicant, Charles V. Simms Development, requested approval of the Basic Development Plan for property located at Brandt Pike, Parcel Number P70-03910-0057 of the Montgomery County, Ohio Records (Case BDP 22-07); and

WHEREAS, on March 15, 2022, 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.

Mr. Jeffries moved to recommend approval of the request by the applicant, Charles V. Simms Development, for a Basic Development Plan for property located at Brandt Pike, Parcel Number P70-03910-0057 of the Montgomery County, Ohio Records (Case BDP 22-07) in accordance with the recommendation of Staff's Memorandum dated March 7, 2022, and the amended Planning Commission Decision Record:

1. Applicant shall comply with all fire code requirements.
2. The minimum private street pavement width shall be 27 feet.
3. The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
4. The entrance off of Brandt Pike shall be a minimum 36' wide with one lane in and two lanes out.

BDP 22-07 – Decision Record

5. Brandt Pike road improvements may be needed subject to approval by the City Engineer for changing stripping and painting of future left lane.

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

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Terry Walton, Chair  
Planning Commission

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Date



**Planning Commission  
March 15, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:01 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: Ms. Opp

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).**

Mr. Sorrell stated that this application was heard and tabled at the December 14, 2021, Planning Commission meeting. Based on the minutes, there was discussion about whether vehicles would be serviced on site, existing buffering between the adjacent funeral home, and moving the parking setback significantly closer to Old Troy Pike.

The applicant has submitted a revised plan which:

- Includes auto sales and service as the primary use;
- Added a masonry dumpster enclosure to the rear of the lot;
- Added a 42-inch hedge as screening between the front parking area and the funeral home parking area;
- Illustrates possible building expansion for garage bays and/or possible office; and
- Added three 25-foot light poles (two in front, one at the rear).

No other substantial changes were submitted.

**STAFF ANALYSIS AND RECOMMENDATION:**

This analysis will focus on the changes to the proposal since the application was tabled at the December 14, 2021, meeting:

**Vehicle Display and Landscaping**

The revised plan includes a 42" hedge, 60-feet long, between the display area and the property line. While this does help buffer the display area from the adjoining property, the proposed plan reduces the existing required yard buffer from 15-feet (required in the PC District) to approximately 7-feet.

The code states:

1176.03 (b)(1): All yards within the development plan except those abutting a Business or Industrial District shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15 feet along property lines.

Both the original and revised plan locate the vehicle display area 25-feet from the right-of-way. While this meets the zoning standards for a parking area, the proposed plan shows three tightly packed display rows. This will have a greater visual impact along Old Troy Pike than a traditional parking area with one row of parked vehicles, separated by a 20-foot drive aisle. Additionally, parking areas of this size would be required to have interior parking landscaping to break up the mass of the vehicles and reduce storm water runoff. There are little to no recently developed uses within the vicinity that have such concentrated vehicular display or parking areas.

**Conformance with Zoning Regulations**

The proposed vehicle sales and service uses are permitted uses within the Planned Commercial district, if the Planning Commission approves such uses. At this time, there are no vehicle sales uses in this area of Old Troy Pike.

The proposed site plan brings the site out of conformance with the yard standards set in 1176.03(b)(1), described above.

If the Planning Commission deems the vehicle display area as a parking area, the site plan is not in conformance with the parking requirements found in Chapter 1185.

**Staff Analysis**

As proposed, it is the staff's opinion that the site becomes less conforming to the zoning code than it currently exists. This includes yard standards, and parking layout and design.

#5 in the Decision Record would read the only use approved is the sale and service automobiles.

Strike # 7 from the Decision Record.

Revise to March 15, 2022.

Chad spoke on behalf of the applicant.



**Action**

Ms. Thomas moved to approve the request by the applicant Kirmon Khalilov, for approval of a Major Change to the Basic and Detailed Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo. NAYS: Mr. Jeffries, Ms. Thomas, and Mr. Walton. Motion to approve denied 3-1.

All three Nays stated no similar uses in the area.  
Case moves to City Council

**VII. New Business**

- 1. MINOR CHANGE - The applicant, Atlantic Sign Company, is requesting approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09).**

Mr. Sorrell stated that the applicant requests approval to replace existing wall signs due to the acquisition of Gander Outdoors by Camping World. The net effect of the change is an overall reduction in wall sign area.

**Original Approval**

As you can see below, the amount of approved and/or installed wall sign area has changed over the years:

September 2004	962 SF
July 2012	666 SF
September 2018	562 SF

**Current Application**

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Two existing wall signs remain unchanged. The total wall sign area will be reduced from approximately 562 SF to approximately 429 SF.

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Total wall sign area will be reduced from approximately 562 SF to approximately 429 SF, a reduction of approximately 23%.

Brooke Alini from Atlantic Sign Company was there for any questions.

**Action**

Ms. Vargo moved to approve the request by the applicant Atlantic Sign Company for approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09) in accordance with the recommendation of Staff's

Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**2. BASIC DEVELOPMENT PLAN - The applicant, Charles V. Simms Development, is requesting approval of a Basic Development Plan for the Gables of Huber Heights, located on Brandt Pike North of the Reserves at the Fairways (BDP 22-07).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan to construct 74 condominiums in 11 buildings on 15.93 acres, which yields an average density of 4.64 units/acre. Approximately 64% of the site is open space (10.20 acres).

This land was originally approved as part of The Reserves at the Fairways, a similar condominium development immediately south of the project site.

**Conformance with Zoning Regulations**

The proposal largely conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District (PM):

- Residential uses are permitted in the district and the buildings meet the setback requirement of 15-feet between residential buildings.
- Buildings are clustered and a large, usable greenspace area is proposed in the development. Approximately 64% of the site is open space, including detention areas.
- Walking paths are included throughout the development.
- Site access is limited to one private drive from Brandt Pike. A secondary emergency exit is proposed at the cul-de-sac terminus and connects to an existing private street (Salon Circle).
- Parking will be provided through a mixture of garage and driveway spaces and various guest parking areas. A total of 334 spaces are provided, 222 are required.
- A six-foot high landscaping mound is provided to buffer the open space area from the existing development to the south.
- Lighting will be provided through a combination of exterior building lights and lamp posts along walking and parking areas.
- Proposed building elevations indicate substantial use of masonry products on the front elevations of the buildings.

**Other Considerations**

- The applicant has agreed to enlarge the private street width to 27 feet, as required by 1111.04 of the subdivision regulations.

**Staff Analysis**

As outlined above, this land was originally envisioned and approved as a condominium development and has sat fallow for nearly 20-years. Staff feels the proposed basic development plan meets the requirements of the PM District and the general standards for approval outlined in Section 1171.06.



**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Recommendation**

Staff recommends approval of the basic development plan submitted on January 28, 2022, with the following conditions:

- Applicant shall comply will all fire code requirements.
- The minimum private street pavement width shall be 27 feet.
- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.

Robert Simms  
John Moore  
Barry Payne  
James Moore  
Christine Olinsky

Amended Decision Record to add #5, Brandt Pike road improvements may be needed subject to approval by the City Engineer for changing stripping and painting of future left lane.

**Action**

Mr. Jeffries moved to approve the request by the applicant Charles V. Simms Development, for approval of a Basic Development Plan for the Gables of Huber Heights, P70 03910 0057 of the Montgomery County Records Map (BDP 22-07) in accordance with the recommendation of Staff's Memorandum dated March 7, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**3. BASIC DEVELOPMENT PLAN - The applicant, Amarjit Takhar, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant has provided some preliminary revised plans. The applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

The land is currently zoned "I-1" Light Industrial and Mixed-Use District. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

The proposed service station and diesel repair facilities are Special Uses within the existing I-1 zoning district. The convenience store is not a principally permitted use in the existing I-1 zoning district.

There is an existing service station with convenience store adjacent to this site zoned Planned Commercial.

**On-Site Uses and Facilities**

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The applicant is proposing 62 parking spaces, including 10 for semi-trucks.

**Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1176 Planned Commercial District, 1181 General Provisions, 1182 Landscaping and Screening, 1185 Parking and Loading. The relevant sections are cited below:

**Staff Analysis**

The analysis below is based on the application and drawings originally submitted as a Planned Industrial District. Staff realized this application was in error, but not in time to enable the applicant to revise the drawings for this meeting. Additionally, staff has been in discussion with the applicant to reconfigure the site plan to allow for a future extension of Center Point 70 Blvd. The applicant has agreed to make these accommodations and is working on these revisions.



**Conformance with Zoning Regulations:**

1176 (PC) Planned Commercial District

The proposed uses are principally permitted in the PC district. The current plan indicates a 10-foot perimeter buffer yard, which must be 15-feet. All other standards for this Chapter are met.

Chapter 1181 General Provisions

The proposal meets the requirements of Chapter 1181, with the exception of the following items are not in compliance or not illustrated on the Basic Development Plan:

- Street trees shall be placed every 40-feet along the public street.
- No exterior lighting plan was submitted. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

Chapter 1182 Landscaping and Screening Standards

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

Chapter 1185 Parking and Loading

The proposal generally meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The plan indicates 62 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

The original submission illustrates a driveway that aligns with Center Point 70 Boulevard. This alignment would severely limit any future expansion of the roadway to the east. Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. This will enable the roadway to be extended in the future with less disruption to the business. This extension would also provide hundreds of acres of potential development lands with better access to I-70. The applicant has agreed, and is currently working on these revisions.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply with all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the basic development plan with the following conditions:

- A 15-foot buffer yard shall be illustrated on the basic development plan
- Street trees shall be placed every 40-feet
- The applicant shall revise the alignment and location of the gas pumps and convenience store to allow for a future extension of Center Point 70 Boulevard.
- Applicant shall comply with all fire code requirements.
- Prior to submission to City Council for review and approval, applicant shall resubmit a basic development plan that conforms with the conditions above.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 4) Approve the rezoning and basic development plan application, with or without conditions.
- 5) Deny the basic development plan.
- 6) Table the application in order to gather additional information.

Chris Besecker

**Action**

Mr. Jeffries moved to table the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel located on the East side of intersection of SR 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Records Map (BDP 22-08) in accordance with the recommendation of Staff's Memorandum dated March 10, 2022, and the Planning Commission Decision Record attached thereto.

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

4. **BASIC DEVELOPMENT PLAN - The applicant, DEC Land Co., I LLC, is requesting approval of a Detailed Development Plan and Final Plat for Section 7, Phase 5 of the Carriage Trails Development (DDP 22-10).**



Mr. Sorrell stated that the applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres.

**Conformance with Zoning Regulations**

The detailed development plan conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District and the basic development plan approved by City Council.

The mixture of lot sizes (approximately) are:

60 feet x 130 feet: 53 lots  
66 feet x 130 feet: 3 lots  
70 feet x 130 feet: 3 lots  
77 feet x 130 feet: 6 lots

Minimum yard setbacks:

Front & Rear: 25 feet  
Side: 5 feet

The HOA covenants have the following applicable requirements and restrictions:

- Uses: Limited to a single-family residence
- Building material: The covenants require a minimum of 50% of the single-family homes within each subareas shall have front façade of no less than 25% masonry materials.
- Accessory Buildings: No larger than 10' x 10' shed.
- Fences: Limited to the rear yard, no higher than 4-feet. Chain link fencing is prohibited.

The HOA will be responsible for the care and maintenance of all common areas.

**Staff Analysis**

The applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres, which is approximately 3.7 units per acre.

It is important to note that the current municipal boundary bisects lots 1 – 36 because the annexation has not yet been completed. The developer plans to build out the street infrastructure, but not fully plat lots 1 - 36 until the annexation is complete. Staff is supportive of this approach on the condition that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Additional Comments:**

**Fire:** See attached

**City Engineer:**

- The temporary cul-de-sac near the intersection of Arrowwood Street and Woodmint Drive is not required and can be removed if desired.

**Recommendation**

Staff recommends approval of the detailed development plan submitted on February 18, 2022, with the condition that that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 7) Approve the Detailed Development Plan; or,
- 8) Deny the Detailed Development Plan.

Ken Conaway

**Action**

Mr. Jeffries moved to approve the request by the applicant DEC Land Co. I LLC, for approval of the Detailed Development Plan and Final Plat for section 7, Phase 5 of the Carriage Trails subdivision (DDP 22-10) in accordance with the recommendation of Staff's Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**VIII. Additional Business**

1. **Proposed Change to an Existing Ordinance for Planning Commission Recommendation for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).**

**Action**

Ms. Vargo moved to approve the request by the applicant The City of Huber Heights, for a proposed change to an Existing Ordinance for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).

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

**IX. Approval of the Minutes**

Without objection, the minutes of the January 25, 2022, and February 15, 2022, Planning Commission meeting are approved.



**X. Reports and Calendar Review**

Rezoning State Route 235  
Basic Development Plan Brandt Pike, North of the Reserves  
Comprehensive Plan Mid-April, Yard, Inc.

**XI. Upcoming Meetings**

March 15, 2022  
March 29, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:05 p.m.

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**Terry Walton, Chair**

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**Date**

---

**Geri Hoskins, Administrative Secretary**

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**Date**

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A BASIC DEVELOPMENT PLAN FOR THE PROPERTY LOCATED ON BRANDT PIKE NORTH OF THE RESERVES AT THE FAIRWAYS AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-03910-0057 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE BDP 22-07).

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 BDP 22-07 and on March 15, 2022, recommended approval by a vote of 4-0 of 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 Basic Development Plan (Zoning Case BDP 22-07) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. Applicant shall comply with all Fire Code requirements.
2. The minimum private street pavement width shall be 27 feet.
3. The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
4. The entrance off Brandt Pike shall be a minimum 36 feet wide with one lane in and two lanes out.
5. Brandt Pike road improvements may be needed subject to approval by the City Engineer for changing striping and painting of future left lane.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8359

**New Business**     **M.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-08 - Amarjit Takhar - Rezoning/Basic Development Plan - State Route 235

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** SmartBoard     **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** 2022-O-2525

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**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Commercial (PC) For A 35 Acre Parcel Of Property Located On The East Side Of The Intersection Of State Route 235 And Center Point 70 Boulevard And Further Identified As Parcel Numbers P70-03903-0079 And P70-03903-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-08).  
(first reading)

**Purpose and Background**

The applicant, Amarjit Takhar, is requesting approval of a Basic Development Plan and a Rezoning to Planned Commercial (PC) (ZC BDP 22-08)..

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**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:**

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**Attachments**

Drawings

Fire Assessment

Staff Report

Decision Record

Minutes

Ordinance

Ordinance - Amended

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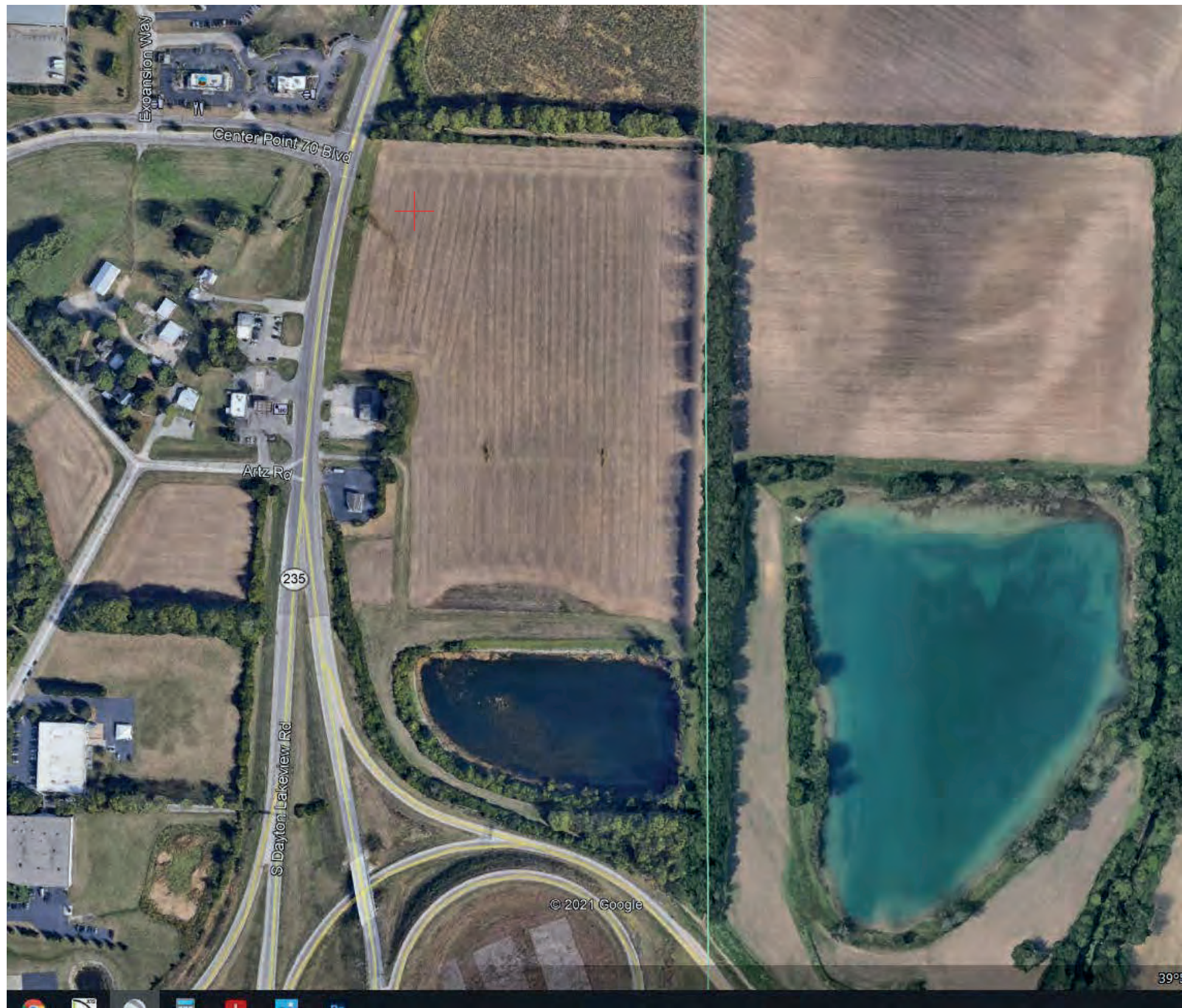
# TRUCK STOP, DIESEL REPAIR SHOP, & C-STORE

ST RT 235, HUBER HEIGHTS, OH  
BASIC DEVELOPMENT PLAN

BASIC DEVELOPMENT PLAN SUBMITTAL CHECKLIST		SHEET
1)	Basic Development site plans shall be scaled at 1" to 20', 1" to 40', or other scale acceptable to the City. Plans must show the following:	--
<input type="checkbox"/>	Property lines, right-of-way lines, and all easements of record	02,05
<input type="checkbox"/>	Location of all abutting properties within 200' and a list of owners and addresses	03
<input type="checkbox"/>	Location of all public and private utilities including local services on or adjacent to site	04
<input type="checkbox"/>	Existing physical features, including structures, drives, adjacent roads and number of lanes, ditches, trees, wells, sanitary fields, etc.	09
<input type="checkbox"/>	Sizes, grades, and type of material for all existing gravity sewers, force mains, and appurtenances	N/A
<input type="checkbox"/>	Existing elevations at property corners and other key locations (USGS datum)	09
<input type="checkbox"/>	Location of proposed structures, out buildings and/or other improvements, setback dimensions, landscaping or buffer strips, parking spaces, handicapped parking, type of ground surface, freestanding signs or lighting, underground tanks, detention ponds and approximate sizes of all facilities	06-08
<input type="checkbox"/>	One (1) foot contour lines, swales, and other natural or man-made drainage facilities either on the property or in the streets and easements adjacent to the property	10
<input type="checkbox"/>	Direction of on-site overload flow and any changes in flow after proposed development	10
<input type="checkbox"/>	Direction of drainage flow for all abutting properties together with location and direction of concentrated water volumes (downspouts, field tiles, etc.)	10
<input type="checkbox"/>	Proposed finished grades of all structures, ground elevations at all structure corners and tentative grades for all proposed driveways, swales, pipes, etc.	10
<input type="checkbox"/>	Traffic impact study prepared by a third-party professional	I/P
<input type="checkbox"/>	Dedication of street to adopted right-of-way limits when required by thoroughfare plan	C/P
<input type="checkbox"/>	Widening of roadways and inclusion of sidewalks when required by thoroughfare plan	C/P
<input type="checkbox"/>	Storm water management plan and preliminary hydraulic calculations in accordance with Montgomery County, Ohio Standards.	C/P
2)	Listing of proposed uses	01
3)	Conceptual building elevations of proposed buildings indicating true colors and materials	11-14
4)	Other information as requested by the City	--
5)	Upon receipt of final review comments from the Planning Department, applicant shall submit eight (8) copies of the revised plans required in this check list, any other revised or amended documents, and a pdf of all drawings to <a href="mailto:ghoskins@hhoh.org">ghoskins@hhoh.org</a> at least one week prior to the date of the Planning Commission meeting.	--
6)	Traffic impact studies	--

N/A NOT APPLICABLE  
I/P IN PROCESS  
C/P TO BE PERFORMED AND/OR PROVIDED BY CONTRACTOR OR OTHER PARTY PENDING  
RESULT OF REZONING AND ZONING APPROVAL STATUS

LOCATION / VICINITY MAP



PROPOSED USES

SERVICE STATION  
CONVENIENCE STORE  
DRIVE-THRU STORE  
RESTAURANT

PROPOSED REZONING

FROM I-1 (LIGHT INDUSTRIAL USE)  
TO PI (PLANNED INDUSTRIAL DISTRICT)

RENDERING OF PROPOSED DEVELOPMENT



**BERGER CONSTRUCTION SERVICES**  
50 Walnut Rd  
Medway, OH 45341  
937.727.4515

CLIENT:

**PAP OIL COMPANY LLC**  
4365 Lisa Dr  
Tipp City, OH 45371

TRUCK STOP, TRUCK REPAIR, & C-STORE HUBER HEIGHTS, OH  
COVER SHEET

SCALE:

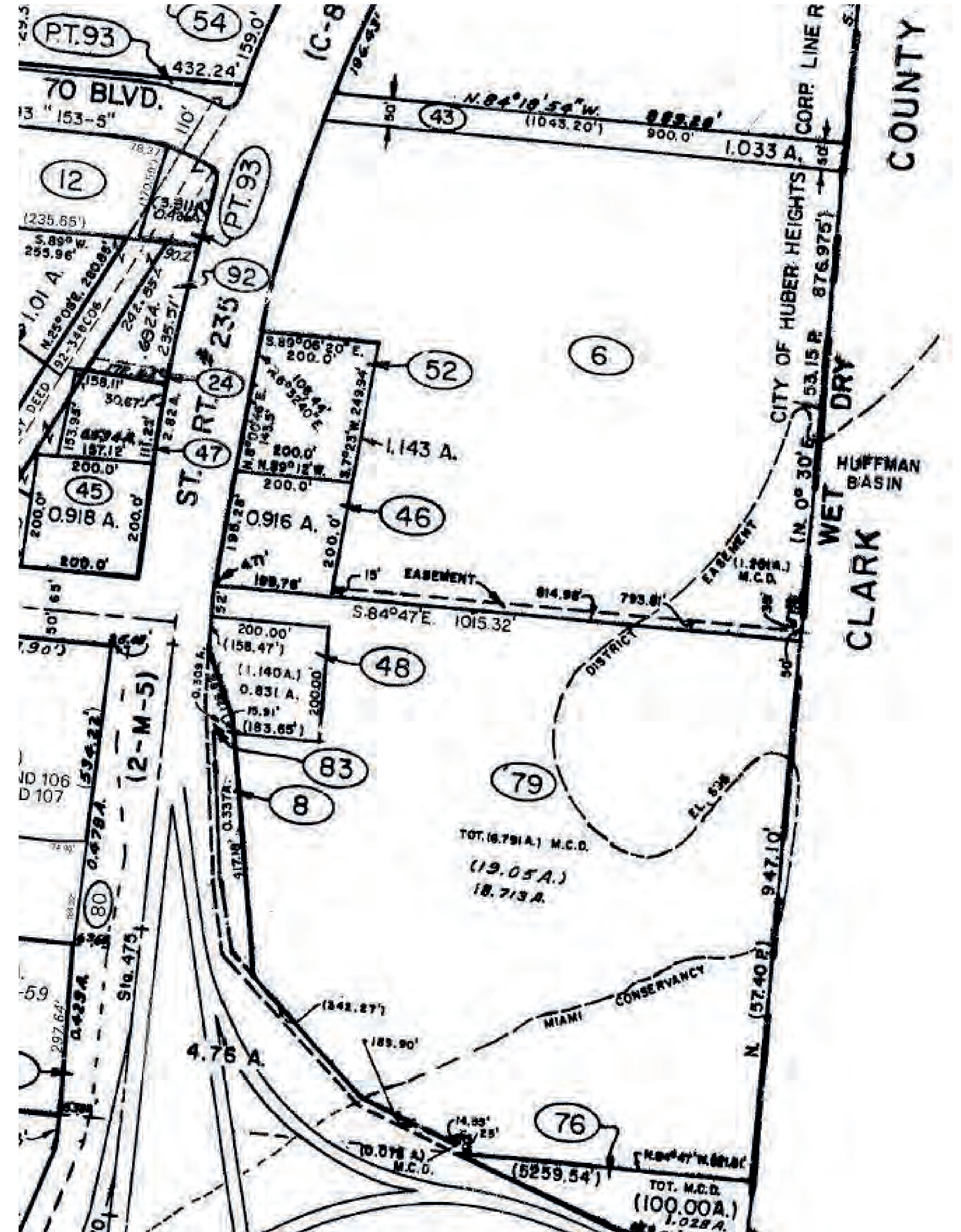
REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DATE: 12/29/2021

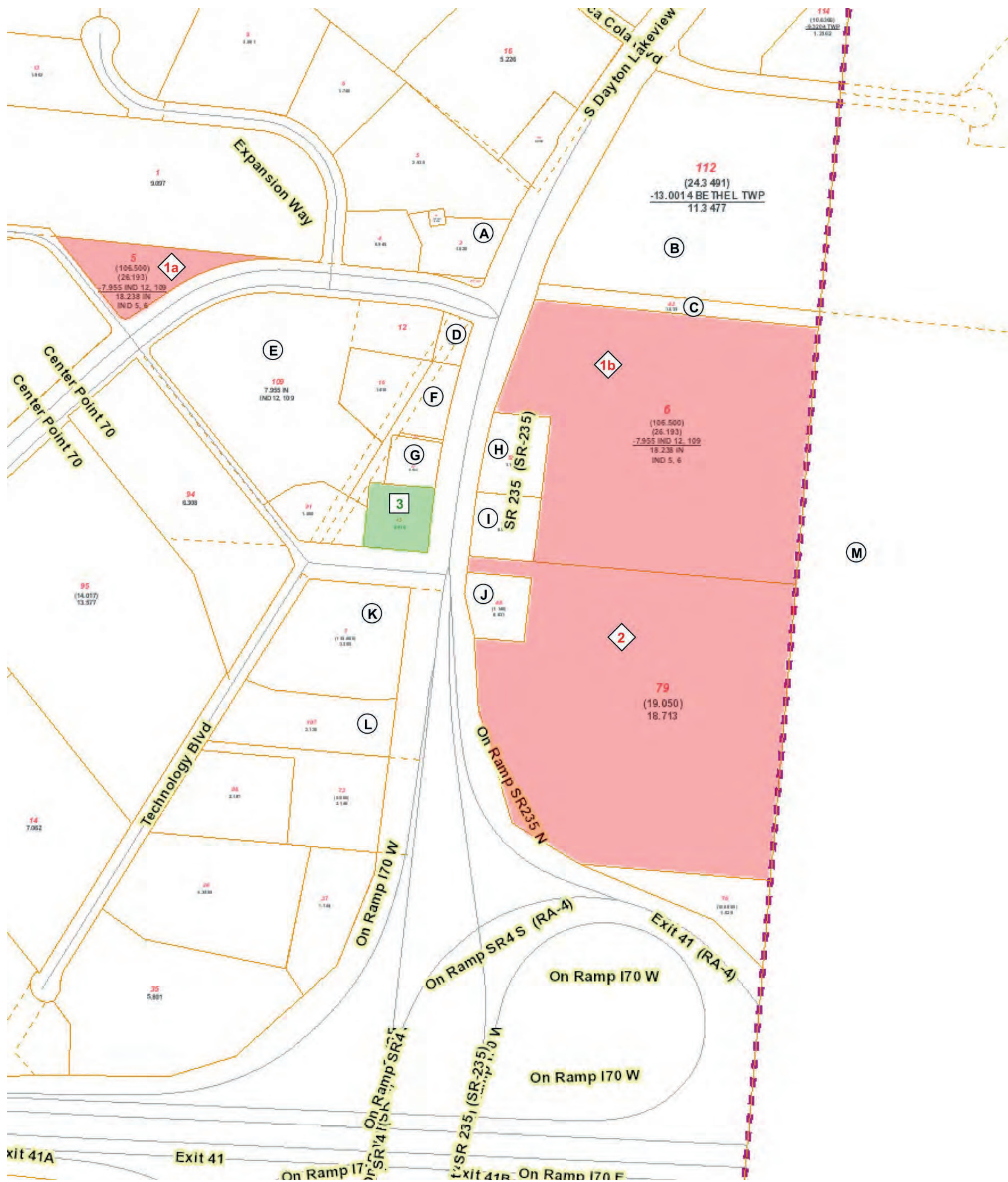
SHEET: 01 of 12



## MONTGOMERY COUNTY ENGINEER'S OFFICE







	COUNTY	PAR ID	PARCEL LOCATION	OWNER	NAME	MAILING ADDRESS	CITY, STATE ZIP
1a	MONTGOMERY	P70 03903 0005	ARTZ RD	BURROWES PATRICK C TR	BURROWES PATRICK C TR	8181 S DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
1b	MONTGOMERY	P70 03903 0005	ARTZ RD	BURROWES PATRICK C TR	BURROWES PATRICK C TR	8181 S DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
2	MONTGOMERY	P70 03903 0079	I 70	BURROWES PATRICK C TR	BURROWES PATRICK C TR	8181 S DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
3	MONTGOMERY	P70 03903 0045	8007 ST RT 235	B J P INC	B J P INC	8181 S DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
A	MONTGOMERY	P70 01218 0003	8201 ST RT 235	DRIAN BRADLEY M AND TAMARA WARREN	DRIAN BRADLEY M AND TAMARA WARREN	430 FAIRWAY DR	TAHOE CITY, CA 96145
B	MONTGOMERY	P70 03903 0112	N/A	N/A	N/A	N/A	N/A
C	MONTGOMERY	P70 03903 0043	CARLISLE PIKE	NEFF NANCY E TR ET AL 4 PAMELA WEYANDT JOHN D NEFF II ROBERT NEFF	NEFF NANCY E TR ET AL 4	1912 GREENLAWN DR	ENGLEWOOD, FL 34223
D	MONTGOMERY	P70 03903 0093	8191 ARTZ RD	BURROWES AND SONS LLC	BURROWES AND SONS LLC	8181 SOUTH DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
E	MONTGOMERY	P70 03903 0012	8191 ARTZ RD	BURROWES AND SONS LLC	BURROWES AND SONS LLC	8181 SOUTH DAYTON LAKEVIEW RD	NEW CARLISLE OH 45344
F	MONTGOMERY	P70 03903 0092/0016	8181 CARLISLE PIKE	BURROWES PATRICK C DEBORAH	BURROWES PATRICK C DEBORAH	8181 S STATE ROUTE 235	NEW CARLISLE OH 45344
G	MONTGOMERY	P70 03903 0047	8011 ST RT 235	PJ VENTURES LLC	PJ VENTURES LLC	8181 S ST RTE 235	NEW CARLISLE OH 45344
H	MONTGOMERY	P70 03903 0052	8020 ST RT 235	HACKER RAY W AND ANITA	RAY W HACKER AND ANITA	590 HAVERHILL RD	BLOOMFIELD HILLS, MI 48304
I	MONTGOMERY	P70 03903 0046	8010 ST RT 235	GREIL FRED R	GREIL FRED R	9146 SHAWNEE TR	POWELL, OH 43065
J	MONTGOMERY	P70 03903 0048	CARLISLE PIKE	GREIL FRED	GREIL FRED	9146 SHAWNEE TR	POWELL, OH 43065
K	MONTGOMERY	P70 03903 0007	8080 TECHNOLOGY BLVD	DAVIS JOHN STEPHEN	DAVIS JOHN STEPHEN	224 BIRCHWOOD AVE	TRAVERSE CITY, MI 49686
L	MONTGOMERY	P70 03903 0107	8070 TECHNOLOGY BLVD	DM2 REALTY LLC	DM2 REALTY LLC	8000 TECHNOLOGY BLVD	DAYTON, OH 45424
M	CLARK	101000036000027	I-70, MEDWAY 45341	NEFF NANCY E TRUSTEE	NEFF NANCY E TRUSTEE	1912 GREENLAWN DR	ENGLEWOOD, FL 34223



**BERGER CONSTRUCTION SERVICES**  
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Tipp City, OH 45371

**TRUCK STOP, TRUCK REPAIR, & C-STORE HUBER HEIGHTS, OH  
ABUTTING PROPERTIES**

SCALE:

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DATE: 12/29/2021

SHEET: 03 of 12



WATER & SEWER CONNECTIONS

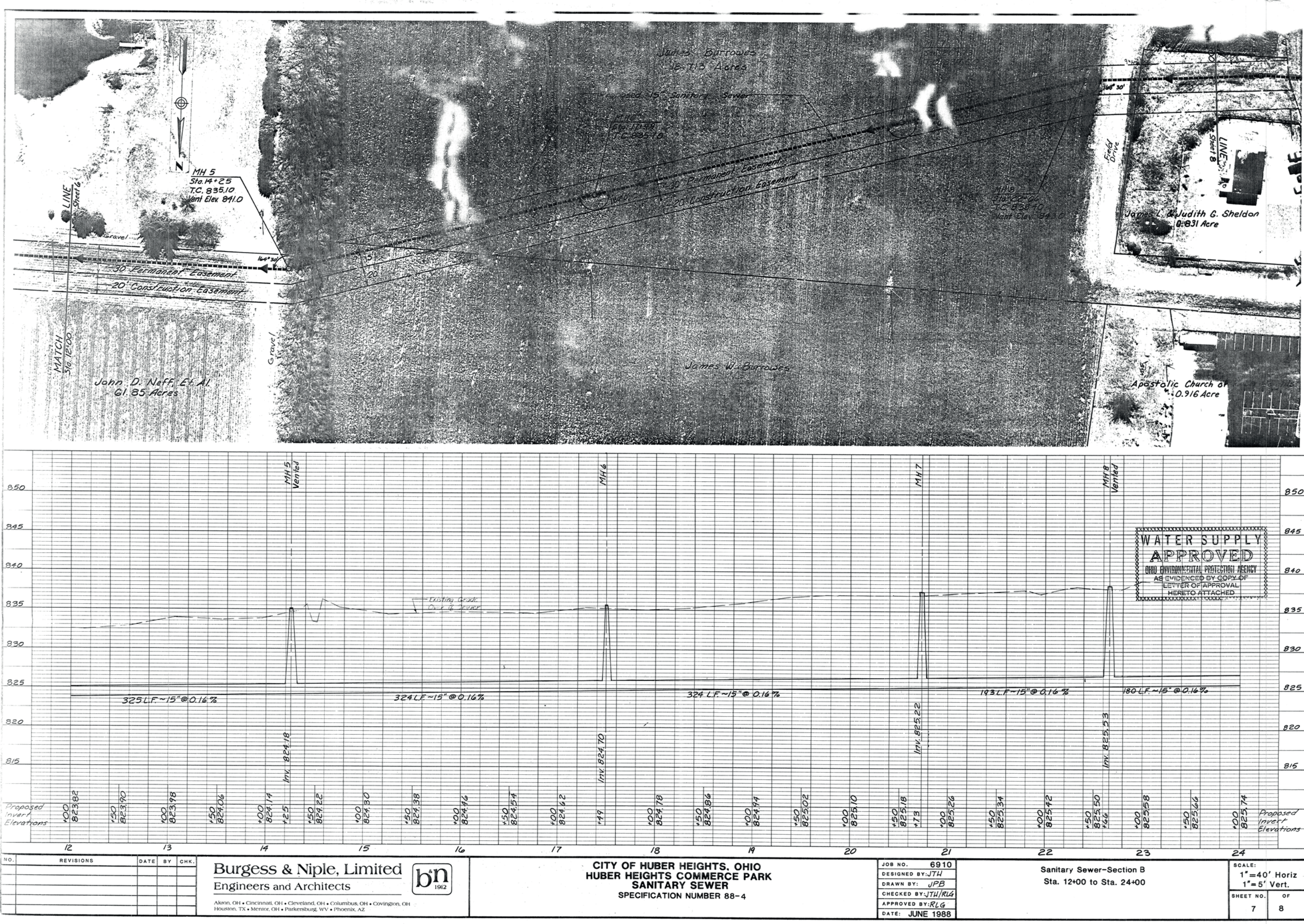
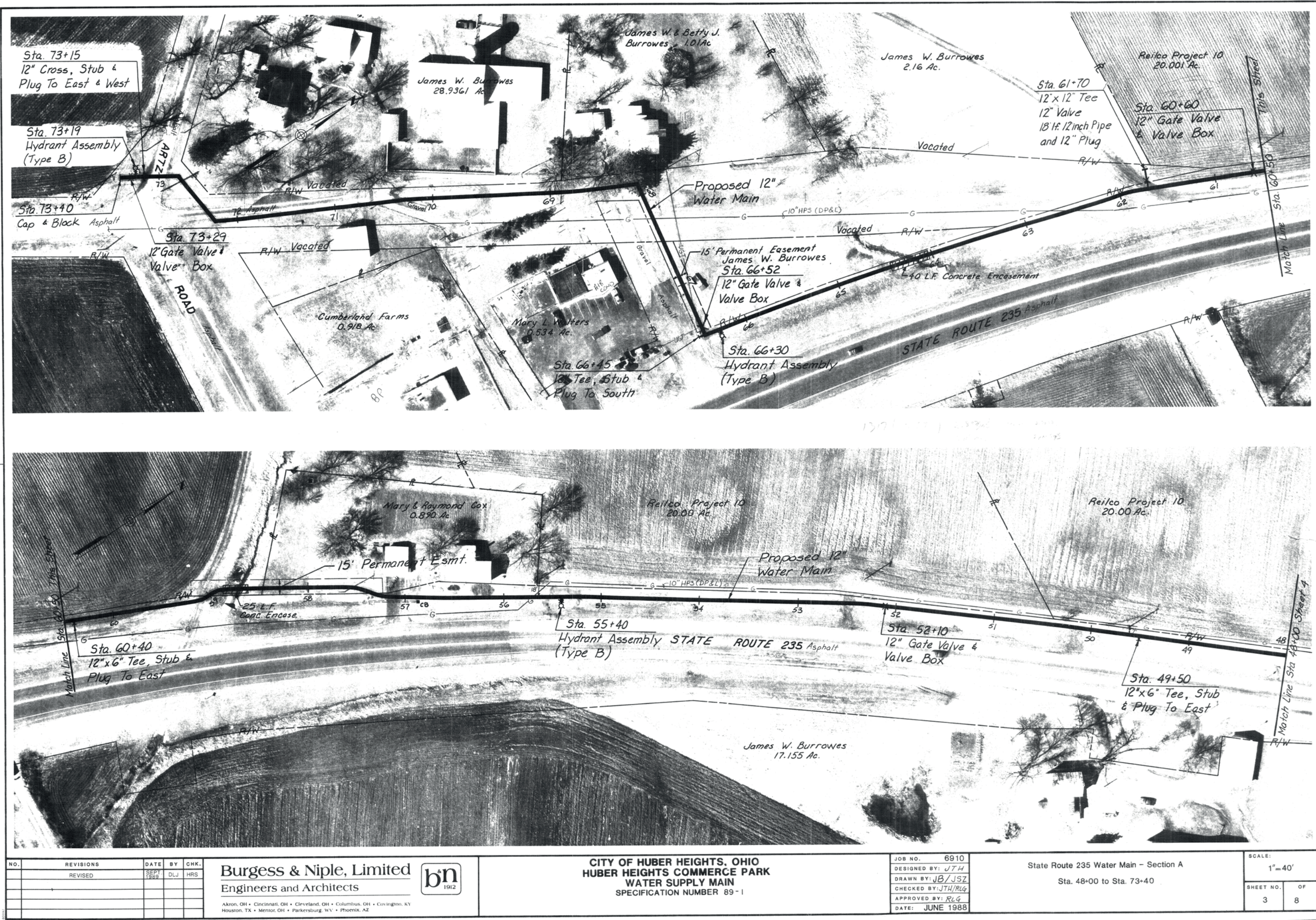
PROVIDED BY THE CITY OF HUBER HEIGHTS

water&sewer connections.JPG



CP70WaterSewerExt-01\_003.PDF

WaterSupply.PDF







REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



LEGEND

\*ALL PAVEMENT DIMENSIONS REFERENCE THE FACE OF CURB WHERE CURB IS REQUIRED

\*ALL SETBACK DIMENSIONS REFERENCE THE BACK OF CURB OR THE EXTERNAL FACE OF THE BUILDING, WHERE APPLICABLE

- PROPERTY LINE
- EXISTING R.O.W.
- PROPOSED R.O.W.
- EDGE OF ROADWAY
- ROAD MARKING BETWEEN LANES
- PROPOSED STRUCTURE
- CONCRETE PAVEMENT PER CITY SPEC
- CONCRETE SIDEWALK PER CITY SPEC
- LANDSCAPED AREA
- LOADING AREA
- (63) PARKING SPACES  
(3) HANDICAP ACCESSIBLE





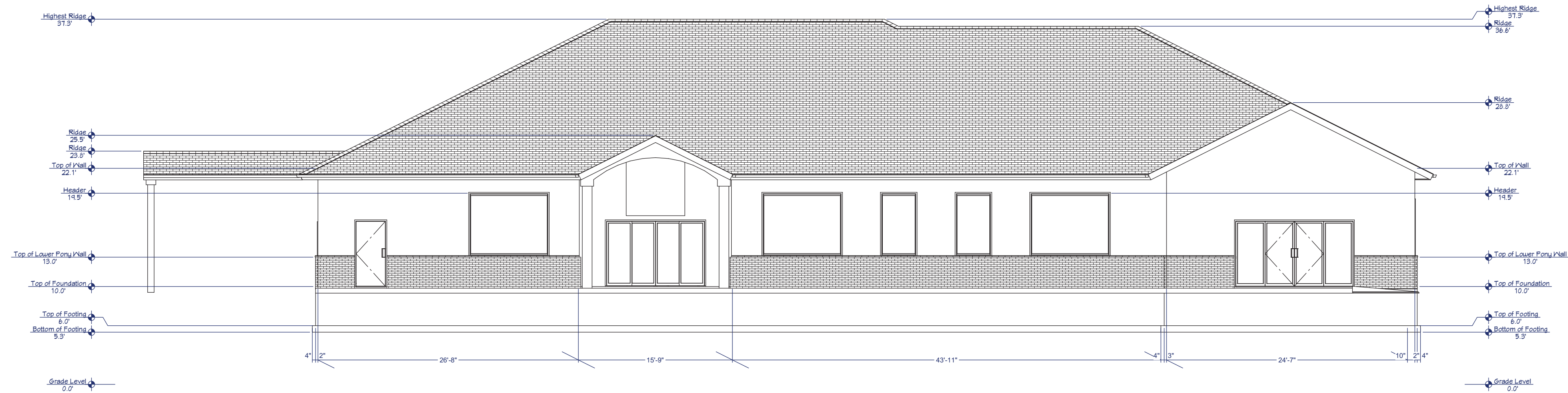




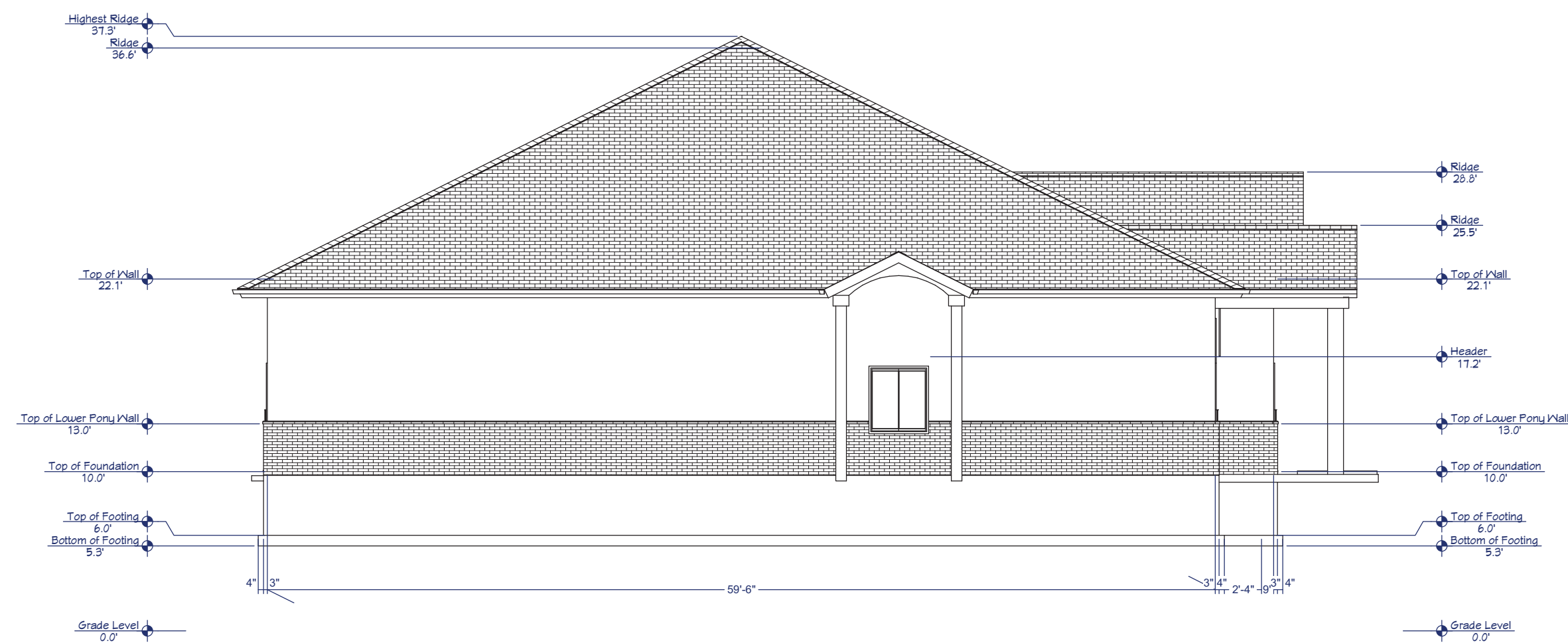
HERE  
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AP ACCESSIBLE



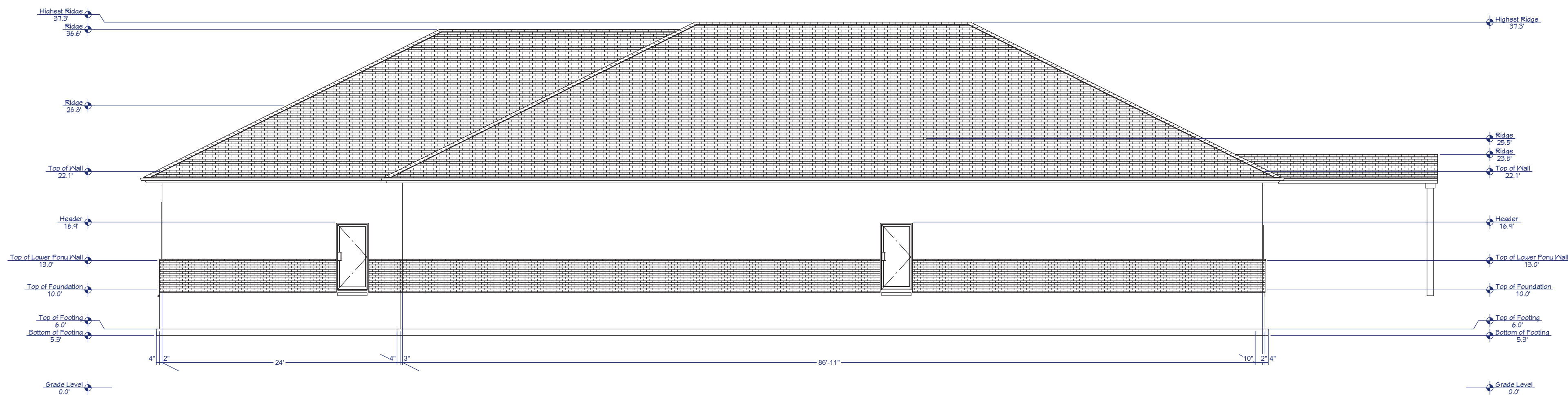




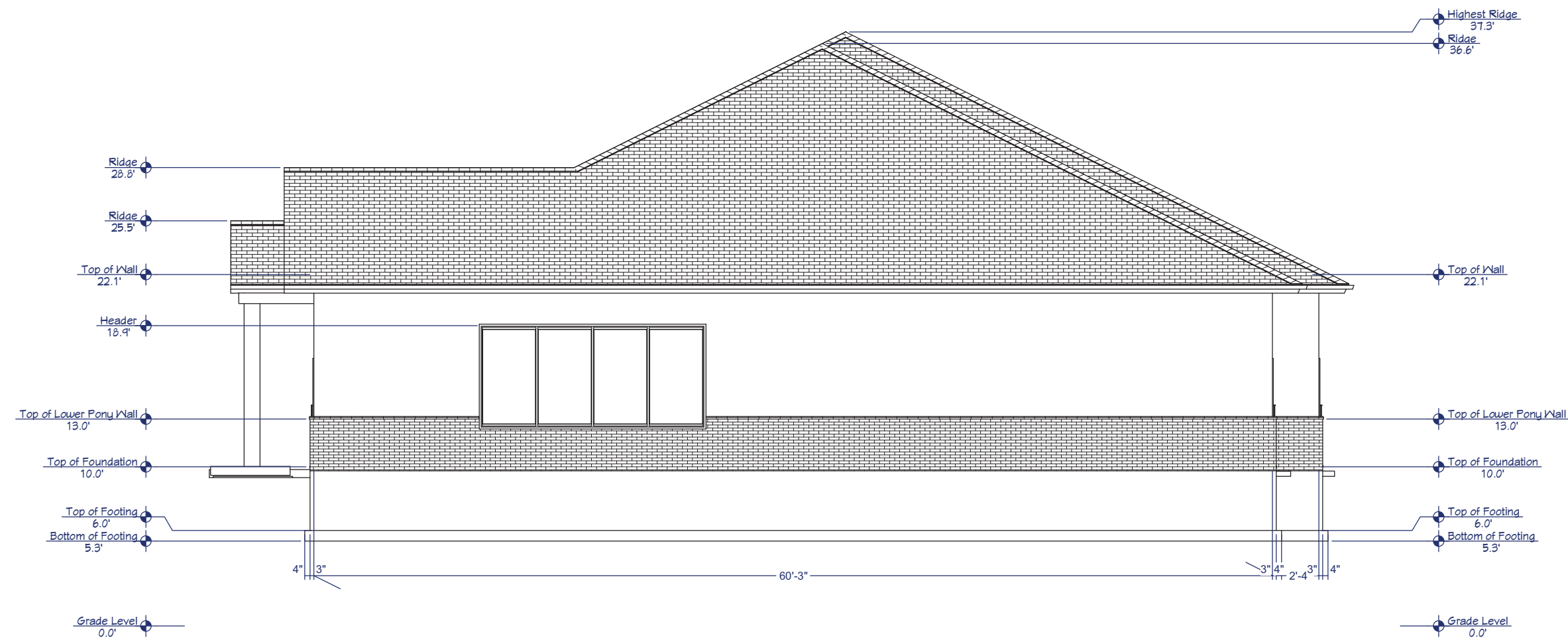
Exterior Elevation Front



Exterior Elevation Left



Exterior Elevation Back



Exterior Elevation Right



**BERGER CONSTRUCTION SERVICES**  
50 Walnut Rd  
Medway, OH 45341  
937.727.4515

CLIENT:

**PAP OIL COMPANY LLC**  
4365 Lisa Dr  
Tipp City, OH 45371

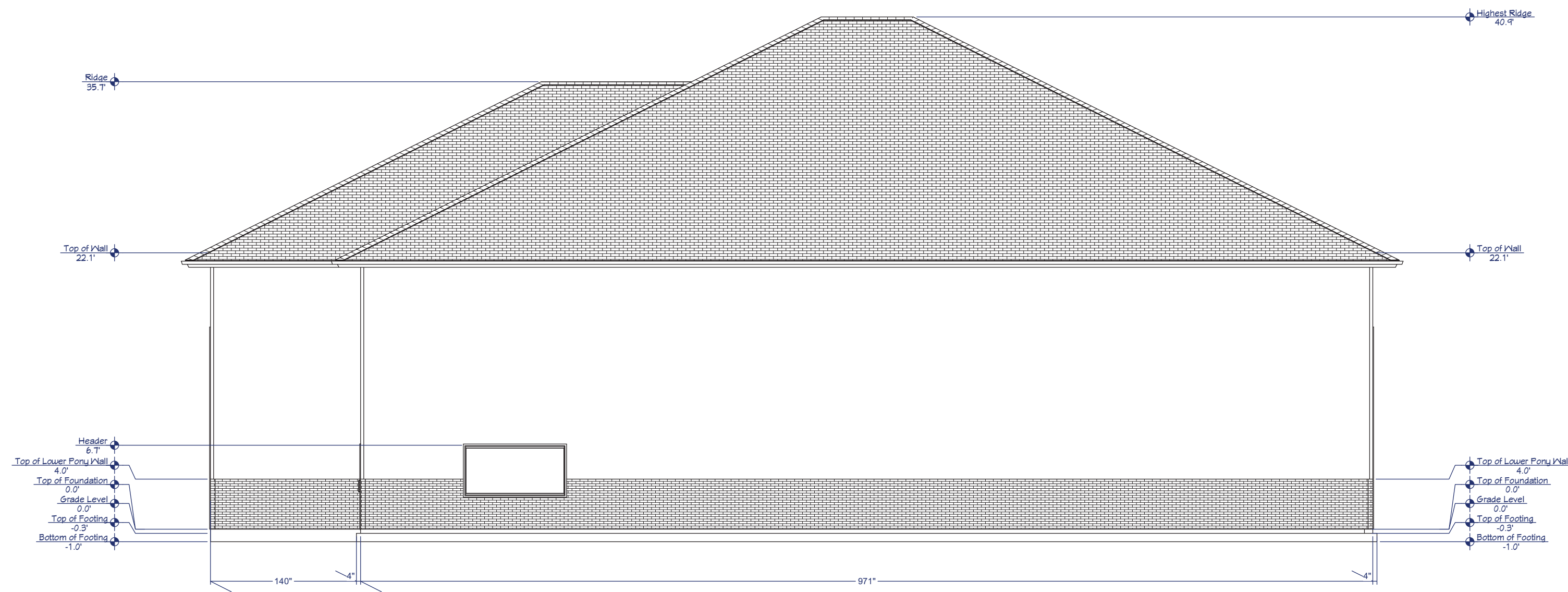
**TRUCK STOP, TRUCK REPAIR, & C-STORE HUBER HEIGHTS, OH**  
**C-STORE ELEVATIONS**

SCALE:  
1/8" = 1' 0"

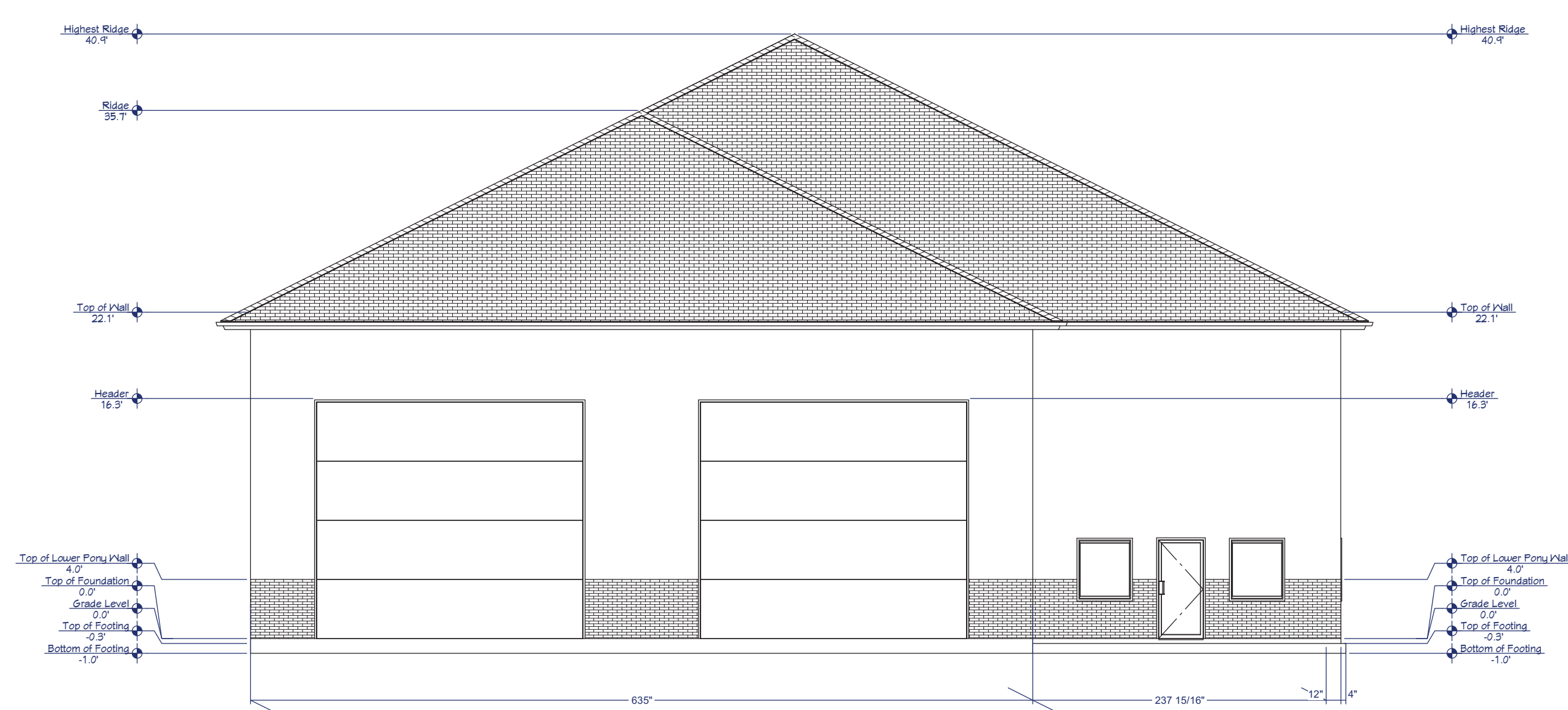
REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DATE: 12/29/2021  
SHEET: 09 of 12

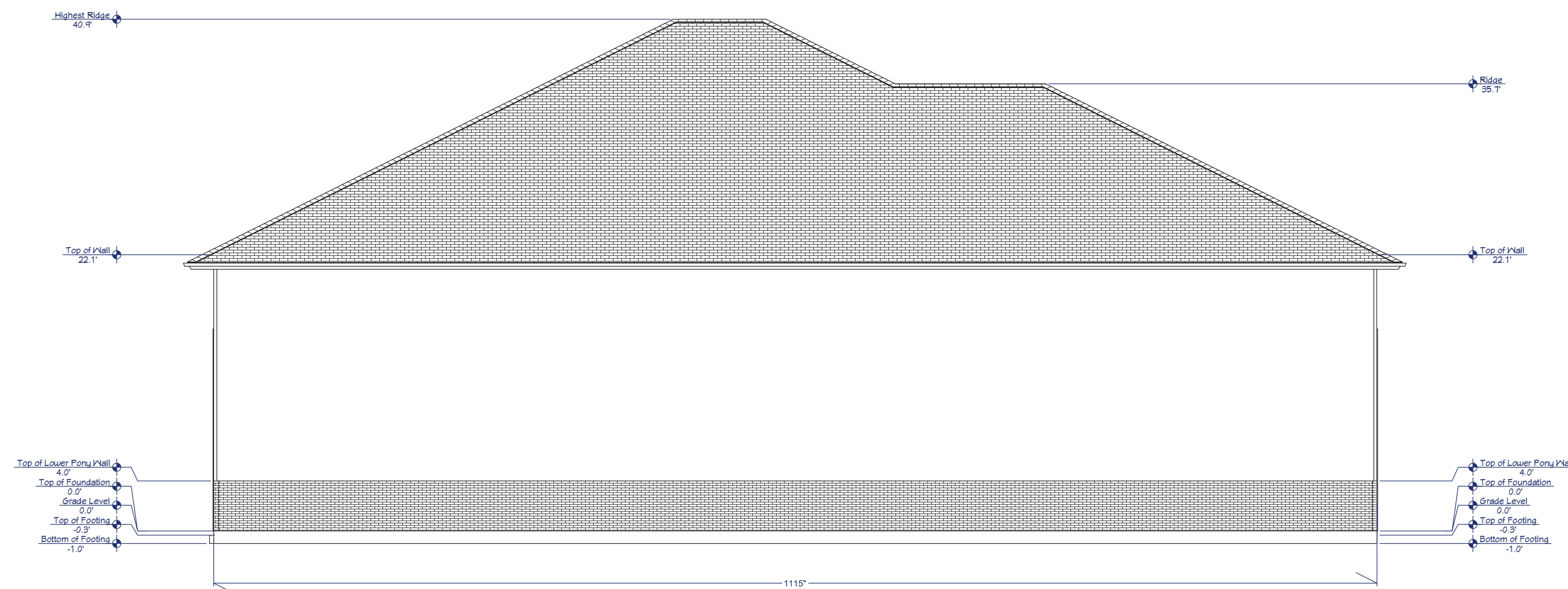




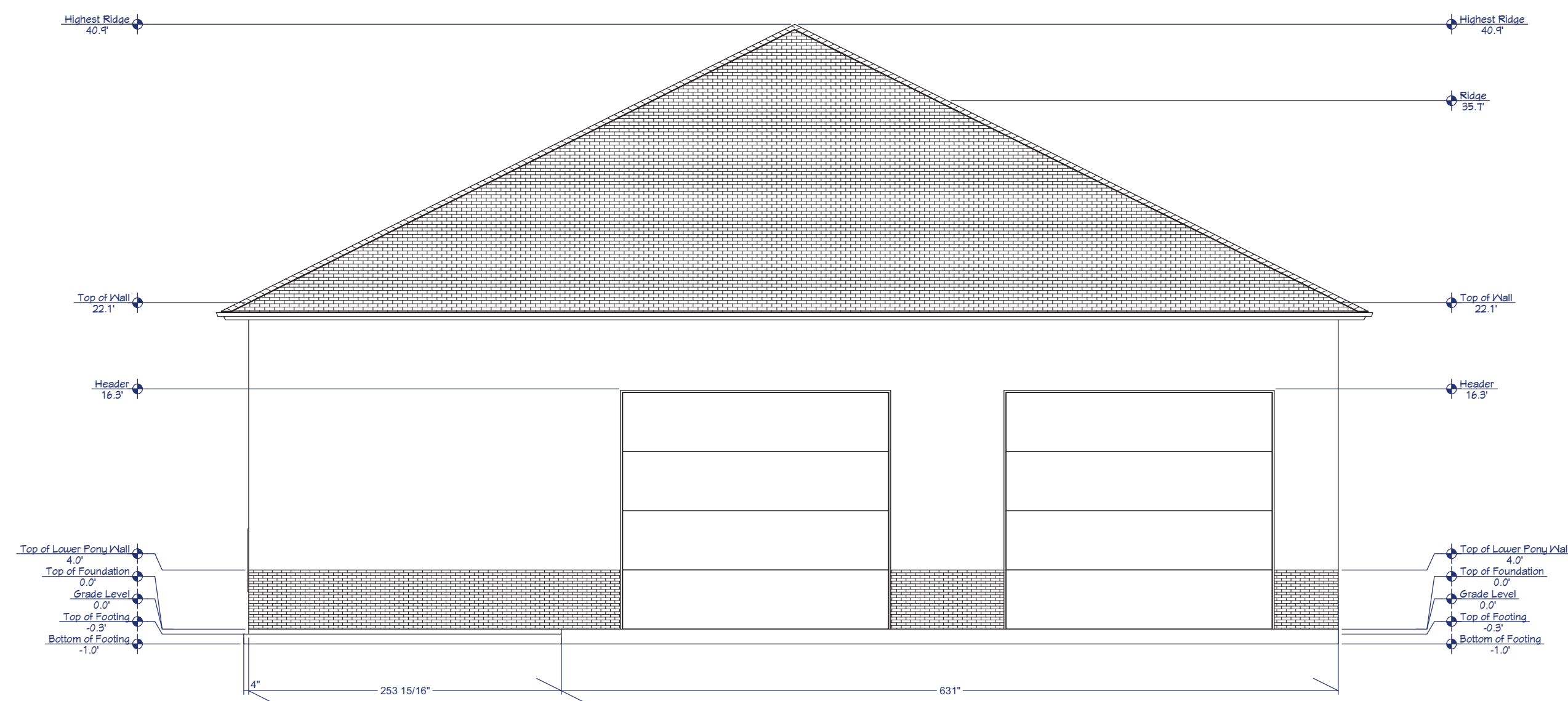
Exterior Elevation Front



Exterior Elevation Left



Exterior Elevation Back



Exterior Elevation Right



**BERGER CONSTRUCTION SERVICES**  
 50 Walnut Rd  
 Medway, OH 45341  
 937.727.4515

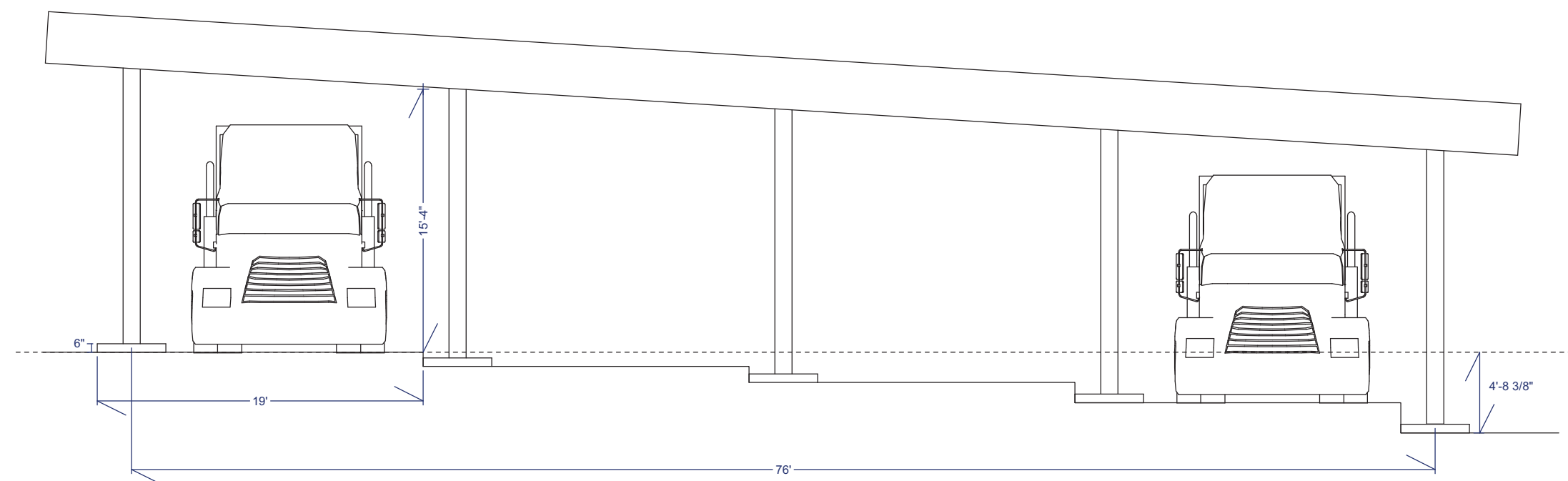
CLIENT: **PAP OIL COMPANY LLC**  
 4365 Lisa Dr  
 Tipp City, OH 45371

TRUCK STOP, TRUCK REPAIR, & C-STORE HUBER HEIGHTS, OH  
 TRUCK REPAIR SHOP ELEVATIONS

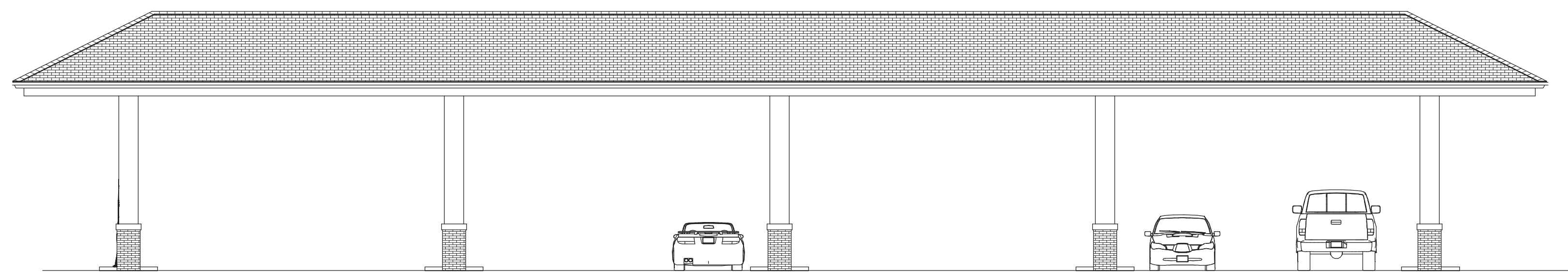
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REVISION TABLE			
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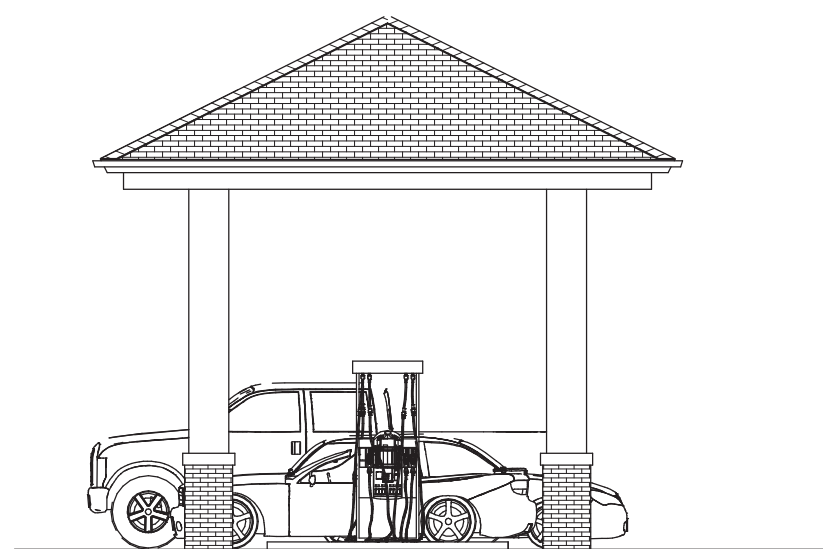
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 SHEET: 10 of 12



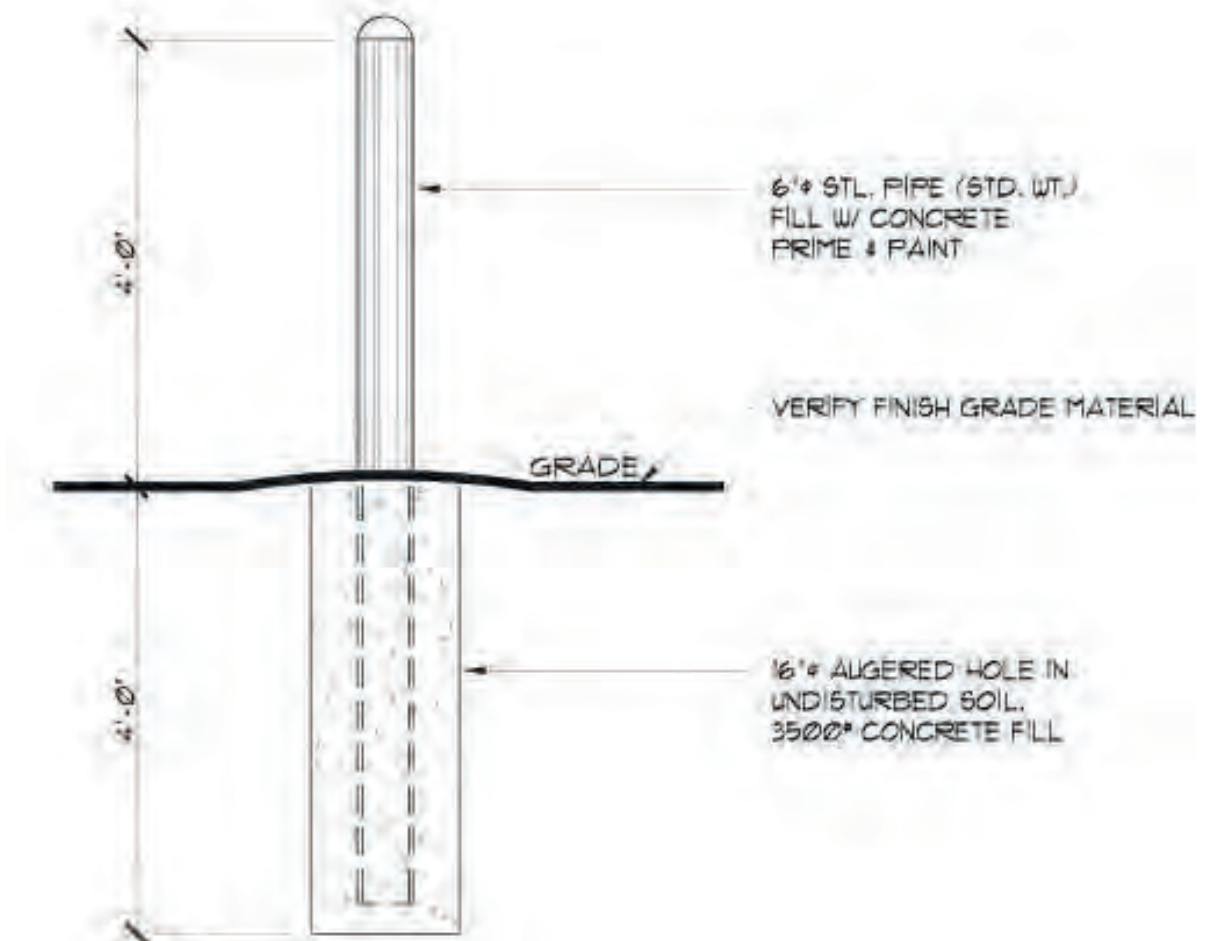
DIESEL CANOPY ELEVATION



GAS CANOPY FRONT ELEVATION

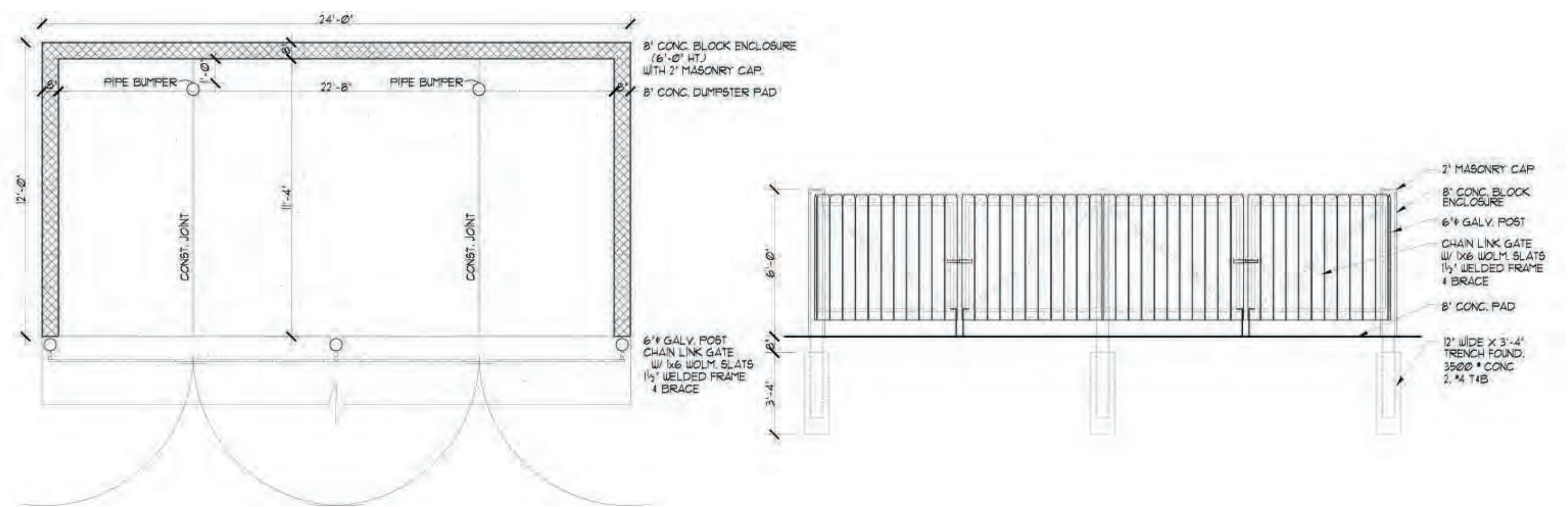


GAS CANOPY SIDE ELEVATION

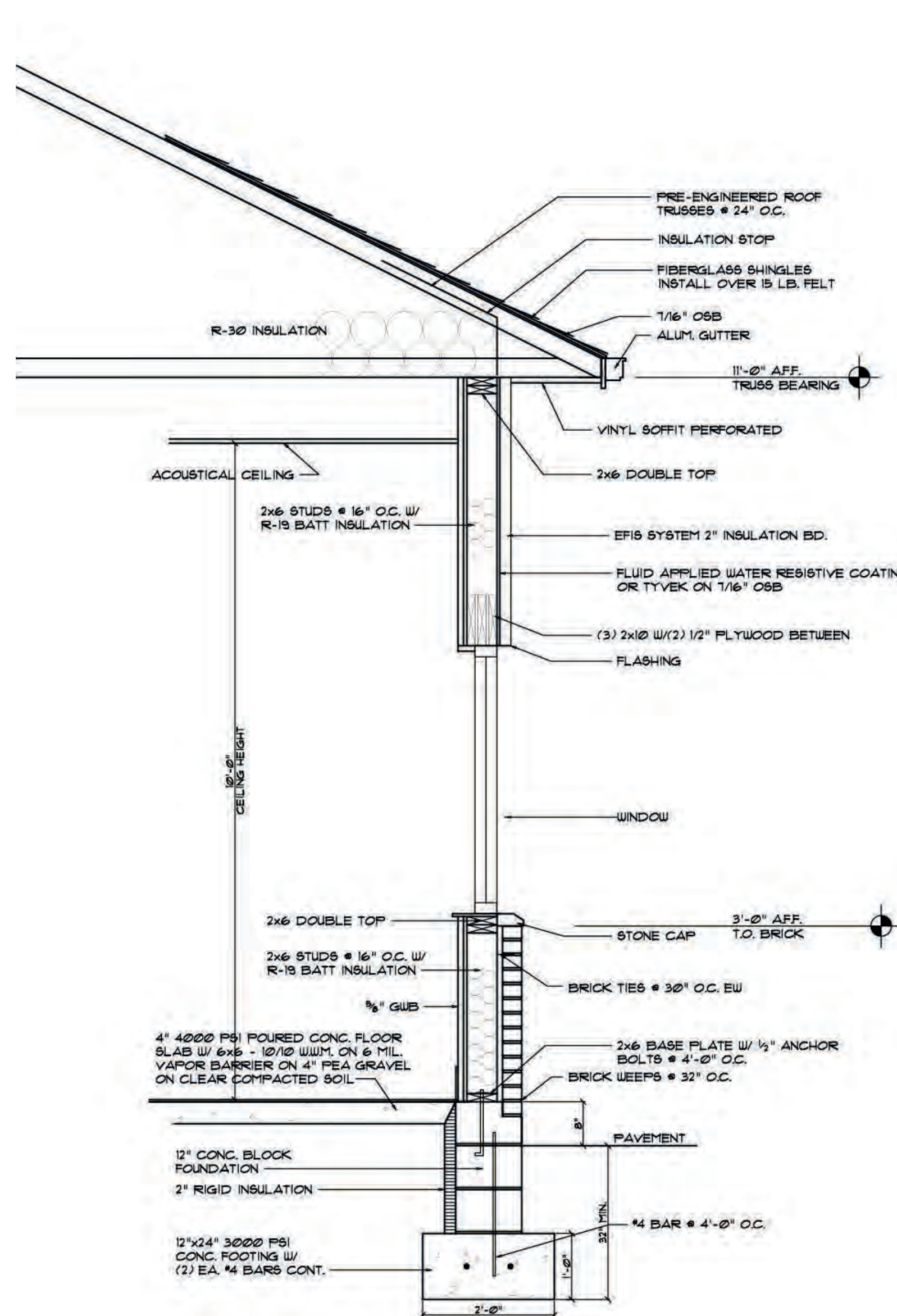


TYP. BUMPER POST (BOLLARD)

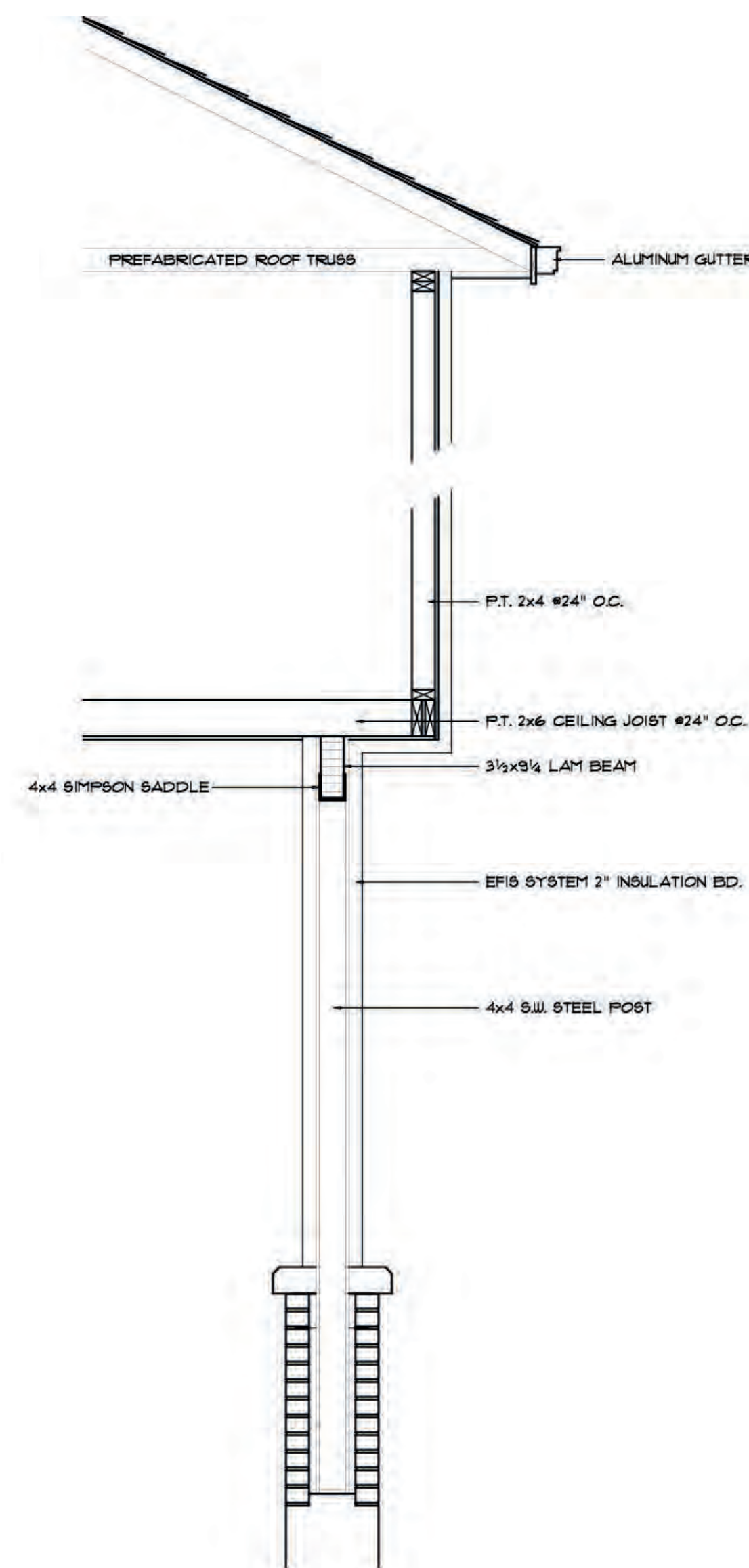
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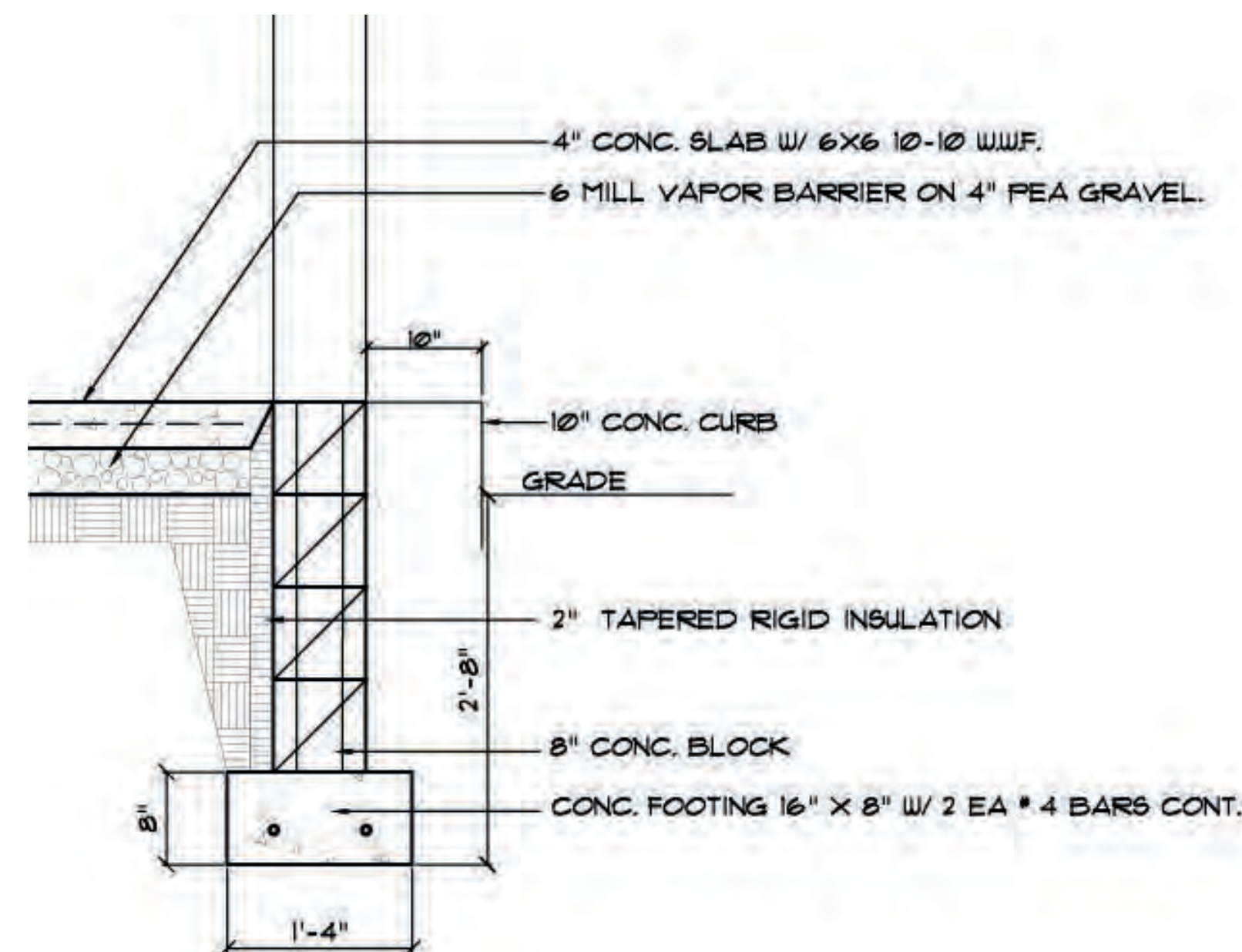
WALL SECTION



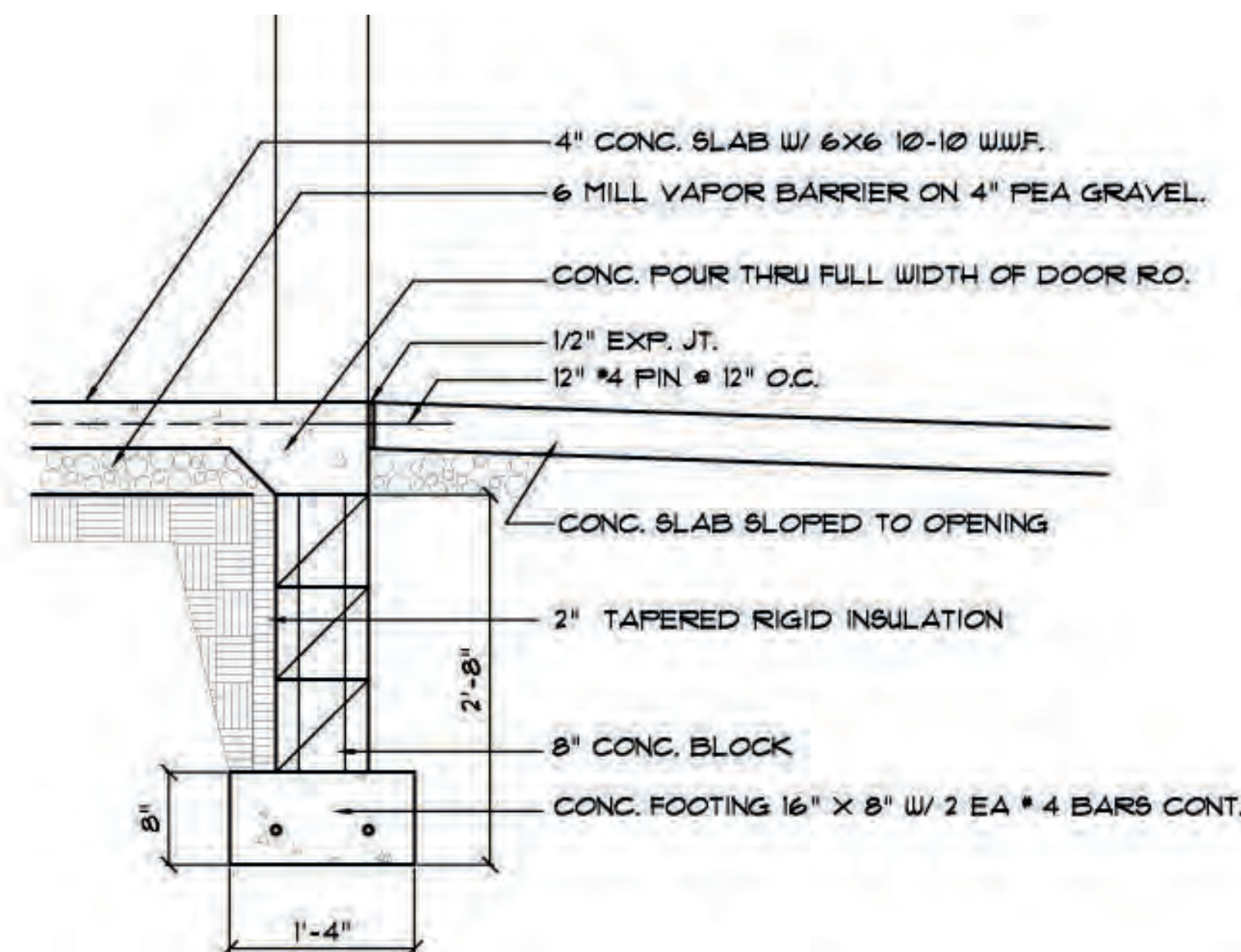
WALL SECTION

BEIGE EIFS,  
EXACT COLOR PER OWNER (TYP.)

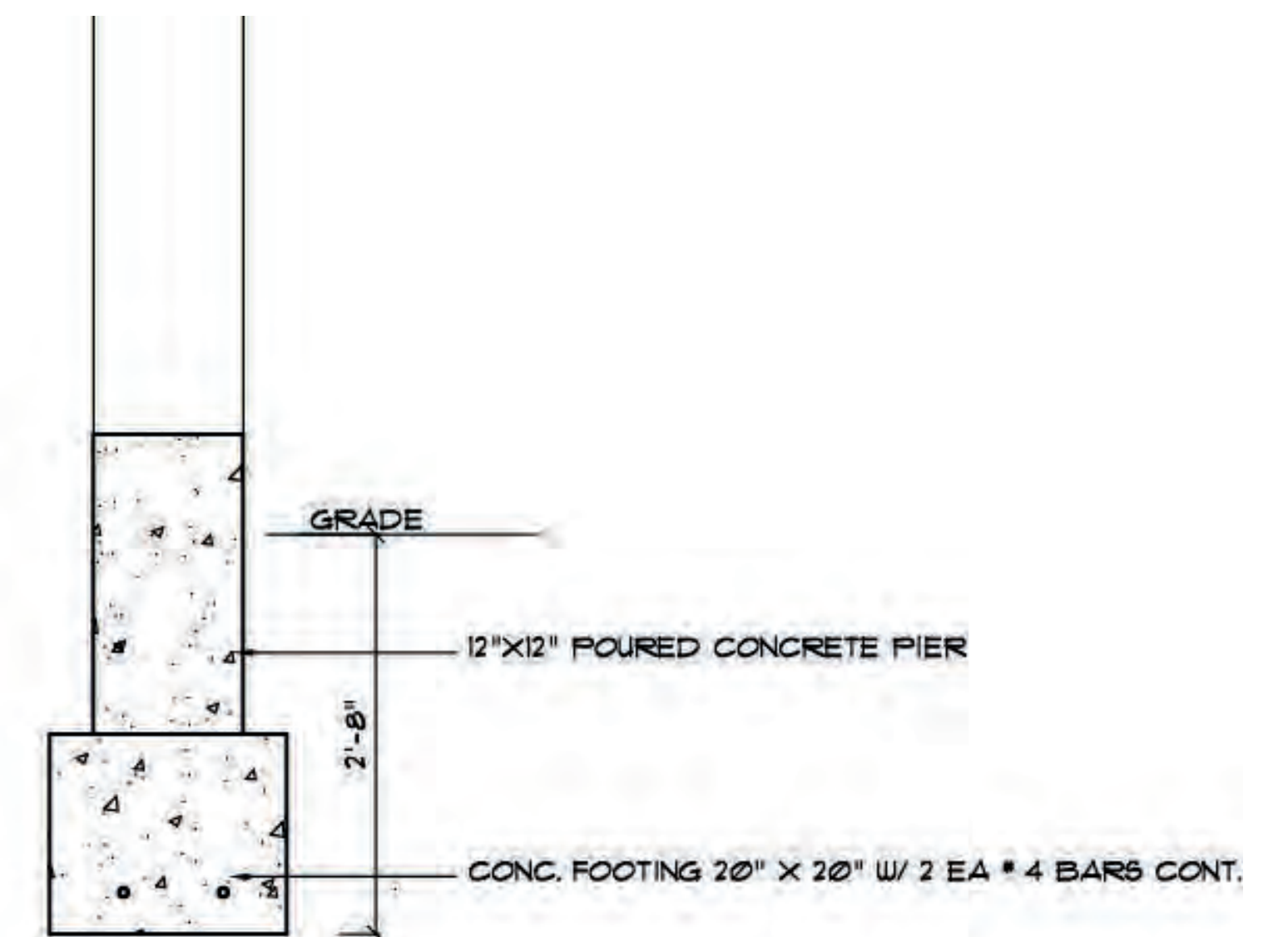
BRICK COLOR PER OWNER (TYP.)



PERIMETER FOUNDATION



DOOR POUR THROUGH



COLUMN FOUNDATION





# Huber Heights Fire Division

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

Occupancy Name:	Truck Stop, Diesel Repair Shop & C-Store		
Occupancy Address:	State Route 235		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:		HHFD Plan:	22-031
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	3/7/2022

## **Fire Department Comments:**

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

**These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. The proposed development will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017, and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.**

### **Requirements:**

- Please review requirements for fire service features in Ohio Fire Code (OFC), Rule 5.
- Canopy clearance shall be a minimum height of 13 feet 6 inches in accordance with Ohio Fire Code 503.2.1.
- The turning radius for fire department access roads shall meet requirements for Huber Heights Fire Division (HHFD) vehicles. Contact HHFD to obtain information. OFC 503.2.4 and Appendix D103.3. ***(This applies to access to buildings as well.)***
- Fire department access roads shall not have dead ends over 150 feet without an approved turnaround. OFC 503.2.5 and Appendix D103.4. ***(This applies to access to buildings as well.)***
- The water supply for fire protection shall meet the requirements of OFC 507 and Appendix B. Calculations and findings will need to be determined



and provided. Water Main and hydrant extension sizes and spacing will also need to be shown in detail. Fire flow requirements shall be determined in accordance with Ohio Fire Code, Appendix B, Fire Flow Requirements for Buildings. Once the fire flow has been determined the minimum number of required fire hydrants can be confirmed. *(Building Construction Classification and Square Footage will need to be determined first).*

- Fire hydrant spacing shall also meet the requirements of HHCO 1521.
- Buildings provided with fire sprinkler systems will need to have a fire department connection located within 75 feet of a fire hydrant in accordance with Huber Heights Codified Ordinance 1521.01(e). The connection shall be a 4" Storz fitting with a 30-degree turn-down. *(Engineer/Architect shall determine if buildings will be required to be sprinklered.)*

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

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

# Memorandum

Staff Report for Meeting of March 29, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: March 22, 2022

Subject: Basic Development Plan and Rezoning - Takhar Oil  
(Truck Stop, Diesel Repair Shop and Convenience Store)  
Revised Site Plan Review

☐ Application dated January 27, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Amarjit Takhar – Applicant  
Patrick Burrowes- Owners

**DEVELOPMENT NAME:** Takhar Oil LLC

**ADDRESS/LOCATION:** East side of the intersection of SR 235 and Center Point 70 Blvd.

**ZONING/ACREAGE:** I-1 Light Industrial Mixed Use - 35 acres

**EXISTING LAND USE:** Vacant / Agricultural

**ZONING**

**ADJACENT LAND:** North and South: I-1  
West: B-3 / PC  
East: Agricultural (Clark County)

**REQUEST:** The applicant requests approval of a basic development plan and rezoning to Planned Commercial to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. Applicant seeks to rezone all 35 acres to Planned Commercial.



**ORIGINAL APPROVAL:** N/A

**APPLICABLE HHCC:** Chapter 1171, 1176, 1181,

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

**STAFF ANALYSIS AND RECOMMENDATION:**

**Overview**

The applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

This case was tabled at the March 15, 2022, to allow time to review the revised development plan that was submitted shortly before the meeting. The crux of the revision reconfigures the western access point to allow for a future extension of Center Point 70 Boulevard, and meet the development standards of the Planned Commercial District.

**On-Site Uses and Facilities**

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The revised site plan illustrates 76 parking spaces, including 10 for semi-trucks. This is an increase from 62 automobile parking spaces.

## **Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1176 Planned Commercial District, 1181 General Provisions, 1182 Landscaping and Screening, 1185 Parking and Loading, and Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment. The relevant sections are cited below:

### **Chapter 1171 General Provisions**

#### **1171.01 Purpose.**

*Planned Unit Developments Districts may be permitted as amendments to the zoning map, after application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. The provisions of this chapter are adopted to unify planning and development in such districts. Applications for rezoning of land into a Planned Unit Development District shall be granted only when the basic development plan for the project is such that the public health, safety and morals shall not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district. PUD rezonings may be approved only when a basic development plan for the area has been approved by Council. A detailed development plan shall then be approved for zoning permit to be approved for development in the District. Normally the detailed development plan shall be approved by the Planning Commission after the rezoning and basic development plan have been approved by Council. Owners shall have the option however, of submitting a combined basic and detailed development plan ("combined development plan") if they should so desire for some or all of the site.*

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

#### **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)*

## **1176 (PC) Planned Commercial District**

### **1176.01 Principal permitted uses.**

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

- (a) Retail, office and commercial establishments;*
- (b) Personal service commercial establishments;*
- (c) Motels and hotels;*
- (d) Filling stations;*
- (e) Service stations; and*
- (f) Public garages.*
- (g) Sweepstakes cafe.*

*(Ord. 2012-O-1948, Passed 3-12-12)*

### **1176.02 Accessory uses.**

*Only the following accessory uses shall be permitted in this District:*

- (a) Uses customarily incident to all principal permitted uses; and*
- (b) Temporary buildings and uses for construction purposes, not to exceed 12 months.*

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

### **1176.03 Development standards.**

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

- (a) Minimum Land Area Requirement.*
- (1) No minimum land area shall be required.*
- (b) Site Planning.*

- (1) *All yards within the development plan except those abutting a Business or Industrial District shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15 feet along property lines.*
- (2) *The parking and loading facilities shall be a distance of at least 25 feet from the established right-of-way line, and the building(s) or the structure(s) at least 75 feet from the established right-of-way line per the Official Thoroughfare Plan or the recorded plat.*

*(Ord. 2006-O-1656, Passed 10-5-05)*

#### **1176.04 Parking and loading.**

*The provisions of Chapter 1185, "Parking and Loading" shall apply, except that off-street loading space shall be provided with area, location, and design appropriate to the needs of the development and specific uses within it, and the space designated for off-street loading shall not be used for off-street parking.*

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

### **Chapter 1181 General Provisions**

#### **1181.17 Street trees.**

*Any property that is zoned commercial, industrial, institutional, or multi-family and that abuts a public street right-of-way and is being developed shall have one street tree per 40 feet of frontage planted at least four feet from the edge of the sidewalk on private property as determined appropriate by the City Engineer. If the location of the proposed street trees is determined inappropriate by the City Engineer, the City Engineer shall determine a location that is appropriate for the planting of the street trees. The City Engineer shall also approve the type of and the caliper of street trees that are to be planted. A list of appropriate trees and required caliper is available in the City Engineer's office.*

*(Case 389; Ord. 2001-O-1240, Passed 2-12-01)*

#### **1181.18 Screening of service structures.**

*Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include but not be limited to loading docks, storage tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, cooling towers, roof top units and other equipment or elements providing service to a nonresidential (excluding agricultural uses) or multi-family building or site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures. Service structures located in the public right-of-way or public right-of-way easement shall be exempt from these provisions.*

##### **(a) Screening Requirements.**

- (1) *Rooftop utilities screening. All mechanical equipment located on the roof or around the perimeter of the building shall be screened by the following means and with materials that are comparable and compatible with that of the exterior building materials. Roof top mechanical units must be screened to the full height of the unit and also be fully screened from view from surrounding public rights-of-way. A sight distance analysis may be required by the City to determine the necessary height or design of rooftop utilities screening. If due*



*to factors unique to the property or the project, it is physically impossible or impractical to screen these utilities, the Board of Zoning Appeals, may approve alternative solutions that render them aesthetically compatible with the principal structure, except for development within a planned unit development district for which the Planning Commission would have authority to approve any alternative solutions.*

- A. A raised parapet or other architectural feature is an integral part of the building as a method of screening for rooftop mechanical equipment or to soften rooftop view.*
- B. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.*

*(2) Waste Handling Screening. All waste, recycling and related handling equipment shall be stored and kept in four-sided enclosure constructed of a brick, stone, decorative concrete material, or a material compatible with the material of the principle structure.*

- A. Curbs to protect screening material. Whenever screening materials is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on these sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.*

*(3) Screening of other service structures. A continuous (having 100 percent opacity) planting, hedge, fence, wall of earth, which would enclose any service structure on all sides is required, unless such structure must be frequently moved, in which case screening on all but one side is required. The height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed 12 feet in height. Whenever a service structure is located next to a building wall or landscaping material, such walls or screening material, may fulfill the screening requirement for that side of the service structure if that wall or screening material is of sufficient height to meet the height requirement set out in this section. Plant material used to screen a service structure shall be an evergreen species which retains its needles throughout the year. Deciduous plant material cannot be used to fulfill this screening requirement. The height of the evergreen plant material at installation must be equal to, or greater than, two-thirds of the height of the service structure(s), and meet the height and opacity requirements within four years.*

### **1181.21 Lighting standards.**

- (a) Intent. This section intends to regulate outdoor lighting in order to: establish appropriate minimum levels of illumination, prevent unnecessary glare, and reduce both spill-over onto adjacent properties and unnecessary transmission of light into the night sky. It is not intended to eliminate the need for an applicant to seek professional assistance to determine appropriate lighting for the use and design proposed.*
- (b) Approved Lighting Plan. Whenever the installation or modification of outdoor lighting is proposed or, for a commercial, industrial, multi-family or special use of a site plan approval, the enforcing*

*officer shall review and approve all proposed lighting as part of the approval process. These standards shall also apply to modifications to existing lighting fixtures, whether or not site plan approval is required.*

*(1) A lighting plan submitted for review shall contain the following:*

- A. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures;*
- B. Specifications for all proposed and existing lighting fixtures. These include: photometric data, fixture height, mounting and design, glare control devices, type and color rendition of lamps, and hours of operation. A photometric plan illustrating the levels of illumination at ground level shall account for all light sources that impact the subject site, including spill-over illumination from neighboring properties; and*
- C. Relevant building elevation drawings showing all fixtures, the portions of the walls to be illuminated, illuminance levels of walls and the aiming of points of any remote fixtures.*

*(2) A proposed lighting plan shall be reviewed based upon the following considerations:*

- A. Whether the lighting is designed to minimize glare;*
- B. Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;*
- C. Whether the lighting will cause negative impacts on residential districts and uses;*
- D. Whether the plan will achieve appropriate levels of illumination for the use proposed;*
- E. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties; and*
- F. Whether the lighting is in keeping with the city's goal of prohibiting unnecessary illumination of the night sky.*

*(c) Required Conditions. When site plan or zoning permit approval is required for the installation or modification of exterior lighting, the following conditions shall apply:*

*(1) Light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located. Those maximum heights are listed below:*

•	<i>B-1, B-2, B-3, and EP</i>	<i>25' maximum mounting height</i>
•	<i>O-1</i>	<i>20' maximum mounting height</i>
•	<i>I-1 and I-2</i>	<i>35' maximum mounting height</i>
•	<i>Planned Unit Developments</i>	<i>Established by the City at the detailed plan approval stage (if not addressed, maximum mounting height shall be 25')</i>

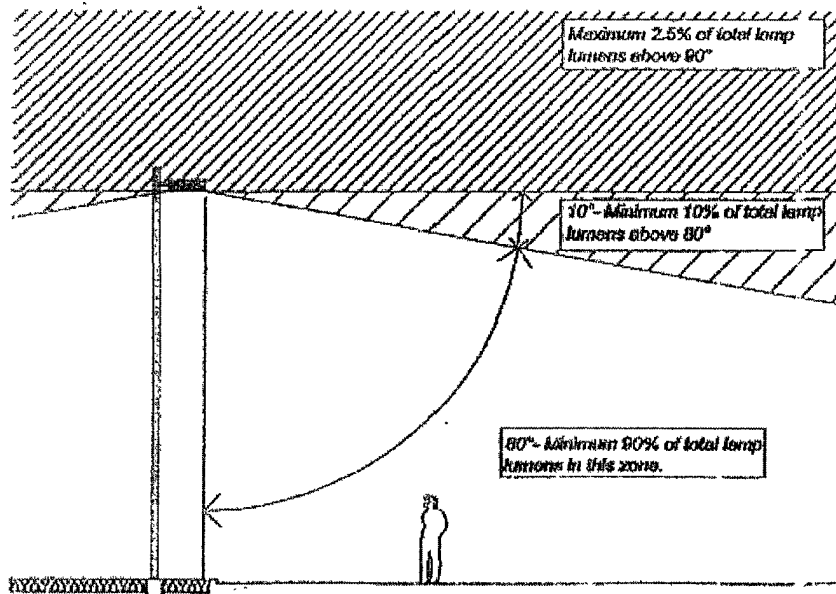
*Electrical service to light fixtures shall be placed underground.*

*(3) No flashing lights or intermittent illumination shall be permitted.*

*(4) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.*



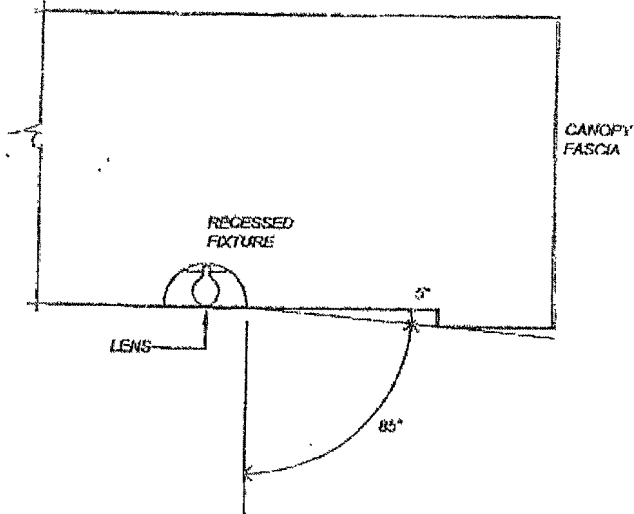
- (5) Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot-candles, shall not exceed 4:1. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. The average illumination is determined by: adding the foot-candle value of all the points in the photometric grid, and dividing the sum by the total number of points.
- (6) The use of true color rendering lamps, such as metal halide, is required instead of the utilization of high and low pressure sodium lamps.
- (7) Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.
- (8) Lighting for security purposes shall be directed only onto the area to be secured.
  - A. All fixtures shall be located, shielded and aimed so that light is not cast toward adjacent properties or streets or unnecessarily transmitted into the night sky.
  - B. Fixtures mounted on the building and designed to illuminate the facade are preferred.
- (9) Parking lot lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision and comfort in parking areas. Full cut-off fixtures shall be used to prevent glare and direct illumination away from adjacent properties and streets. Designs that result in even levels of illumination across a parking area are preferred



*Cut-off fixture as defined by IESNA.*

- (10) The illumination of gasoline service stations and convenience stores shall be the minimum level necessary to facilitate such uses. Unnecessary lighting for the purposes of attraction and advertising shall not be permitted.

- A. Areas away from gasoline pump islands that are used for parking and vehicle storage shall be illuminated in accordance with the parking area requirements of subsection (9) above.
- B. Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with (i.e., no more than one inch beyond) the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of 85 degrees. Fixtures shall not be mounted on the top or sides of canopies.



*This illustration provides an example of a fixture with an 85 degree cut-off. Other designs that achieve the same cut-off requirement are also acceptable.*

## **Chapter 1182 Landscaping and Screening Standards**

### **1182.01 General information.**

- (a) *Applicability. All of the requirements of this chapter of the Zoning Code are applicable to all new developments located in all zoning districts except for those located in ER, R-1, R-2, R-3, R-4, R-4B, RMV, A, WO, and C districts. For new developments located in ER, R-1, R-2, R-3, R-4, R-4B, RMV, A, WO, and C districts, only the requirements listed in the schedule of required buffers, detailed in figure 4 in Section 1182.05, shall apply. Property owners are under a continuing obligation to ensure that their property is maintained in accordance with these requirements.*
- (b) *Application Process. For PUD applications and standard zoning permit applications certain landscape information must be provided.*
  - (1) *In a PUD application, proposals in the re-zoning and basic development plan stage need to illustrate conceptual buffering and screening requirements on the basic development plan.*
  - (2) *In a PUD application in the detailed development plan stage and final plat stage, a detailed landscape plan shall be submitted as outlined in 1182.02.*



## **Chapter 1185 Parking and Loading**

### **1185.02 Off-street parking standards.**

- (a) General Standards. Off-street parking facilities shall be used solely for the parking of motor vehicles except as otherwise permitted in this chapter. Other approved accessory structures such as landscaping islands, light poles, shopping cart racks, and ATM's are considered as part of the off-street parking facilities. All motor vehicles shall be in operating condition by persons on the premises in connection with any use of the premises allowed by the Zoning Ordinance.*
- (b) Parking of motor vehicles on a residentially zoned premises shall be on a continuous hard surface, as defined by the term "hard surface driveway" in Chapter 1123.*
- (c) Garage sales may be conducted on off-street parking facilities located on a residentially zoned premises.*
- (d) Festival and fund raising activities sponsored by nonprofit organizations, as well as activities/events organized by government agencies, may be conducted on off-street parking facilities.*
- (e) Planned unit developments may be approved to permit other uses of off-street parking facilities.*

*(Case 293; Ord. 90-O-450, Passed 12-3-90; Ord. 96-O-922, Passed 10-28-96)*

### **1185.03 Size and design.**

- (a) Off-street parking spaces shall meet or exceed the minimum design standards for parking lot layouts as set forth in this chapter. The minimum size for an off-street parking space shall be 18 feet in length by ten feet wide.*
- (b) Off-street parking requirements and limitations for semis are defined in HHCO Chapter 1193.*
- (c) Minimum Design and Construction Standards.*
  - (1) Off-street parking may be open to the sky, or enclosed in a building or structure, either above or below ground. Off-street parking areas shall meet City and, as set forth by the City Engineer, Southwest Ohio Engineers Association (S.W.O.E.A) standards. Such standards shall include, but not be limited to, driveway widths, island design, curbs, barriers, grades, turning radii, vertical clearance, stacking, and waiting areas and drainage.*
  - (2) Nonresidential uses (including multi-family residential uses).*
    - A. Each off-street parking space shall open directly into an aisle or driveway of adequate width and design for safe and efficient vehicular access to the parking space. No parking space shall open directly onto any public street.*
    - B. An aisle or driveway shall not be used for parking of vehicles.*
    - C. All off-street parking areas shall be graded and have a continuous hard surface of asphalt or concrete. When approved by the City Engineer the off-street parking areas for impound lots, junked vehicle yards, dormant semi-truck parking areas, and certain storage areas may be composed of granular aggregate and a double chip seal or a fabric type pavement with aggregate base and surface stabilization or a slurry seal pavement with aggregate base as shown on the attached sketches. A chip sealed lot or a slurry seal lot or a fabric type lot shall be resealed at a minimum of five year intervals or as designated by the City Engineer.*

### **1185.06 Landscaping required.**

*All parking lots exceeding 20 parking spaces shall have interior landscaped areas in the overall design. This requirement shall be satisfied only by those landscaped areas encompassed by the perimeter of the parking lot. Required parking or paving setbacks, screening areas, or other landscaping required by this Zoning Ordinance shall not be utilized to meet any requirement of these landscaping provisions.*

- (a) Any parking lot having a capacity of at least 20 parking spaces shall be required to have not less than five percent of the interior of the parking lot landscaped.*
- (b) The landscaped area shall include at least one tree (not less than one and three-fourths inch caliper, measured at chest height of a species approved by the City Engineer or his designee) for every 100 square yards of interior landscaped area, living plantings aesthetically located and maintained.*
- (c) All landscaped areas shall be designed and located in a manner that clearly defines internal streets, traffic lanes and parking areas and to standards acceptable to the Department of Engineering, Zoning and Planning.*
  - (1) Landscaped areas shall have a minimum width of five feet.*
  - (2) A turning radius shall be constructed where a landscaped area defines an intersection of streets, traffic lanes or parking stalls.*
  - (3) Concrete curbing shall be placed around the perimeter of all landscaped areas.*
  - (4) Intersection sign distance shall be maintained at all entrance and exit points to a public street and all internal intersections of streets and traffic lanes.*

*(Ord. 90-O-450, Passed 12-3-90)*

### **1185.12 Computation.**

- (a) Number of Spaces Rounded Up. When determination of the number of off-street parking spaces required by this chapter results in a fraction that is less than a whole, such fraction shall be rounded up to a whole number and counted as one parking space.*
- (6) Road service and commercial entertainment uses.*
  - A. Automobile accessories sale or installation: two spaces for every service bay, plus one space for every 400 square feet of sales area.*
  - B. Automobile filling station and auto repair, painting, and body shop: two spaces for each service bay, plus one space for each employee on the largest shift, and also one space for each service vehicle; with a minimum of six spaces, plus one space for every 125 square feet of retail floor area if a convenience store is an accessory use.*
  - C. Automobile washing facility: one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car-washing device or stall, or 15 off-street waiting spaces for an assembly-line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.*



## **Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment**

### **1193.01 Definitions.**

*Trailer means any receptacle or means of transport in which something is carried or conveyed or travels, moves on skids, wheels or runners, without its own motive power and is designed so that it can be drawn by other means of motive power. Trailers include, but are not limited to nonpowered recreational vehicles.*

### **1193.04 Off-street parking in commercial and office areas.**

- (a) Semis or semitrailers as defined in HHCO Chapter 1123 shall not be parked outside on properties in commercial or office zoning districts and properties being used as commercial and/or office in any industrial zoning district, except as provided below:*
  - (1) Semis or semitrailers may be parked in designated loading spaces on properties in a commercial or office zoning district and properties being used as commercial and/or office in any industrial zoning district provided the loading spaces meet the applicable requirements in HHCO Section 1185.13 and are approved by the City. Said parking of semis or semitrailers in the loading spaces shall not exceed a length of time reasonably necessary to load or unload the semis or semitrailers.*
  - (2) Semis may be parked in a parking lot on a property used for a restaurant, hotel, motel, moving service/lease company or filling station that provides fuel for semis as long as all the following conditions are met:*
    - A. A zoning certificate has been issued for the property showing the location of a designated parking space(s) for semis meeting the following requirements:*
      - 1. The designated semi parking space(s) shall be at least 15 feet in width by 80 feet in length and provide adequate area for ingress and egress;*
      - 2. The designated semi parking space(s) shall not be located in the front yard of the property;*
      - 3. The designated semi parking space(s) shall not adversely affect the traffic circulation in the parking lot;*
      - 4. The designated semi parking space(s) shall be clearly marked "FOR SEMI PARKING" and, the parking surface striped in accordance with HHCO Section 1185.05;*
      - 5. A semi(s) shall only be parked in designated semi parking space(s) and shall not be parked in any other required off-street parking as required by the parking and loading regulations in HHCO Chapter 1185.*
      - 6. Semi parking space(s) and area used as ingress and egress shall be constructed of material and base able to support the daily use of semis as approved by the city engineer;*
      - 7. A semi(s) shall only be parked in designated parking space(s) on a business property while the operator or passenger is using the facilities on the business property;*

8. *Semi parking space(s) shall only be permitted on property(s) for a restaurant, hotel, motel, moving service/lease company, or filling station that contains at least one acre. Each business property shall have no more than five semi parking spaces for each acre of the business property. In no case shall a business property have more than ten semi parking spaces. Properties shall be prorated by acreage for the number of semi parking spaces as outlined in the following scale:*

<i>Required Minimum Acres</i>	<i>Number of Semi Parking Spaces Permitted</i>
<i>1 (43,560 sq. ft.)</i>	<i>5</i>
<i>1.2 (52,272 sq. ft.)</i>	<i>6</i>
<i>1.4 (60,984 sq. ft.)</i>	<i>7</i>
<i>1.6 (69,696 sq. ft.)</i>	<i>8</i>
<i>1.8 (78,408 sq. ft.)</i>	<i>9</i>
<i>2 (87,120 sq. ft.) or greater</i>	<i>10</i>

*For the purposes of this section, all parcels in common ownership and adjacent to the property on which the business is located shall be considered one property.*

9. *A filling station that provides fuel for semis is permitted to have semi(s) parked at a semi designated fueling pump(s) or parked waiting in line for the purpose of refueling, in addition to the number of semi parking spaces permitted in subsection 8 of this chapter.*
- B. *The property must be a single tenant property. On properties with multi-tenants, including, but not limited to shopping centers or office buildings, the parking of semis shall be prohibited.*
- (3) *Semitractors may be parked in a parking lot owned by and used for a sales company as long as the semitractors are owned and are for sale or lease by the concerned sales company.*
- (b) *Vehicles that are unlicensed or inoperative shall not be parked off-street and outside on properties in any Commercial or Office Zoning District and properties being used as commercial and/or office in any industrial zoning district.*

*(Case 146, 7-10-89, Effective 8-9-89; Case 323; Ord. 89-O-363, Passed 7-10-89; Ord. 91-O-517, Passed 11-4-91; Ord. 98-O-1071, Passed 9-28-98)*

## **Standards for Approval**

### **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.*

### **Staff Analysis**

The analysis below is based on the application revised by the applicant at the request of staff and based on the comments received at the commission meeting. The revisions have addressed all comments and concerns that were expressed to the applicant.

### **Conformance with Zoning Regulations:**

#### **1176 (PC) Planned Commercial District**

The proposed uses are principally permitted in the PC district. The revised plan indicates a 15-foot perimeter buffer yard, which meets the standards for this chapter. All other standards for this Chapter are met.

### Chapter 1181 General Provisions

The revision meets the requirements of Chapter 1181. The revised plans illustrate street trees placed every 40-feet. No exterior lighting plan was submitted at this time, but will be submitted at the time of detailed development review. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

### Chapter 1182 Landscaping and Screening Standards

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

### Chapter 1185 Parking and Loading

The revised proposal meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The revised plan indicates 70 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

### Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

### **Other Considerations:**

Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. The applicant has adjusted the site plan by reconfiguring the parking and circulation plan. The revised configuration will likely improve vehicle stacking at the intersection along the proposed roadway, rather than internally as was originally illustrated.

### **Additional Comments:**

**Fire:** See Attached. The applicant will comply with all fire code requirements.

**City Engineer:**



### **Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the revised basic development plan with the following conditions:

1. Applicant shall comply will all fire code requirements.

### **Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the rezoning and basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.



## **Planning Commission Decision Record**

WHEREAS, on January 27, 2022, the applicant, Amarjit Takhar, requested approval of the Basic Development Plan and Rezoning to Planned Commercial (PC) on approximately nine (9) acres of a 35-acre parcel at property located on the East side of intersection of SR 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County, Ohio Records (Case BDP 22-08); and

WHEREAS, on March 29, 2022, 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, Amarjit Takhar, for the approval of the Basic Development Plan and Rezoning to Planned Commercial (PC) on approximately nine (9) acres of a 35-acre parcel at property located on the East side of intersection of SR 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County, Ohio Records (Case BDP 22-08) in accordance with the recommendation of Staff's Memorandum dated March 22, 2022, with the following conditions:

1. Applicant shall comply with all fire code requirements.

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

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Terry Walton, Chair  
Planning Commission

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Date



**Planning Commission  
March 29, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: None.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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. **BASIC DEVELOPMENT PLAN - The applicant, AMARJIT TAKHAR, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

This case was tabled at the March 15, 2022, to allow time to review the revised development plan that was submitted shortly before the meeting. The crux of the revision reconfigures the western access point to allow for a future extension of Center Point 70 Boulevard and meet the development standards of the Planned Commercial District.

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-

trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The revised site plan illustrates 76 parking spaces, including 10 for semi-trucks. This is an increase from 62 automobile parking spaces.

The proposed uses are principally permitted in the PC district. The revised plan indicates a 15-foot perimeter buffer yard, which meets the standards for this chapter. All other standards for this Chapter are met.

The revision meets the requirements of Chapter 1181. The revised plans illustrate street trees placed every 40-feet. No exterior lighting plan was submitted at this time, but will be submitted at the time of detailed development review. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

The revised proposal meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The revised plan indicates 70 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. The applicant has adjusted the site plan by reconfiguring the parking and circulation plan. The revised configuration will likely improve vehicle stacking at the intersection along the proposed roadway, rather than internally as was originally illustrated.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the revised basic development plan with the following conditions:



- Applicant shall comply will all fire code requirements.

**Action**

Ms. Thomas moved to approve the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) on approximately nine (9) acres of a 35-acre parcel at property located on the East side of intersection of State Route 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Ohio Records (ZC BDP 22-08) and accordance with the recommendation of staff's memorandum dated March 22, 2022 and the Planning Commission's Decision Record attached thereto.

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

Move to City Council

**VII. New Business**

- 1. COMBINED BASIC AND DETAILED DEVELOPMENT PLAN - The applicant, CAMPBELL BERLING HUBER HEIGHTS, LLC, is requesting approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road (ZC CBDP 22-11).**

Mr. Sorrell stated that This case was originally ZC 21-47, which contemplated 132 units (66 2-family townhomes) on approximately 23 acres. The applicant withdrew the application and is now submitting approval for 97 units, comprised of 29 single-family lots and 34 two-family townhomes. The average density is approximately 4.33/units per acre.

The proposed one-family lots are slightly smaller and 20-feet shallower than what is prescribed by the code. The 64-foot-wide lots are significantly smaller in square footage than prescribed by the code, however this does provide a housing product for those households who do not want or need a larger yard. Overall, the average lot size in this development is 6,937 square feet. In staff's professional opinion the slightly smaller and shallower lots will have a negligible impact on surrounding properties and the character of the area.

Each unit, both detached and attached, will contain a two-car garage, along with driveway space for parking. The proposal complies with this standard.

All utilities will be placed below ground.

The applicant has submitted proposed elevations that that are consistent with this requirement.

While landscaping and screening is not required in the Planned Residential District, the applicant is proposing significant buffering and screening along Bellefontaine Road, and along the interior gas transmission easement.

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The comprehensive plan indicates this area should be single-family with a maximum density of six (6) units per acre. The proposed development contains 29 single-family homes and 35 duplex townhomes. The overall density of the development is 4.33 units per acre, consistent with the comprehensive plan.

While no phasing plan was submitted with the application, this is a relatively small subdivision for Huber Heights.

The public roads are adequate for this development. Bellefontaine Road is classified as a Major Collector in the City Thoroughfare Plan

The site is served by adequate utilities.

The applicant is proposing significant landscaping and screening beyond the code requirements along Bellefontaine Road. Additional tree plantings are proposed throughout the development in the common areas.

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06 and the intent of 1171.09. Staff recommends approval of the rezoning to Planned Residential and the combined Basic and Detailed Development Plan to construct 97 homes. Staff recommends approval with the following conditions:

- 1) The dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
- 2) The applicant will comply with all stormwater requirements, per the City Engineer;
- 3) The applicant will comply with all Fire Code requirements, per the Huber Heights Fire Department.

Bob Krohngold was present.

Cindy Smith and Tracy Harman

Discussion on the Fire Assessment and percentage of masonry

### **Action**

Ms. Thomas moved to approve the request by the applicant Campbell Berling for approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (ZC CBDP 22-11) in accordance with the recommendation of Staff's Memorandum dated March 22, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council



**2. REZONING AND BASIC DEVELOPMENT PLAN - The applicant, HORIZON LINE DEVELOPMENT, is requesting approval of a Rezoning and Basic Development Plan to PM (Planned Mixed) for 197 unit Residential Town-Home Apartment Community, located at 7125 Executive Boulevard (ZC BDP 22-12).**

Mr. Sorrell stated that the applicant is requesting approval for a rezoning of approximately 43 acres from Planned Employment Park to Planned Mixed Use, to facilitate the construction of 197 residential townhome apartments and five commercial out lots.

The applicant has proposed development and use standards that are generally consistent with the applicable zoning regulations. Staff would like to see the following revisions:

- Residential garage openings shall be set back at least 20-feet from the back of the sidewalk. (It appears this is the case in most instances; however, the drawings are not dimensioned and to the greatest extent possible staff desire to limit the overhang of vehicles into the sidewalk pathways).
- The following proposed permitted non-residential uses should be eliminated from permitted use list:
  - Filling stations
  - Sweepstakes cafes
  - Convenience store
  - Self-Storage – Indoor Climate Controlled
  - Car Wash

The area contains a mixture of residential, commercial and office uses.

This site is located along a well-traveled thoroughfare, surrounded by residential uses to the north and west, commercial uses to the south, and Carriage Hill MetroPark to the east. The vast majority of the proposed land uses are residential and are located adjacent to other residential uses. The proposed commercial out lots, which will likely have more intensive uses, are appropriated located to front Executive Boulevard.

Commodity crop production is the current use of the site, and few natural features exist. There is a small drainage stream that bisects the site near the southwest corner, which crosses under Executive Boulevard and ultimately into Drylick Run Creek. The proposed development plan appears to limit the impact on the drainage stream.

In general, the site slopes west to east. Two onsite and one offsite stormwater basins will provide for stormwater management. The stormwater basins are designed to be wet basins, which will provide an attractive landscape amenity.

This development will have two entrances from Executive Boulevard that are aligned and spaced in a manner where little traffic conflict points should exist. Interior sidewalks and walking trails are proposed for pedestrian circulation. As the commercial spaces are developed sidewalks along the north side of Executive Boulevard should be constructed to provide pedestrian connections to the amenities near and along Executive Boulevard.

Parking for the residential units is provided by what appears to be a mixture of one-and two-car garages, along with driveway space. The applicant is providing at least two spaces per unit for the residential development, including the driveway space. As previously stated, the setback from the garage face to the back of sidewalk for the residential units should be a minimum 20-feet.

The proposal provides interior sidewalks and walking paths. Additional sidewalks should be constructed as the commercial lots are developed along Executive Boulevard to provide pedestrian access to the surrounding amenities.

A sign package was not submitted with the application; however, two monument signs are indicated on the landscaping plan. Signs shall comply with Chapter 1189.

The residential buildings are set back 15-feet from each residential building. While the commercial out lots illustrate generic building footprints, plenty of land area exists to meet these setback requirements.

The residential buildings are approximately 20-feet tall.

The plans and renderings indicate a mixture of decorative light poles and wall sconce lighting throughout the residential development. A lighting plan will be required at the detailed development plan phase.

The site plan indicates the trash receptacles will be fully enclosed where provided.

The architecture of the commercial structures is not indicated in the application, but will be reviewed at the time of the detailed development plan submission for each out building.

All utilities will be placed underground.

The residential open space will be owned by the apartment development owner.

The applicant proposes to retain the existing trees along the north property line as a buffer, and the closest structure is approximately 80-feet from the property line. Staff does not feel a 6-foot-high landscaping mound is warranted and would require the removal of existing trees.

Along the west property line, the screening will be a mixture of evergreen and ornamental trees. No mounding or fencing is proposed or required.

The commercial out lots will be reviewed at the detailed development plan phase; however, the covenants indicate the commercial developments will comply with Chapter 1185.

Street trees are indicated throughout the development. Street trees will be required along Executive Boulevard as those sites are developed.



March 29, 2022

**STAFF RECOMMENDATION**

Staff recommend approval of the rezoning and Basic Development Plan to construct 197 residential units and five commercial out lots. Staff recommend the following conditions for approval:

- 1) The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
- 2) The permitted uses shall exclude those recommended by staff.
- 3) The water mains and sanitary sewers shall be built to city standards and in easements.
- 4) The applicant shall submit a sign package consistent with Section 1189.
- 5) The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

Eric Allen  
Kevin Brolema  
Steve Massingill

Discussion on the entertainment area, traffic, widening Executive, adding turn lane.

**Action**

Ms. Vargo moved to approve the request by the applicant Horizon Line Development, for approval of a Rezoning and Basic Development Plan to Planned Mixed (PM) for 35 acres at 7125 Executive Boulevard, Parcel Number P70 03910 0005 of the Montgomery County Ohio Records (ZC BDP 22-12) in accordance with the recommendation of Staff's Memorandum dated March 29, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**VIII. Additional Business**

None.

**IX. Approval of the Minutes**

Without objection, the minutes of the March 15, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Rezoning and Basic Detailed Development Plan, Medical Facility  
Major change and Detailed Development Plan, Commercial Lot  
Major Change and Detailed Development Plan, Discount Tire

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**XI. Upcoming Meetings**

March 29, 2022

April 12, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:33 p.m.

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A BASIC DEVELOPMENT PLAN AND REZONING TO PLANNED COMMERCIAL (PC) FOR A 35 ACRE PARCEL OF PROPERTY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF STATE ROUTE 235 AND CENTER POINT 70 BOULEVARD AND FURTHER IDENTIFIED AS PARCEL NUMBERS P70-03903-0079 AND P70-03903-0005 ON THE MONTGOMERY COUNTY AUDITOR’S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE BDP 22-08).

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 BDP 22-08 and on March 29, 2022, recommended approval by a vote of 5-0 of the Basic Development Plan and Rezoning; 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 Basic Development Plan and Rezoning to Planned Commercial (PC) (Zoning Case BDP 22-08) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. The applicant shall comply with all Fire Division code requirements.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A BASIC DEVELOPMENT PLAN AND REZONING TO PLANNED COMMERCIAL (PC) FOR A 35 ACRE PARCEL OF PROPERTY LOCATED ON THE EAST SIDE OF THE INTERSECTION OF STATE ROUTE 235 AND CENTER POINT 70 BOULEVARD AND FURTHER IDENTIFIED AS PARCEL NUMBERS P70-03903-0079 AND P70-03903-0005 ON THE MONTGOMERY COUNTY AUDITOR’S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE BDP 22-08).

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 BDP 22-08 and on March 29, 2022, recommended approval by a vote of 5-0 of the Basic Development Plan and Rezoning; 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 Basic Development Plan and Rezoning to Planned Commercial (PC) (Zoning Case BDP 22-08) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. The applicant shall comply with all Fire Division code requirements.
2. Up to thirty (30) semi-truck parking spaces are permitted.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8360

**New Business**    **N.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC CBDP 22-11 - Campbell Berling Huber Heights, LLC - Rezoning/Combined Basic And Detailed Development Plan - Bellefontaine Road

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** SmartBoard **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** Passed to  
a Second  
Reading

---

**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Combined Basic And Detailed Development Plan And Rezoning To Planned Residential (PR) For 22.968 Acres For The Property Located On The East Side Of Bellefontaine Road And South Of Chambersburg Road And Further Identified As Parcel Number P70-03908-0126 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case CBDP 22-11).  
(first reading)

**Purpose and Background**

The applicant, Campbell Berling Huber Heights, LLC, is requesting approval of a Combined Basic and Detailed Development Plan and a Rezoning to Planned Residential (PR) .

---

**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  
Entrance Drawings  
Fire Assessment  
Staff Report  
Decision Record  
Minutes  
Correspondence  
Ordinance

---





**CITY OF HUBER HEIGHTS  
SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO**

**SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO**



  
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- Landscape Architecture Cincinnati OH 45241
- Planning Phone 513.759.0004
- Surveying [www.mspdesign.com](http://www.mspdesign.com)

Project Manager	RA
Drawn By	NAK
DWG	20632004-IMP-04-2022
X-Ref(s)	20632003-BAS-00

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**CITY OF HUBER HEIGHTS  
SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO**

Sheet Title

## CONCEPT PLAN

Project Number	20632.00
Drawing Scale	1" = 100'
Sheet Number	<b>1</b>
File Number	20632



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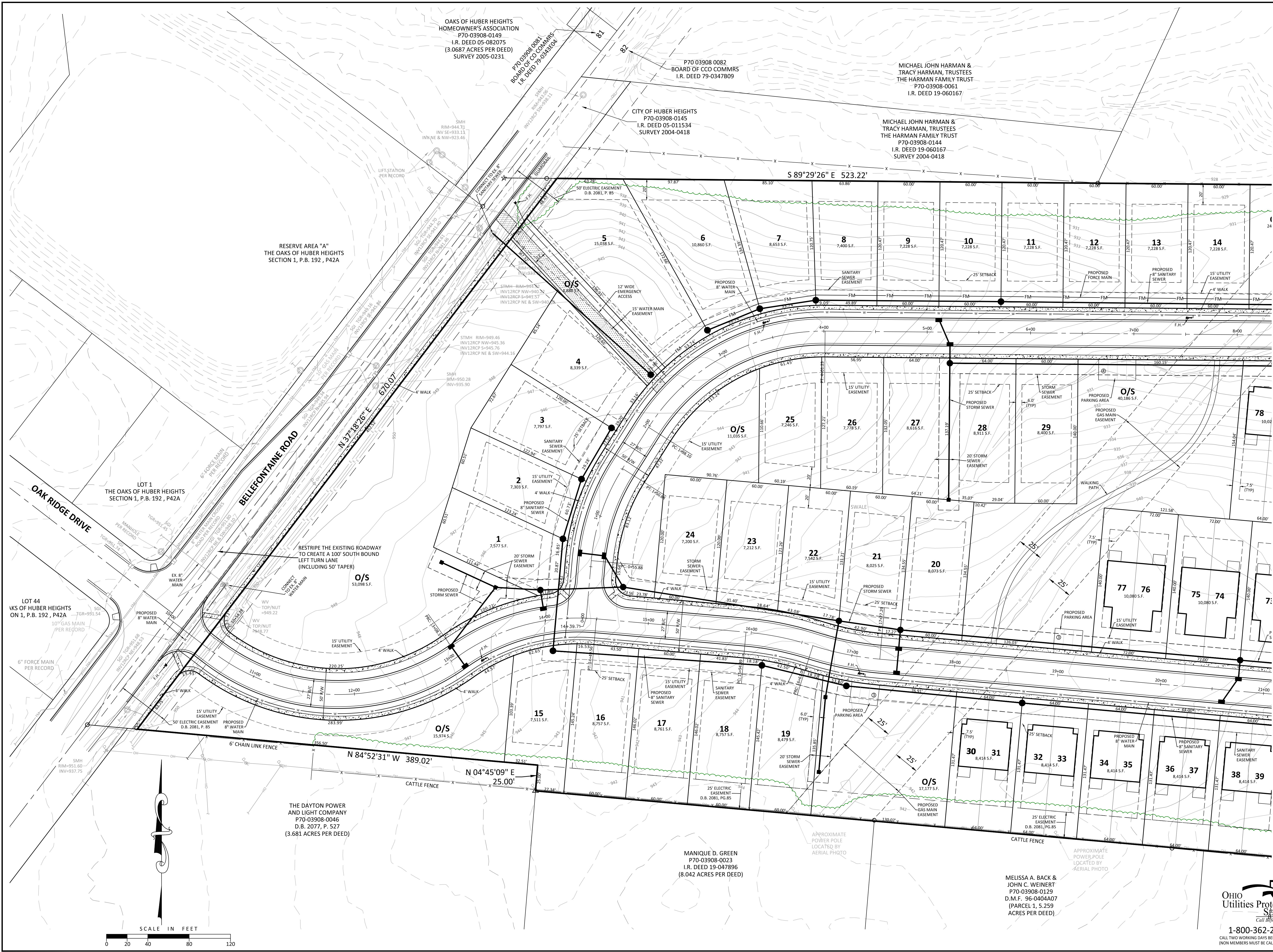
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**CITY OF HUBER HEIGHTS**

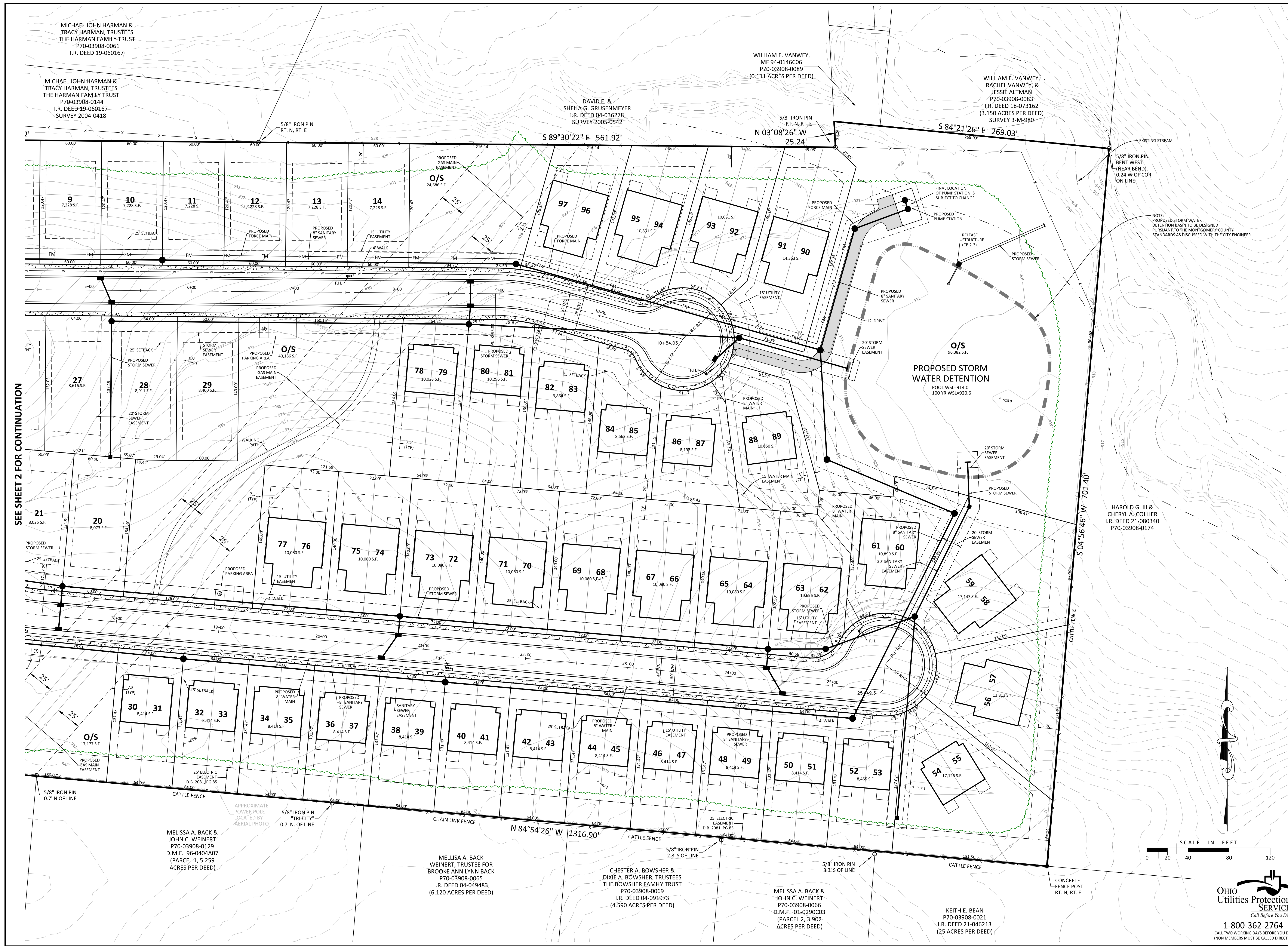
**SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS**

**MONTGOMERY, OHIO**

Project Number	20632.00
Drawing Scale	1" = 40'
Sheet Number	2
File Number	20632

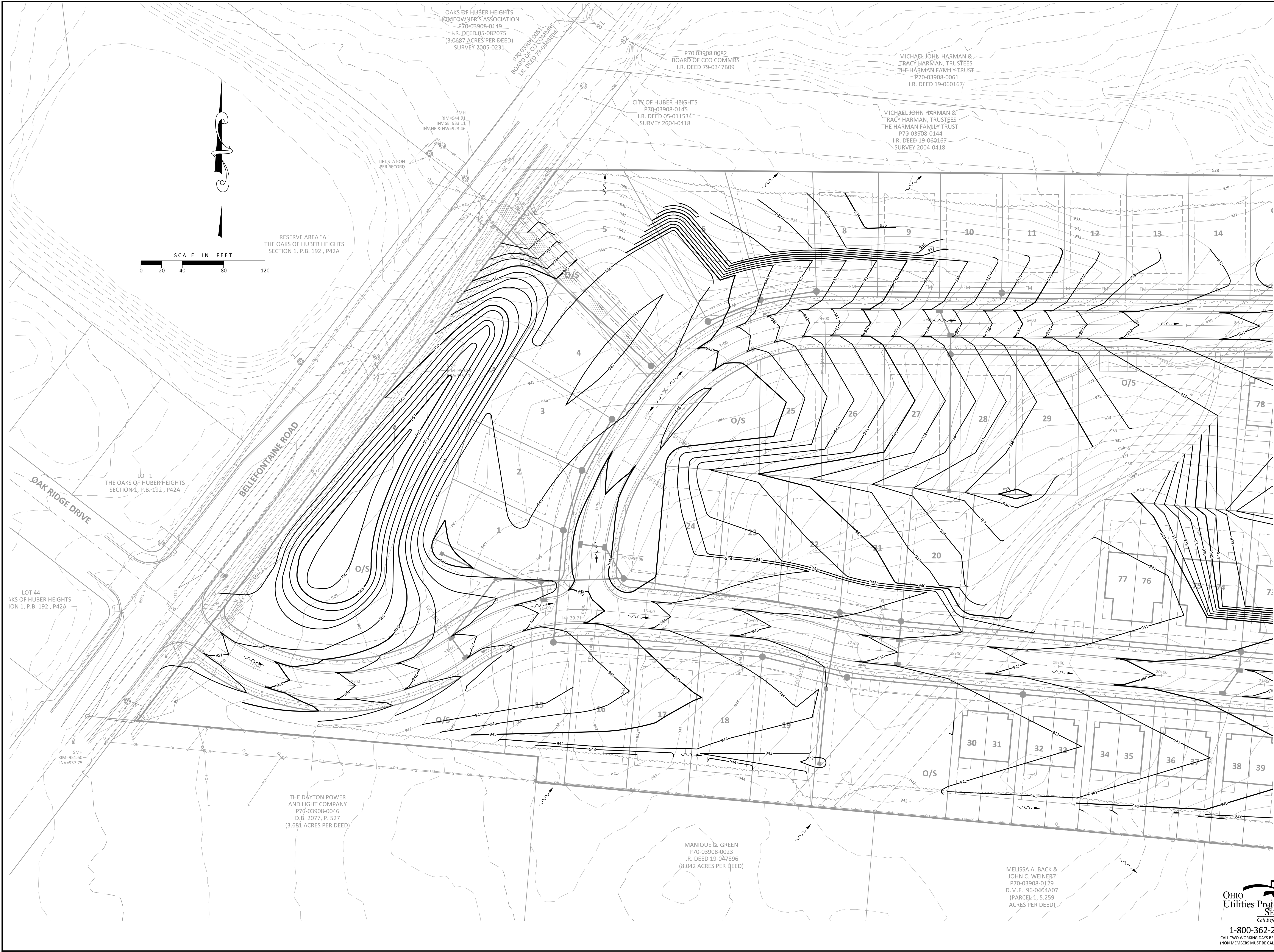








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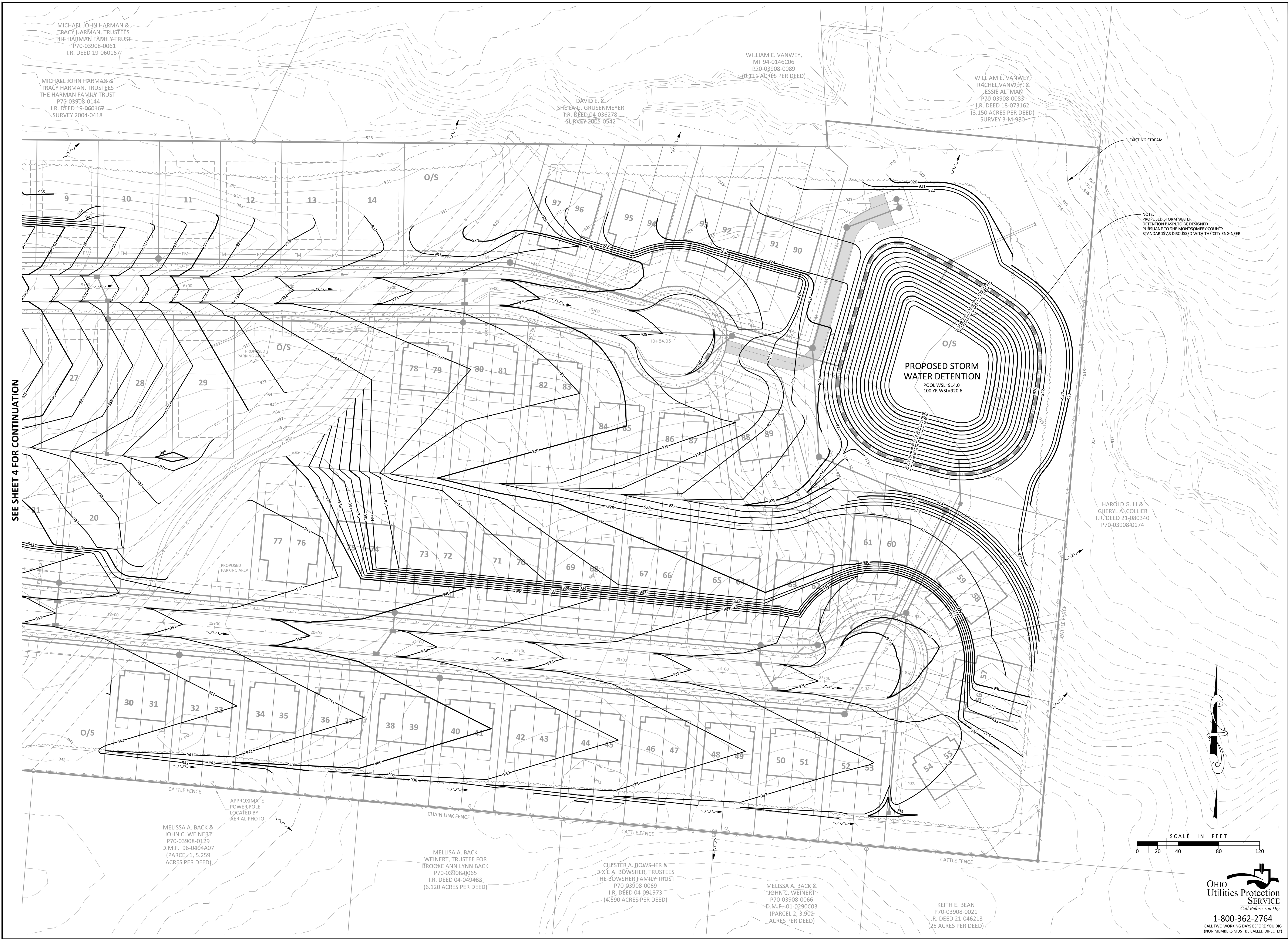
Issue/Revision	No.	Date

# ADDINGTON

CITY OF HUBER HEIGHTS  
SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO

SEE SHEET 6 FOR CONTINUATION





Issue/Revision	No.	Date

# ADDINGTON

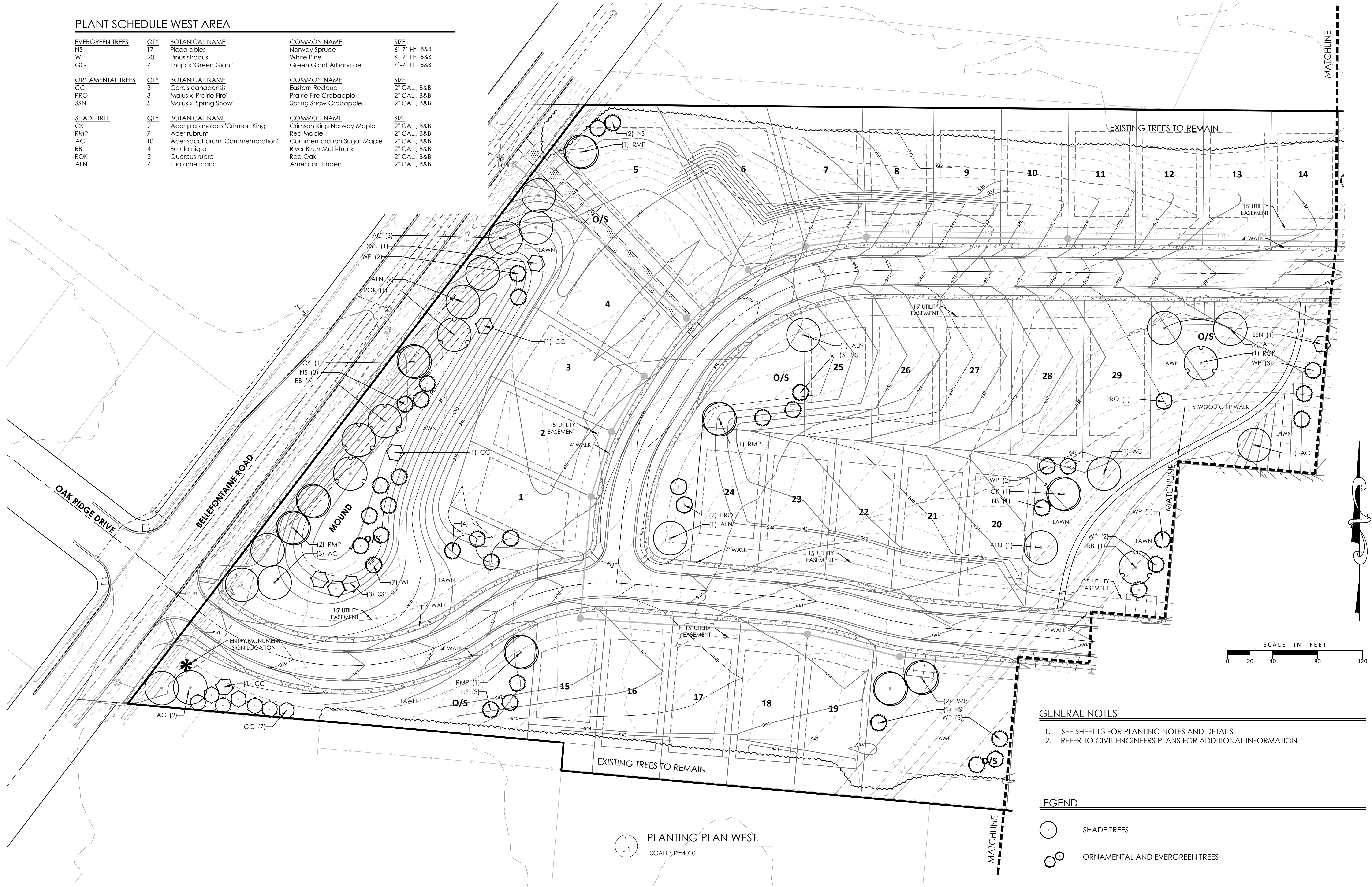
CITY OF HUBER HEIGHTS  
SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO

GRADING PLAN		
Project Number	20632.00	
Drawing Scale	1" = 40'	
Sheet Number	5	
File Number	20632	



PLANT SCHEDULE WEST AREA

EVERGREEN TREES		QTY	BOTANICAL NAME	COMMON NAME	SIZE
NS		17	Picea abies	Norway Spruce	6'-7' HI B&B
WP		20	Pinus strobus	White Pine	6'-7' HI B&B
GG		7	Thuja x 'Green Giant'	Green Giant Arborvitae	6'-7' HI B&B
ORNAMENTAL TREES		QTY	BOTANICAL NAME	COMMON NAME	SIZE
CC		3	Cercis canadensis	Eastern Redbud	2" CAL. B&B
PRO		3	Malus x 'Prairie Fire'	Prairie Fire Crabapple	2" CAL. B&B
SSN		5	Malus x 'Spring Snow'	Spring Snow Crabapple	2" CAL. B&B
SHADE TREE		QTY	BOTANICAL NAME	COMMON NAME	SIZE
CK		2	Acer platanoides 'Crimson King'	Crimson King Norway Maple	2" CAL. B&B
RMP		7	Acer rubrum	Red Maple	2" CAL. B&B
AC		10	Acer saccharum 'Commemoration'	Commemoration Sugar Maple	2" CAL. B&B
RB		4	Betula nigra	River Birch Multi-Trunk	2" CAL. B&B
ROK		2	Quercus rubra	Red Oak	2" CAL. B&B
ALN		7	Tilia americana	American Linden	2" CAL. B&B



1 PLANTING PLAN WEST  
SCALE: 1"=40'-0"

GENERAL NOTES

- SEE SHEET L3 FOR PLANTING NOTES AND DETAILS
- REFER TO CIVIL ENGINEERS PLANS FOR ADDITIONAL INFORMATION

LEGEND

- SHADE TREES
- ORNAMENTAL AND EVERGREEN TREES

Issue/Revision	No.	Date
ISSUED		03/03/22

ADDINGTON  
CITY OF HUBER HEIGHTS  
SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS  
MONTGOMERY, OHIO

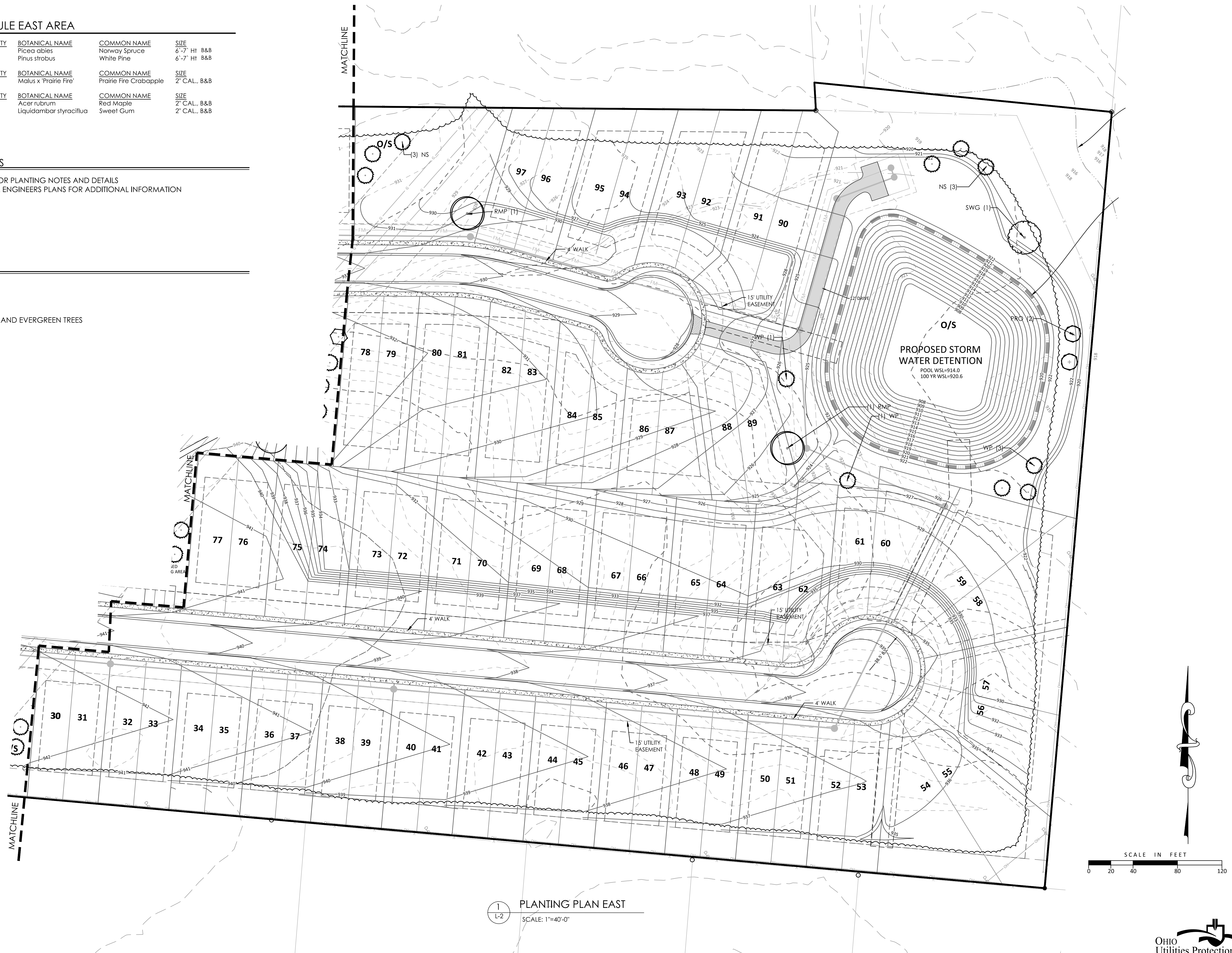


<u>EVERGREEN TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
NS	6	Picea abies	Norway Spruce	6'-7" HI B&B
WP	5	Pinus strobus	White Pine	6'-7" HI B&B
<u>ORNAMENTAL TREES</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
PRO	2	Molus x 'Prairie Fire'	Prairie Fire Crabapple	2' CAL., B&B
<u>SHADE TREE</u>	<u>QTY</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>SIZE</u>
RMP	2	Acer rubrum	Red Maple	2' CAL., B&B
SWG	1	Liquidambar styraciflua	Sweet Gum	2' CAL., B&B

1. SEE SHEET L3 FOR PLANTING NOTES AND DETAILS
2. REFER TO CIVIL ENGINEERS PLANS FOR ADDITIONAL INFORMATION

○ SHADE TREES

● ORNAMENTAL AND EVERGREEN TREES



1  
L-2

PLANTING PLAN EAST

SCALE: 1"=40'-0"



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Project Manager	RA
Drawn By	NAK
DWG	20632006-PLA
(X-Ref(s)	20632003-BAS-00

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**SITUATE IN SECTION 16, TOWNSHIP 2, RANGE 8, MRS**  
**MONTGOMERY, OHIO**

Sheet Title

## PLANTING PLAN EAST

Project Number	20632.00
Drawing Scale	1" = 40'
Sheet Number	L2
File Number	20632









**SECTION CUT LINE**



# Huber Heights Fire Division

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

Occupancy Name:	Addington Place – Revision 1		
Occupancy Address:	Bellefontaine Road		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:	Not Yet Assigned	HHFD Plan:	21-262/22-050
MCBR ELE:	Not Yet Assigned	HHFD Box:	
REVIEWER:	Susong	DATE:	3/22/2022

## **Fire Department Comments:**

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

**Approved per Review of Ohio Fire Code and adopted Life Safety Standards based on the following:**

- One- or two-family residential projects having more than 30 dwelling units shall be equipped with two separate and approved fire apparatus access roads in accordance with Ohio Fire Code D106.1. A secondary access is shown connecting Bellefontaine Road and new road. This access shall comply with the following:
  - Be a minimum 20 feet wide (Ohio Fire Code 503.2.1) **Drawing shows a dimension of 12 feet, minimum width must be 20 feet.**
  - Constructed of materials capable of handling 75,000 pounds (Ohio Fire Code D102.1.) **Material has not been provided.**
- The turning radius for fire department access roads shall meet requirements for Huber Heights Fire Division (HHFD) vehicles. Contact HHFD to obtain information. Ohio Fire Code 503.2.4 and Appendix D103.3.
- Dead end fire department access roads in excess of 150 feet shall be provided with width and turnaround provisions that comply with Ohio Fire Code Appendix D103.4. Current cul de sac measurements do not appear to meet this requirement. Nor Parking signage that complies with Ohio Fire Code Appendix D103.6 shall be provided.
- Site utility plan showing fire hydrants has not been provided. **Provided.**



- Hydrants in single-family residential districts shall be placed not more than 500 feet apart, measured on the main, and no more than 400 feet from any opening in any building. Review Huber Heights Codified Ordinance 1521.06(b) for additional requirements. **Spacing appears to meet requirements.**
- All new water mains and any existing water mains that are replaced shall be eight inches in diameter or greater in all one-, two- and three-family dwelling areas and in multi-family areas or commercial areas. All water mains shall be sectionalized and looped when reasonably feasible and achievable. Dead end water mains shall only be permitted upon written approval from the Fire Official and City Engineer. Huber Heights Codified Ordinance 1519.01 - Water mains. **Drawing indicates an 8-inch water main that is looped.**
- The minimum fire-flow and flow duration requirements for one- and two-family dwellings shall comply with Ohio Fire Code B105.1. Documentation shall be provided. **Flow calculations have not been provided.**

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in ALL respects to this code, as prescribed in SECTION (D) 104.1 of the 2017 Ohio Fire Code. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with ALL applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

# Memorandum

Staff Report for Meeting of March 29, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: March 22, 2022

Subject: BDP 22-11 Rezoning, Combined Basic & Detailed Development Plan  
Addington Subdivision

Application dated March 4, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Cambell Berling Huber Heights, LLC – Applicant  
Richard and Marilyn Storck - Owner

**DEVELOPMENT NAME:** Addington

**ADDRESS/LOCATION:** Bellefontaine Road (P70 03908 0126)

**ZONING/ACREAGE:** A – Agricultural / 22.96 Acres

**EXISTING LAND USE:** Vacant / Agricultural

**ZONING  
ADJACENT LAND:** PR – West; A – North; A – East; R-1 - South

**REQUEST:** The applicant requests approval of a rezoning to Planned Residential (PR) and approval of a combined basic and detailed development plan to construct 97 units on 22.38 acres.

**ORIGINAL APPROVAL:** N/A

**APPLICABLE HHCC:** Chapter 1171, 1172

**CORRESPONDENCE:** In Favor –  
In Opposition –



## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview:**

This case was originally ZC 21-47, which contemplated 132 units (66 2-family townhomes) on approximately 23 acres. The applicant withdrew the application and is now submitting approval for 97 units, comprised of 29 single-family lots and 34 two-family townhomes. The average density is approximately 4.33/units per acre.

### **Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1172 Planned Residential District, 1181 General Provisions. The relevant sections are cited and discussed below:

#### **Chapter 1171 General Provisions**

##### **1171.01 Purpose.**

*Planned Unit Developments Districts may be permitted as amendments to the zoning map, after application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. The provisions of this chapter are adopted to unify planning and development in such districts. Applications for rezoning of land into a Planned Unit Development District shall be granted only when the basic development plan for the project is such that the public health, safety and morals shall not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district. PUD rezonings may be approved only when a basic development plan for the area has been approved by Council. A detailed development plan shall then be approved for zoning permit to be approved for development in the District. Normally the detailed development plan shall be approved by the Planning Commission after the rezoning and basic development plan have been approved by Council. Owners shall have the option however, of submitting a combined basic and detailed development plan ("combined development plan") if they should so desire for some or all of the site.*

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

##### **1171.05 Contents of basic development plan.**

- (a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:*
  - (1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;*
  - (2) Typical elevation views of the front and side of each type of building;*
  - (3) Planning location and dimensions of all proposed drives, service access road, sidewalks and curb openings;*
  - (4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;*
  - (5) Landscaping plan, walls and fences;*

- (6) *Storm water detention and surface drainage;*
  - (7) *Exterior lighting plan;*
  - (8) *Vehicular circulation pattern;*
  - (9) *Location and square footage of signs;*
  - (10) *Topographic survey; and*
  - (11) *Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.*
- (b) *The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.*

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

#### **1171.06 General standards for approval.**

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- (c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
- (d) Shall not impose an undue burden on public services such as utilities, fire and police protection, and schools;
- (e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
- (f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
- (g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
- (h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
- (i) Shall place underground all electric and telephone facilities, streetlight wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;



- (j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;
- (k) Shall not involve uses, activities, processes, materials, equipment and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
- (l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety or welfare.

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

#### **1171.09 Detailed development plan.**

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

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

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

#### **1171.091 Planning commission/council review.**

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

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

## **Development Standards Analysis:**

### **1172.03 Development standards (Planned Residential)**

*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.*

The proposed development contains 97 dwelling units on approximately 23 acres, which yields an average density of 4.33 dwelling units per acre, which is consistent with the surrounding neighborhood character.

Section 1147.04 has the following standards:

All lots shall have an area, frontage and yard requirements as follows:

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

The applicant proposes the following:

			*Front	Side Yard Widths		Rear
	Lot (square feet)	Lot Frontage (feet)	Yard Depth (feet)	Least Width (feet)	Sum of Least Width (feet)	Yard Depth (feet)
1-family 60' (29 lots)	7,200	60	25	6	12	20
2-family 64' (19 lots)	5,760	64	25	7.5	14	20
2-family 72' (15 lots)	7,920	72	25	7.5	14	20

The proposed one-family lots are slightly smaller and 20-feet shallower than what is prescribed by the code. The 64-foot-wide lots are significantly smaller in square footage than prescribed by the code, however this does provide a housing product for those



households who do not want or need a larger yard. Overall, the average lot size in this development is 6,937 square feet. In staff's professional opinion the slightly smaller and shallower lots will have a negligible impact on surrounding properties and the character of the area.

**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)*

Each unit, both detached and attached, will contain a two-car garage, along with driveway space for parking. The proposal complies with this standard.

**1172.05 Utilities.**

*The distribution systems for utilities are required to be underground.*

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

All utilities will be placed below ground.

**1181 General Provisions**

**1181.20 Building materials for dwellings.**

- (a) One-Story Dwellings.* All exterior walls of one-story dwellings shall be constructed of brick or other approved masonry type of material.
- (b) Dwellings Over One Story.* All first-floor exterior walls of dwellings over one story shall be constructed of brick or other approved masonry type of materials. Other exterior wall areas of dwellings over one story may be constructed of other code approved building materials; provided, however, no vinyl siding shall be permitted, unless permitted under subsection (c) hereof.
- (c) Exceptions.* The requirement for certain exterior walls of dwellings to be constructed of brick or other approved masonry type of material shall not apply to:
  - (1)* Exterior wall areas of the dwelling where federal, state and/or local building codes prohibit the use of brick or other masonry materials such as gas fireplace inserts, cantilevers, gables, overhangs, downspouts and gutters, kitchen and other bays and other type of protrusion for which it is not reasonably practical to use the material stated above.
  - (2)* Room additions, remodeling, or reconstruction, to or of, dwellings that do not comply with subsections (a) and (b) above when such dwellings were constructed prior to enactment of this Ordinance. Material that is used for additions or remodeling must be similar to the existing structure and maintain the integral look of the dwelling.

- (3) Any dwelling constructed on a lot in a subdivision whose preliminary plat was approved prior to February 1, 2007 but received final plat approval after February 1, 2007. Provided, however, all such dwellings shall have front facades with a minimum 50 percent brick or other approved masonry type of material.
- (d) *Definitions.* For purposes of this section, the following terms shall have the following definitions:
  - (1) "Dwelling" means any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.
  - (2) "First floor" means the highest point at the finish grade of the proposed ground surface.
  - (3) "Other approved masonry type of material" means masonry material approved in advance by the Planning Commission so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity so that such use will not change the essential character of the same area.
  - (4) "Front Façade" means the side of the building facing the lot front as defined by Section 1123.69 (Lot, Front).

(Ord. 2011-O-1925, Passed 11-28-11)

The applicant has submitted proposed elevations that that are consistent with this requirement.

### **Additional Considerations**

While landscaping and screening is not required in the Planned Residential District, the applicant is proposing significant buffering and screening along Bellefontaine Road, and along the interior gas transmission easement.

### **Staff Analysis of 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;*

The comprehensive plan indicates this area should be single-family with a maximum density of six (6) units per acre. The proposed development contains 29 single-family homes and 35 duplex townhomes. The overall density of the development is 4.33 units per acre, consistent with the comprehensive plan.

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

While no phasing plan was submitted with the application, this is a relatively small subdivision for Huber Heights.

- (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;*

The public roads are adequate for this development. Bellefontaine Road is classified as a Major Collector in the City Thoroughfare Plan.

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

The site is served by adequate utilities.

*(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;*

Draft covenants were not included in the application, however the standards set by the Planning Commission will be incorporated into the covenants before any zoning permit is issued.

*(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;*

The applicant is proposing significant landscaping and screening beyond the code requirements along Bellefontaine Road. Additional tree plantings are proposed throughout the development in the common areas.

*(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;*

This site is currently used for agriculture and no natural features exist.

*(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;*

The site plan takes advantage of the natural grade and existing contours to limit grading and arrange the building sites in an efficient manner. A gas pipeline easement and the site width significantly constrain design options.

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

All utilities will be placed below ground.

*(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.*

This residential development should not create excessive additional requirements to 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*

Only residential uses are contemplated for this site.

- (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.

The rezoning from Agricultural to Planned Residential is consistent with previous residential developments in this area.

### **STAFF RECOMMENDATION**

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06 and the intent of 1171.09. Staff recommends approval of the rezoning to Planned Residential and the combined Basic and Detailed Development Plan to construct 97 homes. Staff recommends approval with the following conditions:

- 1) The dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
- 2) The applicant will comply with all stormwater requirements, per the City Engineer;
- 3) The applicant will comply with all Fire Code requirements, per the Huber Heights Fire Department.

### **Planning Commission Action**

Planning Commission may take the following actions with a motion:

- 1) Approve the rezoning and Combined Basic and Detailed Development Plan;
- 2) Deny the Combined Basic and Detailed Development Plan (the Commission should state the specific reasons for denial); or
- 3) Table the application.





## **Planning Commission Decision Record**

WHEREAS, on March 4, 2022, the applicant, Campbell Berling, requested approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for 22.38 acres for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case CBDP 22-11), and;

WHEREAS, on March 29, 2022, 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 application by Campbell Berling, for a Rezoning and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, further identified as Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (Zoning Case CBDP 22-11), in accordance with the recommendation of Staff's Memorandum dated March 22, 2022 with the following conditions:

1. Single-story dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
2. Multi-story dwellings shall average 50% of the surface area of the front façade finished with brick or stone masonry products, not including the garage opening;
3. The applicant will comply with all stormwater requirements, per the City Engineer; and,
4. The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

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

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Terry Walton, Chair  
Planning Commission

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Date



**Planning Commission  
March 29, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: None.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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. **BASIC DEVELOPMENT PLAN - The applicant, AMARJIT TAKHAR, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

This case was tabled at the March 15, 2022, to allow time to review the revised development plan that was submitted shortly before the meeting. The crux of the revision reconfigures the western access point to allow for a future extension of Center Point 70 Boulevard and meet the development standards of the Planned Commercial District.

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-

trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The revised site plan illustrates 76 parking spaces, including 10 for semi-trucks. This is an increase from 62 automobile parking spaces.

The proposed uses are principally permitted in the PC district. The revised plan indicates a 15-foot perimeter buffer yard, which meets the standards for this chapter. All other standards for this Chapter are met.

The revision meets the requirements of Chapter 1181. The revised plans illustrate street trees placed every 40-feet. No exterior lighting plan was submitted at this time, but will be submitted at the time of detailed development review. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

The revised proposal meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The revised plan indicates 70 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. The applicant has adjusted the site plan by reconfiguring the parking and circulation plan. The revised configuration will likely improve vehicle stacking at the intersection along the proposed roadway, rather than internally as was originally illustrated.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the revised basic development plan with the following conditions:



- Applicant shall comply will all fire code requirements.

**Action**

Ms. Thomas moved to approve the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) on approximately nine (9) acres of a 35-acre parcel at property located on the East side of intersection of State Route 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Ohio Records (ZC BDP 22-08) and accordance with the recommendation of staff's memorandum dated March 22, 2022 and the Planning Commission's Decision Record attached thereto.

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

Move to City Council

**VII. New Business**

- 1. COMBINED BASIC AND DETAILED DEVELOPMENT PLAN - The applicant, CAMPBELL BERLING HUBER HEIGHTS, LLC, is requesting approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road (ZC CBDP 22-11).**

Mr. Sorrell stated that This case was originally ZC 21-47, which contemplated 132 units (66 2-family townhomes) on approximately 23 acres. The applicant withdrew the application and is now submitting approval for 97 units, comprised of 29 single-family lots and 34 two-family townhomes. The average density is approximately 4.33/units per acre.

The proposed one-family lots are slightly smaller and 20-feet shallower than what is prescribed by the code. The 64-foot-wide lots are significantly smaller in square footage than prescribed by the code, however this does provide a housing product for those households who do not want or need a larger yard. Overall, the average lot size in this development is 6,937 square feet. In staff's professional opinion the slightly smaller and shallower lots will have a negligible impact on surrounding properties and the character of the area.

Each unit, both detached and attached, will contain a two-car garage, along with driveway space for parking. The proposal complies with this standard.

All utilities will be placed below ground.

The applicant has submitted proposed elevations that that are consistent with this requirement.

While landscaping and screening is not required in the Planned Residential District, the applicant is proposing significant buffering and screening along Bellefontaine Road, and along the interior gas transmission easement.

## Planning Commission Meeting

March 29, 2022

The comprehensive plan indicates this area should be single-family with a maximum density of six (6) units per acre. The proposed development contains 29 single-family homes and 35 duplex townhomes. The overall density of the development is 4.33 units per acre, consistent with the comprehensive plan.

While no phasing plan was submitted with the application, this is a relatively small subdivision for Huber Heights.

The public roads are adequate for this development. Bellefontaine Road is classified as a Major Collector in the City Thoroughfare Plan

The site is served by adequate utilities.

The applicant is proposing significant landscaping and screening beyond the code requirements along Bellefontaine Road. Additional tree plantings are proposed throughout the development in the common areas.

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06 and the intent of 1171.09. Staff recommends approval of the rezoning to Planned Residential and the combined Basic and Detailed Development Plan to construct 97 homes. Staff recommends approval with the following conditions:

- 1) The dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
- 2) The applicant will comply with all stormwater requirements, per the City Engineer;
- 3) The applicant will comply with all Fire Code requirements, per the Huber Heights Fire Department.

Bob Krohngold was present.

Cindy Smith and Tracy Harman

Discussion on the Fire Assessment and percentage of masonry

### **Action**

Ms. Thomas moved to approve the request by the applicant Campbell Berling for approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (ZC CBDP 22-11) in accordance with the recommendation of Staff's Memorandum dated March 22, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council



**2. REZONING AND BASIC DEVELOPMENT PLAN - The applicant, HORIZON LINE DEVELOPMENT, is requesting approval of a Rezoning and Basic Development Plan to PM (Planned Mixed) for 197 unit Residential Town-Home Apartment Community, located at 7125 Executive Boulevard (ZC BDP 22-12).**

Mr. Sorrell stated that the applicant is requesting approval for a rezoning of approximately 43 acres from Planned Employment Park to Planned Mixed Use, to facilitate the construction of 197 residential townhome apartments and five commercial out lots.

The applicant has proposed development and use standards that are generally consistent with the applicable zoning regulations. Staff would like to see the following revisions:

- Residential garage openings shall be set back at least 20-feet from the back of the sidewalk. (It appears this is the case in most instances; however, the drawings are not dimensioned and to the greatest extent possible staff desire to limit the overhang of vehicles into the sidewalk pathways).
- The following proposed permitted non-residential uses should be eliminated from permitted use list:
  - Filling stations
  - Sweepstakes cafes
  - Convenience store
  - Self-Storage – Indoor Climate Controlled
  - Car Wash

The area contains a mixture of residential, commercial and office uses.

This site is located along a well-traveled thoroughfare, surrounded by residential uses to the north and west, commercial uses to the south, and Carriage Hill MetroPark to the east. The vast majority of the proposed land uses are residential and are located adjacent to other residential uses. The proposed commercial out lots, which will likely have more intensive uses, are appropriated located to front Executive Boulevard.

Commodity crop production is the current use of the site, and few natural features exist. There is a small drainage stream that bisects the site near the southwest corner, which crosses under Executive Boulevard and ultimately into Drylick Run Creek. The proposed development plan appears to limit the impact on the drainage stream.

In general, the site slopes west to east. Two onsite and one offsite stormwater basins will provide for stormwater management. The stormwater basins are designed to be wet basins, which will provide an attractive landscape amenity.

This development will have two entrances from Executive Boulevard that are aligned and spaced in a manner where little traffic conflict points should exist. Interior sidewalks and walking trails are proposed for pedestrian circulation. As the commercial spaces are developed sidewalks along the north side of Executive Boulevard should be constructed to provide pedestrian connections to the amenities near and along Executive Boulevard.

Parking for the residential units is provided by what appears to be a mixture of one-and two-car garages, along with driveway space. The applicant is providing at least two spaces per unit for the residential development, including the driveway space. As previously stated, the setback from the garage face to the back of sidewalk for the residential units should be a minimum 20-feet.

The proposal provides interior sidewalks and walking paths. Additional sidewalks should be constructed as the commercial lots are developed along Executive Boulevard to provide pedestrian access to the surrounding amenities.

A sign package was not submitted with the application; however, two monument signs are indicated on the landscaping plan. Signs shall comply with Chapter 1189.

The residential buildings are set back 15-feet from each residential building. While the commercial out lots illustrate generic building footprints, plenty of land area exists to meet these setback requirements.

The residential buildings are approximately 20-feet tall.

The plans and renderings indicate a mixture of decorative light poles and wall sconce lighting throughout the residential development. A lighting plan will be required at the detailed development plan phase.

The site plan indicates the trash receptacles will be fully enclosed where provided.

The architecture of the commercial structures is not indicated in the application, but will be reviewed at the time of the detailed development plan submission for each out building.

All utilities will be placed underground.

The residential open space will be owned by the apartment development owner.

The applicant proposes to retain the existing trees along the north property line as a buffer, and the closest structure is approximately 80-feet from the property line. Staff does not feel a 6-foot-high landscaping mound is warranted and would require the removal of existing trees.

Along the west property line, the screening will be a mixture of evergreen and ornamental trees. No mounding or fencing is proposed or required.

The commercial out lots will be reviewed at the detailed development plan phase; however, the covenants indicate the commercial developments will comply with Chapter 1185.

Street trees are indicated throughout the development. Street trees will be required along Executive Boulevard as those sites are developed.



March 29, 2022

**STAFF RECOMMENDATION**

Staff recommend approval of the rezoning and Basic Development Plan to construct 197 residential units and five commercial out lots. Staff recommend the following conditions for approval:

- 1) The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
- 2) The permitted uses shall exclude those recommended by staff.
- 3) The water mains and sanitary sewers shall be built to city standards and in easements.
- 4) The applicant shall submit a sign package consistent with Section 1189.
- 5) The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

Eric Allen  
Kevin Brolema  
Steve Massingill

Discussion on the entertainment area, traffic, widening Executive, adding turn lane.

**Action**

Ms. Vargo moved to approve the request by the applicant Horizon Line Development, for approval of a Rezoning and Basic Development Plan to Planned Mixed (PM) for 35 acres at 7125 Executive Boulevard, Parcel Number P70 03910 0005 of the Montgomery County Ohio Records (ZC BDP 22-12) in accordance with the recommendation of Staff's Memorandum dated March 29, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**VIII. Additional Business**

None.

**IX. Approval of the Minutes**

Without objection, the minutes of the March 15, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Rezoning and Basic Detailed Development Plan, Medical Facility  
Major change and Detailed Development Plan, Commercial Lot  
Major Change and Detailed Development Plan, Discount Tire

Planning Commission Meeting

March 29, 2022

**XI. Upcoming Meetings**

March 29, 2022

April 12, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:33 p.m.

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**



## Chodkowski, Bryan

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**From:** Tressa Kneer <treskneer@aol.com>  
**Sent:** Tuesday, March 29, 2022 2:22 PM  
**To:** Chodkowski, Bryan  
**Cc:** elyons57@gmail.com; Byrge, Nancy  
**Subject:** Opposition to Case 22-11

**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 Sir/Madam:

It is our belief that the development being proposed on Bellefontaine Road across from Oak Ridge Drive will adversely affect our property values and will not fit in with our overall neighborhood aesthetic. **\*The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium-to-large lots.\*** This proposal does not follow the Comprehensive Plan. We acknowledge that the builder has amended the plans from the first filing (to now include some single family homes and reduce the density a bit), BUT IT IS STILL A HUGE VARIANCE FROM WHAT THE PLAN IS AND WHAT THE SURROUNDING PROPERTIES CONTAIN. The proposed buildings include duplexes and detached homes, and the lot size is not medium-to-large. The proposed minimum lot sizes are 2280sf to 7200sf. The Oaks' minimum lot size is 12,000sf.

This land is bordered by residential properties with a minimum of 3 acres, a density of 0.33. The density of the proposed development is 4.4. By comparison, The Oaks' is 2.05. This dramatic increase in density will cause issues like traffic, aesthetics, and decreased surrounding property values.

Because of these reasons, we are opposed to this development and request that the City Council deny the application. Mayor Gore even told the developer last time that he likes the idea but IN ANOTHER PART OF THE CITY, because the small lots and high density don't belong in the middle of this mainly rural area. We insist that the city stick with the Comprehensive Plan. Why is the City always bending to the wants of the developers and not the citizens? The density does not need to match that of the Oaks exactly, but putting A) duplexes and B) buildings so close together does not at all fit the LOOK and PLAN of the area!

In December, the Planning Commission, after hearing from multiple residents opposed to the developer's first plan, still voted unanimously to NOT follow the Comprehensive Plan and recommended the development be allowed. A member of the Planning Commission, during the December meeting to discuss this topic, said that if a resident didn't like what was proposed, he/she could always buy the land him/herself. Really, that is the City's solution??! The answer should be that the City is following the Comprehensive Plan, especially when the people whom the variance would affect are opposed.

Thank you for your attention to this matter.

Sincerely,  
Jon and Tressa Kneer

## Chodkowski, Bryan

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**From:** Warren Taldo <wtaldo@gmail.com>  
**Sent:** Saturday, March 26, 2022 9:20 AM  
**To:** Lyons, Ed; orgnbyrge@hhoh.org; Chodkowski, Bryan  
**Cc:** Brad Smith  
**Subject:** Opposition to Case 22-11

**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.

Members of the Planning Committee:

As a long time resident of the Oaks of Huber Heights, I would like you all to know that the vast majority of the people living in the Oaks are vehemently opposed to the recent application that this planning committee is about to review.

It is our belief that the development being proposed will adversely affect our property values as well as not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family detached homes on medium to large lots. It does not follow the Comprehensive Plan. They are duplexes, not detached homes and the lot size is not medium to large. Their minimum lot size is 2500sf. The Oaks minimum lot size is 12,000sf.

It is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 5.7. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

We here in the Oaks are hoping that the City Council will use common sense when they make decision that truly affect other residents in the said area, and deny this application.

Thank You,  
Warren & Catherine Taldo  
5921 Oak Creek Trail,  
Huber Heights, Ohio 45424



## Chodkowski, Bryan

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**From:** William <skimarks@hotmail.com>  
**Sent:** Monday, March 28, 2022 12:14 PM  
**To:** Chodkowski, Bryan  
**Subject:** FW: Opposition to Case 22-11

**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.

Resending email message below to you.

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**From:** William  
**Sent:** Monday, March 28, 2022 12:07 PM  
**To:** elyons@hhoh.org; nbyrge@hhoh.org; bchodkowski@hhoh.org  
**Cc:** BTGeek@aol.com  
**Subject:** Opposition to Case 22-11

Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

Consistent with my prior opposition to Case ZC 21-47, I have reservations against case 22-11 on the same grounds. Namely it is not similar with the housing sizes and density associated with the Oaks of Huber Heights and therefore will look more and more like a hodge-podge of mixed housing concepts for this section of Huber Heights. People will ask, "who planned these neighborhoods?" This ultimately results in lower home values and less trust and interaction among neighbors. The question I have is, why can't Huber Heights provide a similar housing concept like the Oaks of Huber Heights, for more than just a few blocks? Why would we divert from the original Oaks of Huber Heights concept for this area? We should not be in a hurry to accept a developer's pleas that he will lose money if he can't build smaller homes in higher density neighborhoods. Frankly, I would like to see an expansion of the Callamere Farms home styles on the east side of Bellefontaine Rd. Wouldn't it be nice to have at least a few more homes of the styles used by the Oaks of Huber Heights or even Callamere farms,... or does Huber Heights want to be known as the small home capital of OH?

Let's expand on a good concept. Thanks for your continued support.

William Marks

## Chodkowski, Bryan

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**From:** Mellanie Toles <tolesm@clarkstate.edu>  
**Sent:** Monday, March 28, 2022 8:54 AM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to Case 22-11

**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 City Council Members:

We are writing in opposition to the proposed Zoning Case 22-11, which would be located directly across from The Oaks of Huber Heights entrance and specifically, our home.

It is our belief that the development being proposed will adversely affect our property values and it will not fit in with our overall neighborhood aesthetic. The City's Comprehensive Plan specifically states that the use for this land be single family DETACHED homes on medium to large lots. This proposed development does not follow the Comprehensive Plan. They are duplexes, not detached homes, and the lot size is not medium to large. Their minimum lot size is 2,500 sf, while The Oaks' minimum lot size is 12,000 sf.

The property is bordered by residential properties with a minimum of 3 acres, with a density of 0.33. The density of the proposed development is 4.4. By comparison, The Oaks is 2.05. This dramatic increase in density will cause many issues, primarily traffic-related.

Because of these and other reasons, we are opposed to this development and request that the City Council deny the application. We respectfully ask that you act to protect the property values we have worked hard to maintain by voting down this proposed development.

Thank you for your time and consideration!

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



### Mellanie Toles

*Executive Assistant to the President and Coordinator of Special Projects*

Clark State College | [www.clarkstate.edu](http://www.clarkstate.edu)

937.328.6002 | [tolesm@clarkstate.edu](mailto:tolesm@clarkstate.edu)



## Chodkowski, Bryan

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**From:** Nick Winner <nickandcarol88@yahoo.com>  
**Sent:** Monday, March 28, 2022 8:00 AM  
**To:** Chodkowski, Bryan  
**Subject:** Case 22-11

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.

This does not comply with the city's comprehensive plan which calls for single family detached homes on medium to large lots Sent from my iPhone

## Chodkowski, Bryan

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**From:** Bailey Reid <reidb3@udayton.edu>  
**Sent:** Monday, March 28, 2022 12:27 AM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to Case 22-11

**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.

Good evening, today I'm writing to you to oppose Case 22-11.

As a resident of The Oaks, I am concerned with how this project does not comply with the city's Comprehensive Plan which outlines single-family detached homes on the lot sizes described in the project. I am not only concerned with the potential effects on the property values of the residents of The Oaks, but also with the potential for increased crime near or within our development which could come from these duplexes.

We've dealt with this same developer before and it is clear to me that they do not have the existing community's best interest at heart. Packing as many residences as possible into a small area like this before, and attempting to push another plan through like prior shows to me that their primary motivator is money with no concern with potential ill-effects.

--

**Bailey Reid**

*Mechanical Engineering Student*

*University of Dayton - 2022*

[reidb3@udayton.edu](mailto:reidb3@udayton.edu) | (937)-546-2259



## Chodkowski, Bryan

---

**From:** Ron Hinds <ronshinds@aol.com>  
**Sent:** Sunday, March 27, 2022 7:33 PM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to Case 22-11

**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 Council Members,

In reference to Zoning Case 22-11. I am in opposition to this project. This application is for 97 homes (instead of the previous 132) with 29 single family detached homes and 68 duplex (attached) homes. This plan has reduced their density to 4.4 (The Oaks is 2.05). By comparison, the same density as The Oaks would limit the development to 47 homes.

According to the Staff Report written by the Interim City Planner: Lot sizes range from 2,280sf to 7,200sf. The minimum lot size for The Oaks is 12,000 sf. The smallest lot that physically borders the project is 4 acres.

Lot frontages range from 60 feet to less than 32. Minimum frontage for The Oaks is 85 feet. The frontages for the lots that physically border the project are all in excess of 85 feet. Side yard depth ranges from 6 to 7.5 feet. Minimum side yard for The Oaks is 10 feet. The side yards for the lots that physically border the project are all in excess of 10 feet. Rear yard depth is 20 feet. Minimum rear yard depth for The Oaks is 40 feet. The rear yards for the lots that physically border the project are all in excess of 40 feet.

It's obvious that this project does not comply with the City's Comprehensive Plan which calls for single-family DETACHED homes on medium to large lots.

This project does not fit the aesthetics of our overall neighborhood and I believe it will adversely affect our property values. As a Realtor I understand firsthand what this type of development will do to the property values of our homes in The Oaks as well as the properties to the north and east of this proposed development. With traffic increasing significantly this will affect all of the surrounding neighbors and of course the value of our homes.

The neighbors to the north and east have purchased their properties with the intent to enjoy the benefits of having homes on large lots with acreage. This project will affect many of the amenities they currently enjoy.

Thanks for your consideration.

Sincerely,

Ron

Ron Hinds  
6265 White Oak Way

## Chodkowski, Bryan

---

**From:** tadrjd <tadrjd@woh.rr.com>  
**Sent:** Sunday, March 27, 2022 10:51 AM  
**To:** Chodkowski, Bryan; Lyons, Ed; Byrge, Nancy  
**Cc:** Cindy Smith  
**Subject:** Zoning 22-11

**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.

I am writing this on the above case that is planned to come up before the planning committee. This is the second time and is still totally lacking in justification for a rezoning change. First i want to say thank you to the developer that took time out of his schedule to discuss the project. I will be unable to come as i will be in Florida for business and a little pleasure. The area is currently zonss as multiacre with agriculture. The plots are at least 3 to 5 acres. The density of the area proposed is almost 5 units per acre. The setbacks are against the current ordinances the back yard and distances between the unit are also. I have asked during the last design proposal to see the calculations of the storm run off pond. I again asked the developer and seemed hesitant to provide. He indicated that the city engineer has it also. Who all i wsnt os to see the calculations as the old design did not put much thought into the size and now what i look at is much more thought many times larger but nothing even from the telcon i had with the developer. What is being hidden. Is there something that you do not want me to see? That is where my thought is right now. Would not yours. Especially when the new current design has more grass area than the last. Density if you omit the gas easement is much denser than the previous. Why...i will say it in a moment as it is what the developer said to me. The two cul-de-sac is terrible design. Too many units on a dead end. As in the area across the road it was determined that per city you can have no more than 30 units this has over 50. What if there is a fire response accident or anything else and many families cannot get to ther own home. These are just a few. Mrs smith and i have spoken and has the rest of my concerns and will speak on my behalf. The next issue is the memo from your city planner as it is written totally insufficient. The memo as i understand is to guide the planning committee on what the project is and what the rules are and what of the ordinances zoning are met and not. Me smith will go through at least 19 items that are incorrect. How does someone expect the committee and council to do their jobs if they get incorrect and inadequate information to look at and evaluate. I believe the memo was just whipped together due to lack of leadership as guidance as you had under schommer and falcokowski. The jib is to evaluate and do whatvis right under the rules and ordinances of the city. The job is to give impartial and correct guidance to the developer the residents the committee and council to had good dialogue and allow good decision process information. The job is not to have a solution for the developer to do what they propose that is TOTALLY DRIVEN BY COST. That is what was spoken to me directly from the developer. Totally wrong way. As i said before ms smith has my in depth concerns and will discuss on tuesday. Please vote to reject this zoning chnage as it is driven based on cost and not what is correct and redo the city memo so it is correct. Do jot make a decision on what a developer wants but what is right for the city and the residents. Regards ron deak 5908 oak creek trail 7816989177

Sent from my T-Mobile 4G LTE Device



## Chodkowski, Bryan

---

**From:** William <skimarks@hotmail.com>  
**Sent:** Monday, March 28, 2022 12:14 PM  
**To:** Chodkowski, Bryan  
**Subject:** FW: Opposition to Case 22-11

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Resending email message below to you.

---

**From:** William  
**Sent:** Monday, March 28, 2022 12:07 PM  
**To:** elyons@hhoh.org; nbyrge@hhoh.org; bchodkowski@hhoh.org  
**Cc:** BTGeek@aol.com  
**Subject:** Opposition to Case 22-11

Huber Heights City Leaders:

I respectfully provide this email for your attention and action as appropriate.

Consistent with my prior opposition to Case ZC 21-47, I have reservations against case 22-11 on the same grounds. Namely it is not similar with the housing sizes and density associated with the Oaks of Huber Heights and therefore will look more and more like a hodge-podge of mixed housing concepts for this section of Huber Heights. People will ask, "who planned these neighborhoods?" This ultimately results in lower home values and less trust and interaction among neighbors. The question I have is, why can't Huber Heights provide a similar housing concept like the Oaks of Huber Heights, for more than just a few blocks? Why would we divert from the original Oaks of Huber Heights concept for this area? We should not be in a hurry to accept a developer's pleas that he will lose money if he can't build smaller homes in higher density neighborhoods. Frankly, I would like to see an expansion of the Callamere Farms home styles on the east side of Bellefontaine Rd. Wouldn't it be nice to have at least a few more homes of the styles used by the Oaks of Huber Heights or even Callamere farms,... or does Huber Heights want to be known as the small home capital of OH?

Let's expand on a good concept. Thanks for your continued support.

William Marks

## Chodkowski, Bryan

---

**From:** Brad Smith <BTGeek@aol.com>  
**Sent:** Monday, March 28, 2022 2:23 PM  
**To:** Chodkowski, Bryan  
**Cc:** Byrge, Nancy; Lyons, Ed  
**Subject:** Case 22-11

**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.

This letter is in opposition Case 22-11.

While there are slight changes from the previous case, it still does not comply with the Comprehensive Plan, nor do any lots comply with Ordinance 1147.04 which is cited in the Staff Report. The density of 4.4 far exceeds the density of any of the bordering properties which all have a density of less than one.

The Comprehensive Plan, on Page 19, calls for these lots to be single family DETACHED homes on medium to large lots. There are still duplex (attached) homes in this plan. Also, not one of the lots complies with the lot requirements from Ordinance 1147.04 which calls for 20 feet between homes and 40 foot backyards. The only explanation we have heard for these excessive exceptions is developer profitability. In conversation with the developer, he stated that this is the plan he needs to make his project work. Our question is: Why should City standards be compromised to support developer profitability when these exceptions will have a negative effect on the existing neighbors?

The Staff Report details Ordinance 1147.04 which calls for 20 feet between houses and 40 feet backyards. Staff Report states "Overall, the average lot size in this development is 6,937 square feet. In staff's professional opinion the slightly smaller and shallower lots will have a negligible impact on surrounding properties and the character of the area." Our calculations show that the average lot size is 4,506; the number that Staff identifies fails to take into account that the "64 and 72 foot lots" are duplexes, which are actually 2 lots each. The statement that this project, as designed, will have a negligible impact on the surrounding properties and the character of the area is highly objectionable. In the previous case, there was significant discussion of the impact of putting such a dense, urban product in a rural area. The surrounding homes are on lots from 4 to 25 acres. These homeowners made a decision to live in a rural setting with few neighbors. In one case, a homeowner who recently moved from a subdivision lifestyle will end up with more neighbors than he had before. To say it will have negligible impact and will not affect the character of the area is to totally disrespect and dismiss the objections raised by these citizens of Huber Heights.

For these and other reasons, we respectfully request the Planning Commission deny this application.

Cindy and Brad Smith



## Chodkowski, Bryan

---

**From:** Sherry Herstine <sharelda@aol.com>  
**Sent:** Monday, March 28, 2022 10:59 PM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to case 22-11

**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.

Good afternoon,

While I am not opposed to development of the property across from the Oaks on Bellefontaine, I do believe that the density proposed is still not in line with the character of the existing neighborhood. In addition, I believe the home density proposed would change the traffic to an undesirable amount, particularly at the entrances to the developments on both sides of road. As the pandemic subsides, more and more people will be heading back to work and Bellefontaine is not a super-wide thoroughfare. Adding a much more densely populated development on the other side of Bellefontaine does not seem prudent at this time.

The increased development on 202 and 201 is already making travel increasingly congested throughout our community. I feel that Bellefontaine now provides a safer alternative for residents to avoid this ever increasing situation, also alleviating some of the traffic in the business areas.

Sherry Herstine  
4215 Silver Oak Way

## Chodkowski, Bryan

---

**From:** Sherry Herstine <sharelda@aol.com>  
**Sent:** Monday, March 28, 2022 10:59 PM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to case 22-11

**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.

Good afternoon,

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The increased development on 202 and 201 is already making travel increasingly congested throughout our community. I feel that Bellefontaine now provides a safer alternative for residents to avoid this ever increasing situation, also alleviating some of the traffic in the business areas.

Sherry Herstine  
4215 Silver Oak Way



## Chodkowski, Bryan

---

**From:** Matt Preissler <siuecu2@att.net>  
**Sent:** Monday, March 28, 2022 8:35 PM  
**To:** Chodkowski, Bryan  
**Cc:** Lyons, Ed; Byrge, Nancy  
**Subject:** Opposition to Case 22-11

**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.

To Whom It May Concern,

We are writing in opposition to the request for rezoning of the land on Bellefontaine Road directly across from the entry to The Oaks subdivision. This project does not comply with the city's Comprehensive Plan which calls for single-family DETACHED homes on medium to large lots. This project does not fit with the aesthetics of our overall neighborhood and believe it will not only increase traffic on Bellefontaine Road, but also adversely affect our property value.

We encourage you to vote in opposition of this rezoning request.

Thank you for your time and consideration of this matter.

Matt and Kelli Preissler  
6114 White Oak Way  
Lot #70

## Chodkowski, Bryan

---

**From:** Roger Zambile <rogerzambile@email.com>  
**Sent:** Monday, March 28, 2022 5:43 PM  
**To:** Chodkowski, Bryan; Lyons, Ed; nnyrge@hhoh.org  
**Subject:** Opposition to Zoning Case 22-11

**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.

I oppose the rezoning for the New Development going in across from The Oaks on Bellefontaine Rd. This property is mostly bordered by single family residences on at least 3 acres of land, which would have a maximum density of 0.33. The Oaks is across the street, adjacent to the property and our density is 2.05. This project does not comply with the City's Comprehensive Plan which calls for single-family DETACHED homes on medium to large lots. This project does not fit the aesthetics of our overall neighborhood and we believe it will adversely affect our property values.

Thank You  
Roger Zambile



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A COMBINED BASIC AND DETAILED DEVELOPMENT PLAN AND REZONING TO PLANNED RESIDENTIAL (PR) FOR 22.968 ACRES FOR THE PROPERTY LOCATED ON THE EAST SIDE OF BELLEFONTAINE ROAD AND SOUTH OF CHAMBERSBURG ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-03908-0126 ON THE MONTGOMERY COUNTY AUDITOR’S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE CBDP 22-11).

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 CBDP 22-11 and on March 29, 2022, recommended approval by a vote of 5-0 of the Combined Basic and Detailed Development Plan and Rezoning to Planned Residential (PR); 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 Combined Basic and Detailed Development Plan and Rezoning to Planned Residential (PR) (Zoning Case CBDP 22-11) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. Single-story dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
2. Multi-story dwellings shall average 50 percent of the surface area of the front facade finished with brick or stone masonry products, not including the garage opening;
3. The applicant will comply with all stormwater requirements, per the City Engineer; and,
4. The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8361

**New Business    O.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC BDP 22-12 - Horizon Line Development - Rezoning/Basic Development Plan - 7125 Executive Boulevard

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** Passed to  
a Second  
Reading

---

**Agenda Item Description or Legislation Title**

An Ordinance To Approve A Basic Development Plan And Rezoning To Planned Mixed Use (PM) For The Property Located At 7125 Executive Boulevard And Further Identified As Parcel Number P70-03910-0005 On The Montgomery County Auditor's Map And Accepting The Recommendation Of The Planning Commission (Zoning Case BDP 22-12).  
(first reading)

**Purpose and Background**

The applicant, Horizon Line Development, is requesting approval of a Basic Development Plan and a Rezoning to Planned Mixed (PM).

---

**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:**

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**Attachments**

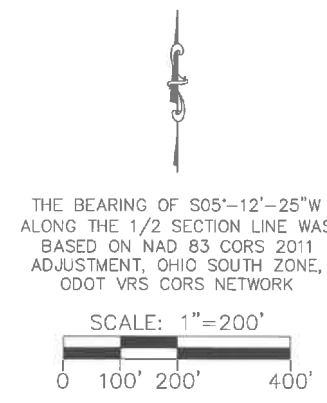
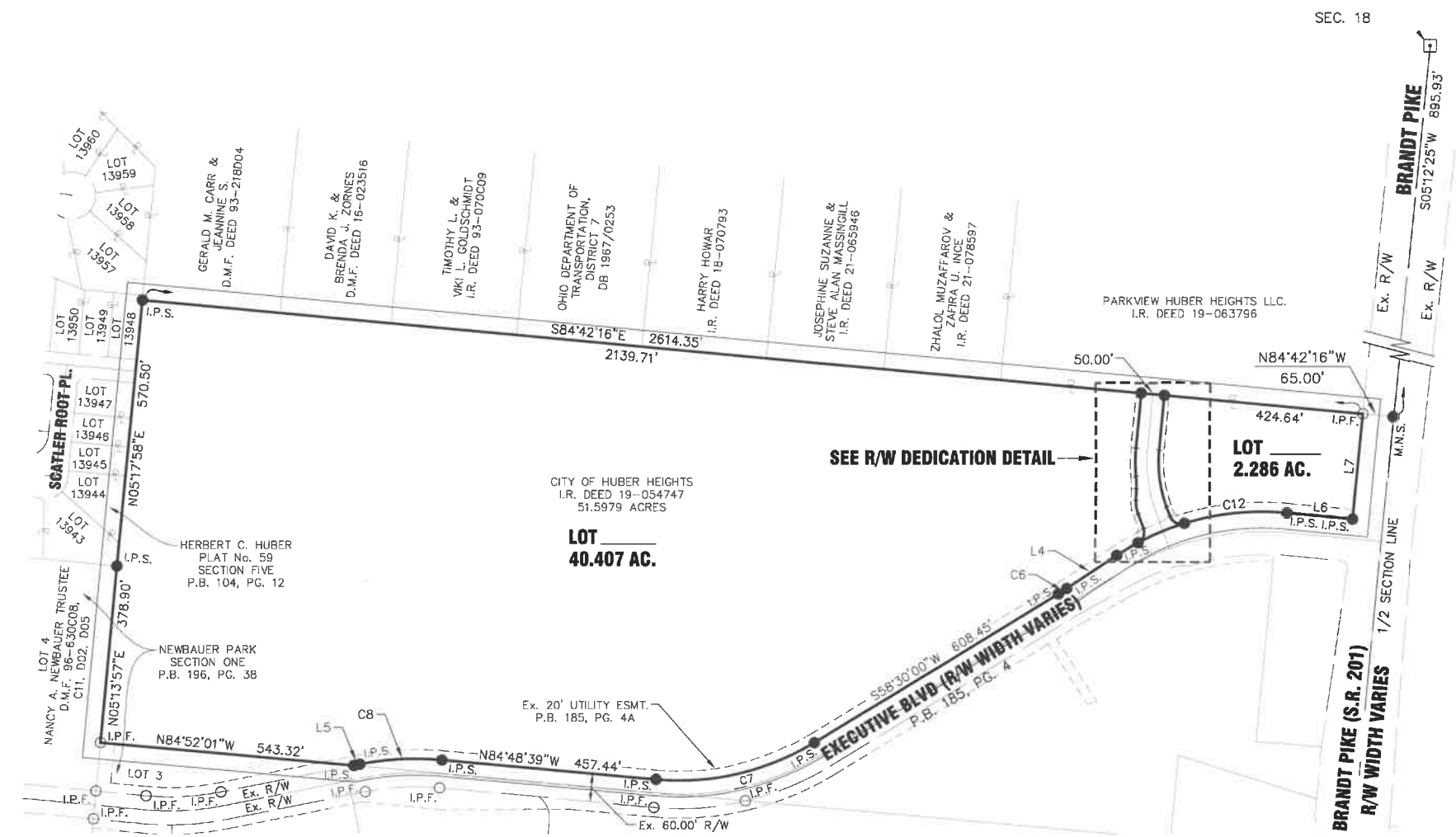
Drawings  
Elevations  
Fire Assessment  
Staff Report  
Decision Record  
Minutes  
Ordinance  
Exhibit A  
Exhibit B  
Exhibit C



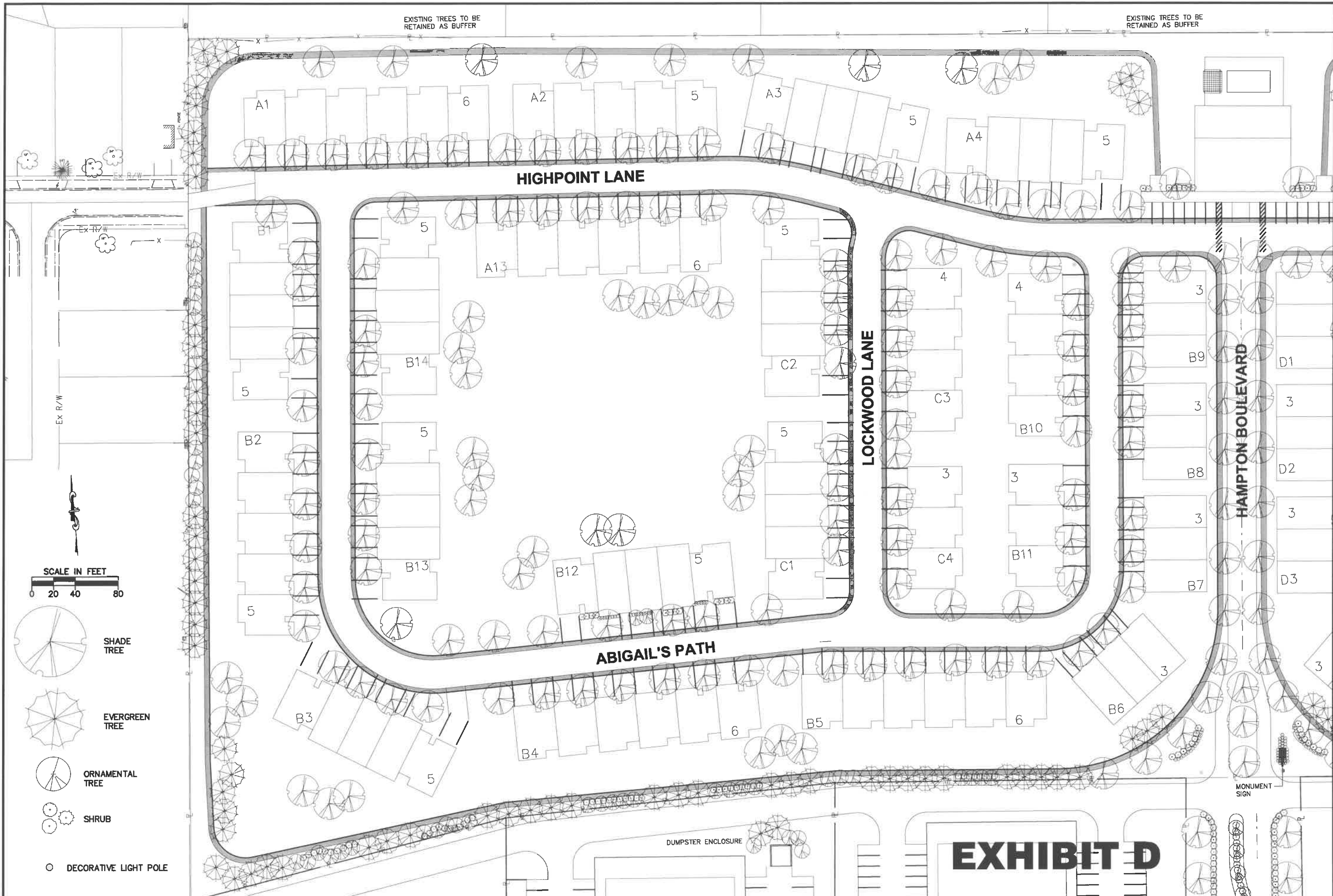


# EXHIBIT B

## PUD-PM HAMPTONS AT HUBER HEIGHTS







ChoiceOne  
Engineering

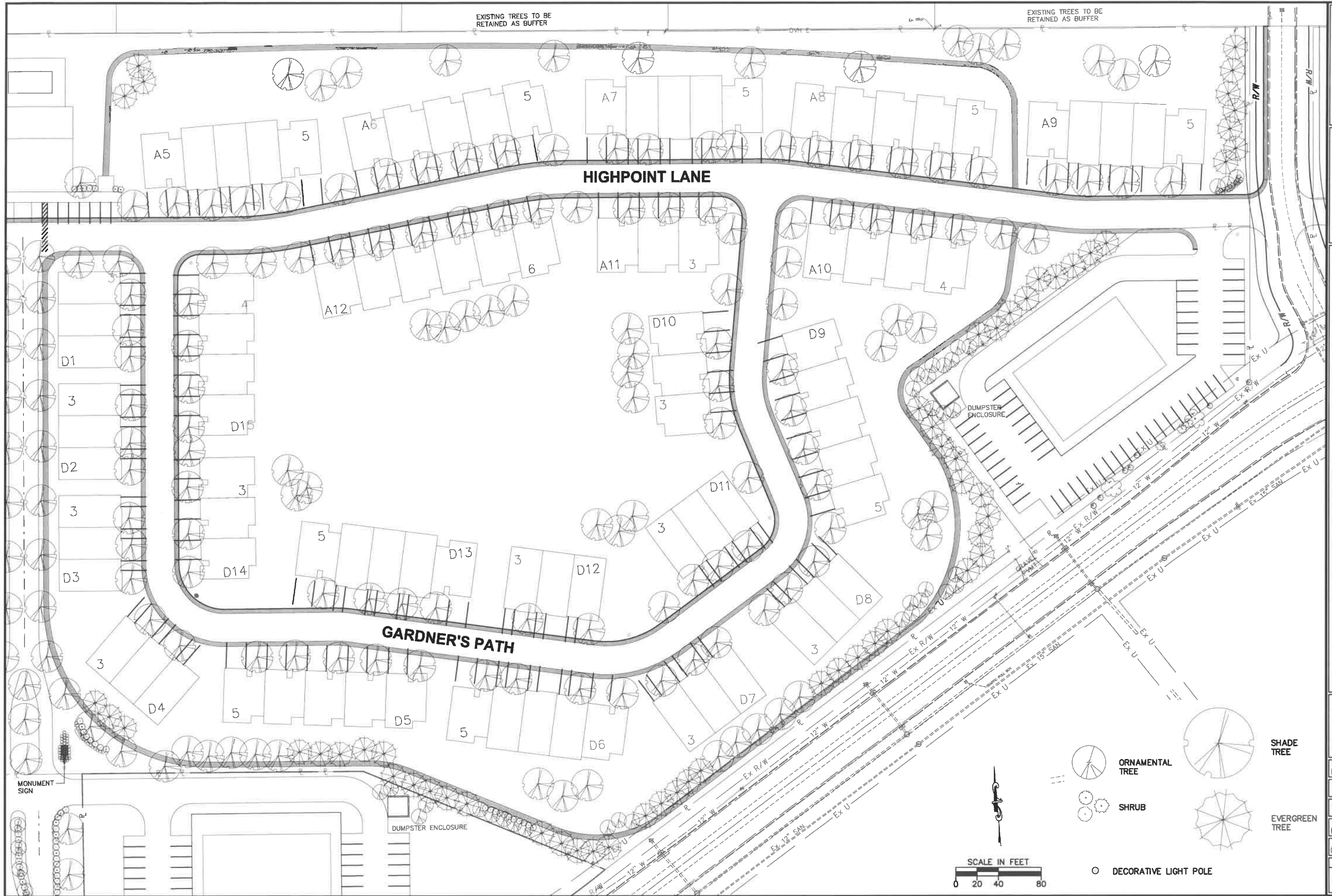
SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
WWW.CHOICEONEENGINEERING.COM

**EXECUTIVE BOULEVARD-PRIDE ONE**  
**CITY OF HUBER HEIGHTS**  
**LANDSCAPE WEST**

REVISIONS:

FILE NAME	LANDSCAPE WEST
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2015
DATE	02-09-2022
SHEET NUMBER	5 OF 8

**EXHIBIT D**





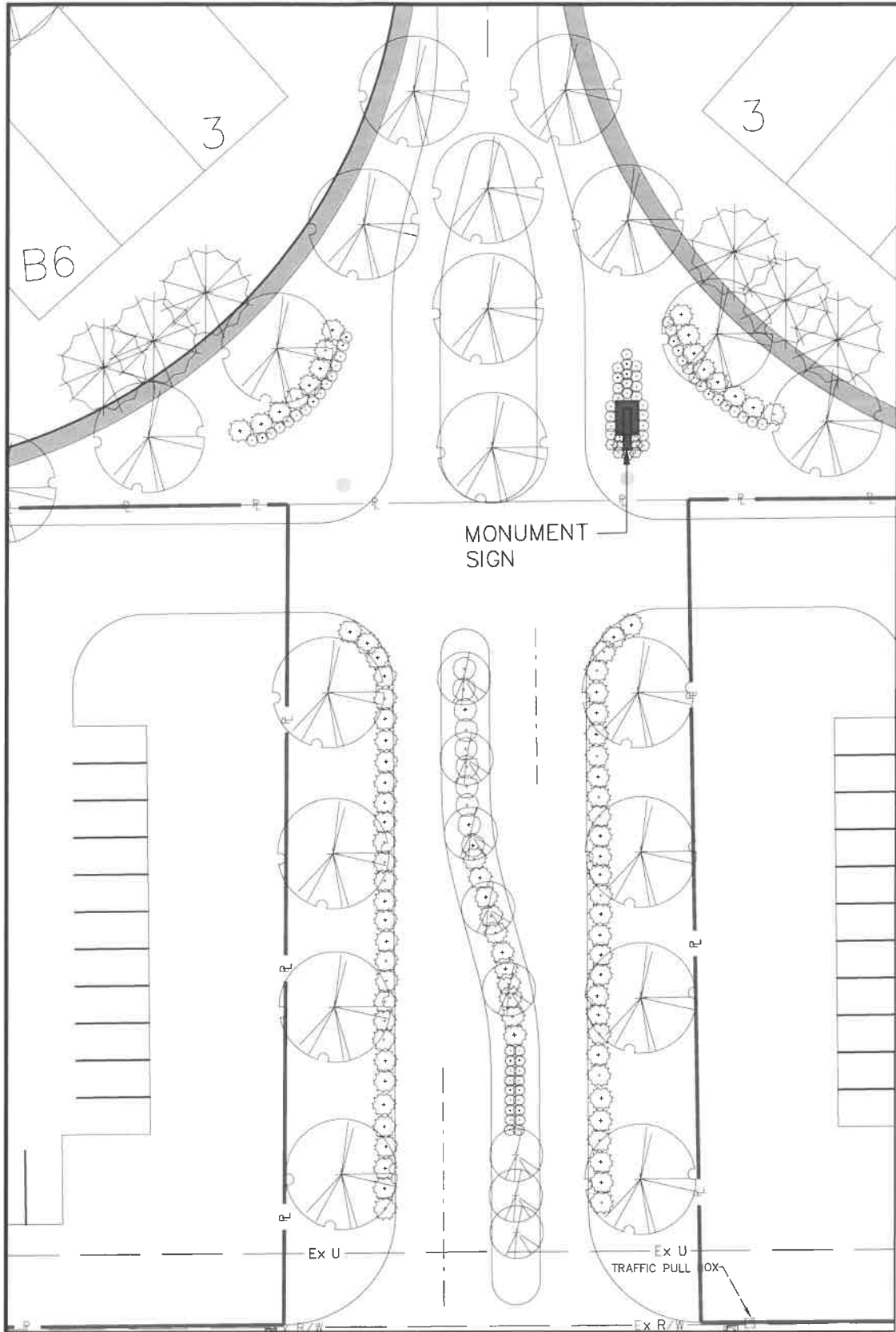
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LOVELAND, OHIO 513-339-8554  
WWW.CHOICEONEENGINEERING.COM






**EXECUTIVE BOULEVARD-PRIDE ONE**  
**CITY OF HUBER HEIGHTS**  
**LANDSCAPE EAST**

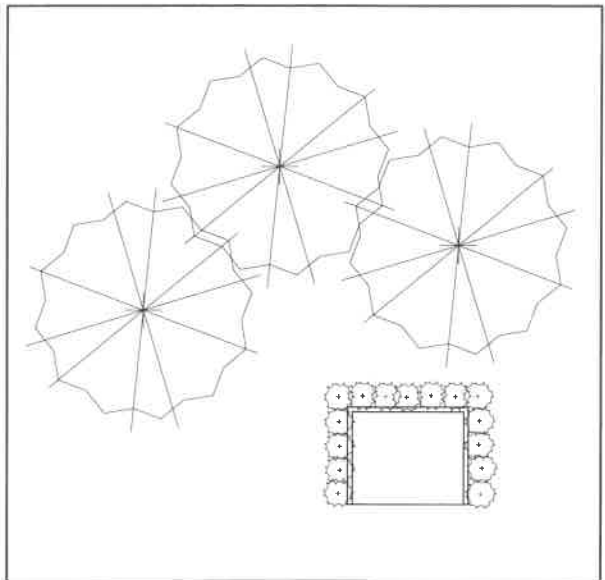
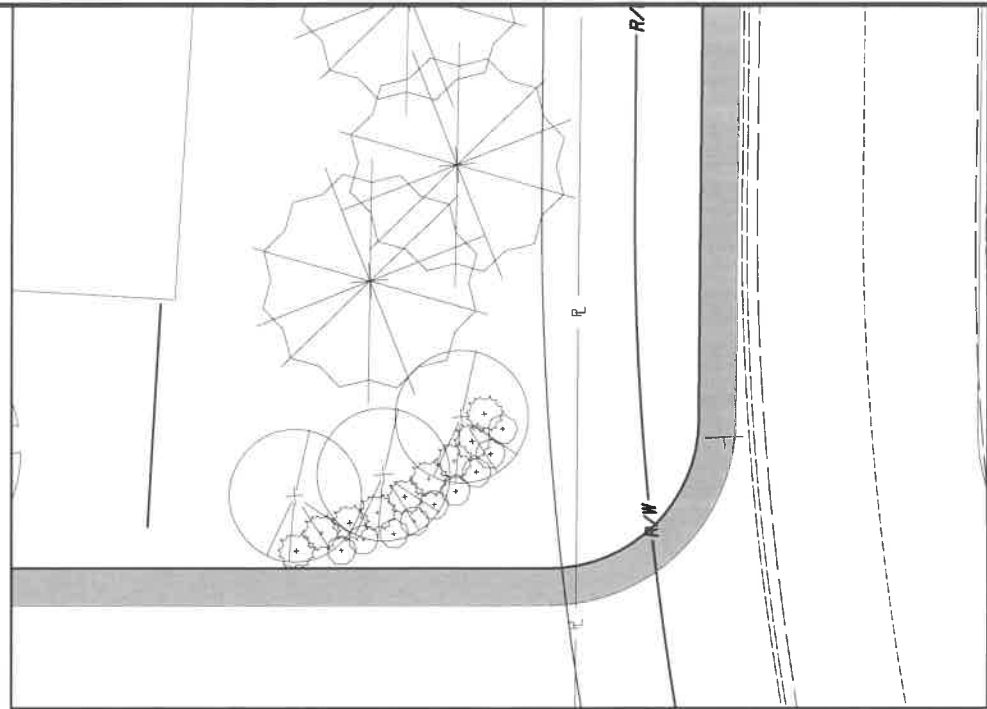
REVISIONS:

FILE NAME	LANDSCAPE EAST
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2015
DATE	02-09-2022
SHEET NUMBER	6 OF 8

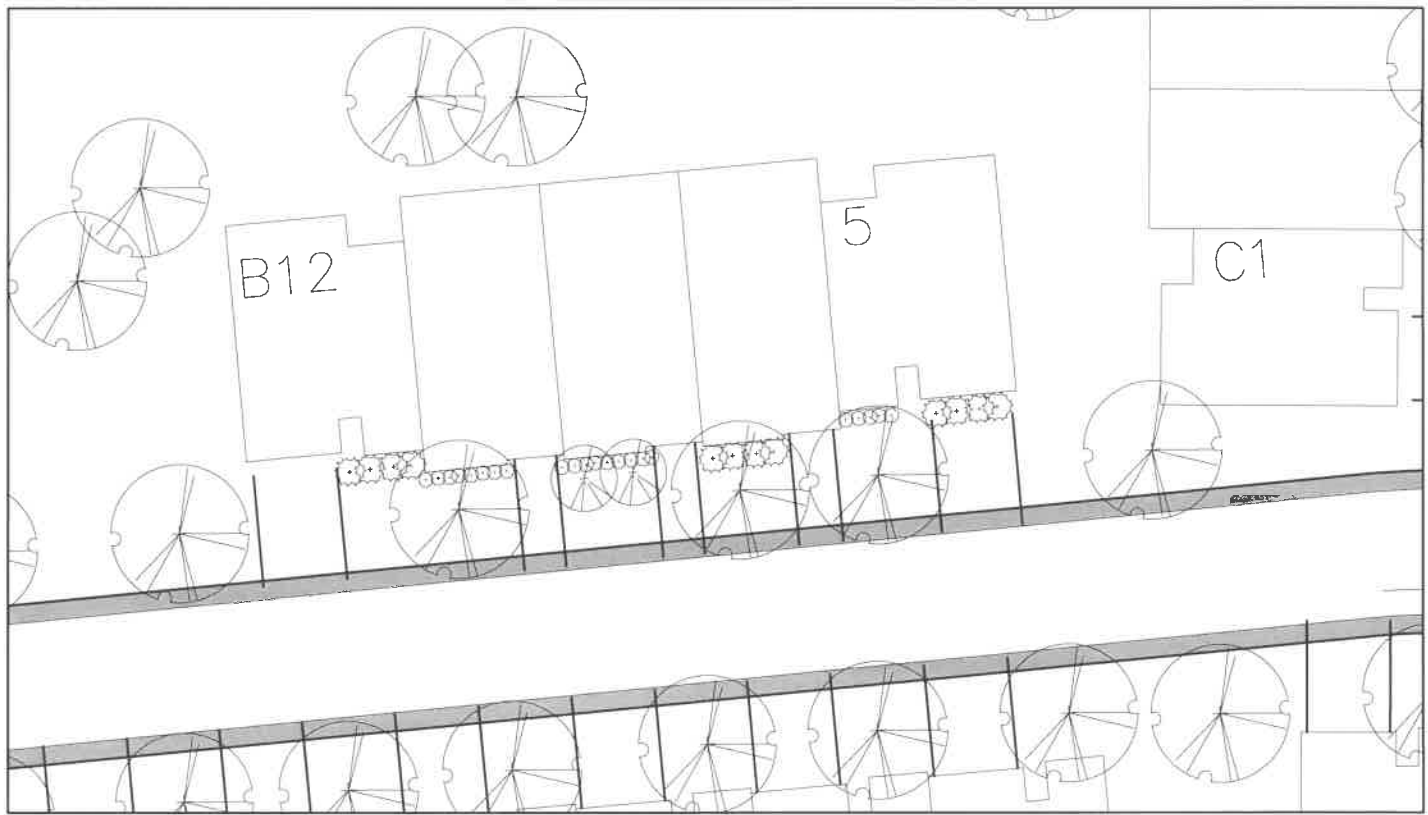




-  ORNAMENTAL TREE
-  SHRUB
-  SHADE TREE
-  EVERGREEN TREE
-  DECORATIVE LIGHT POLE

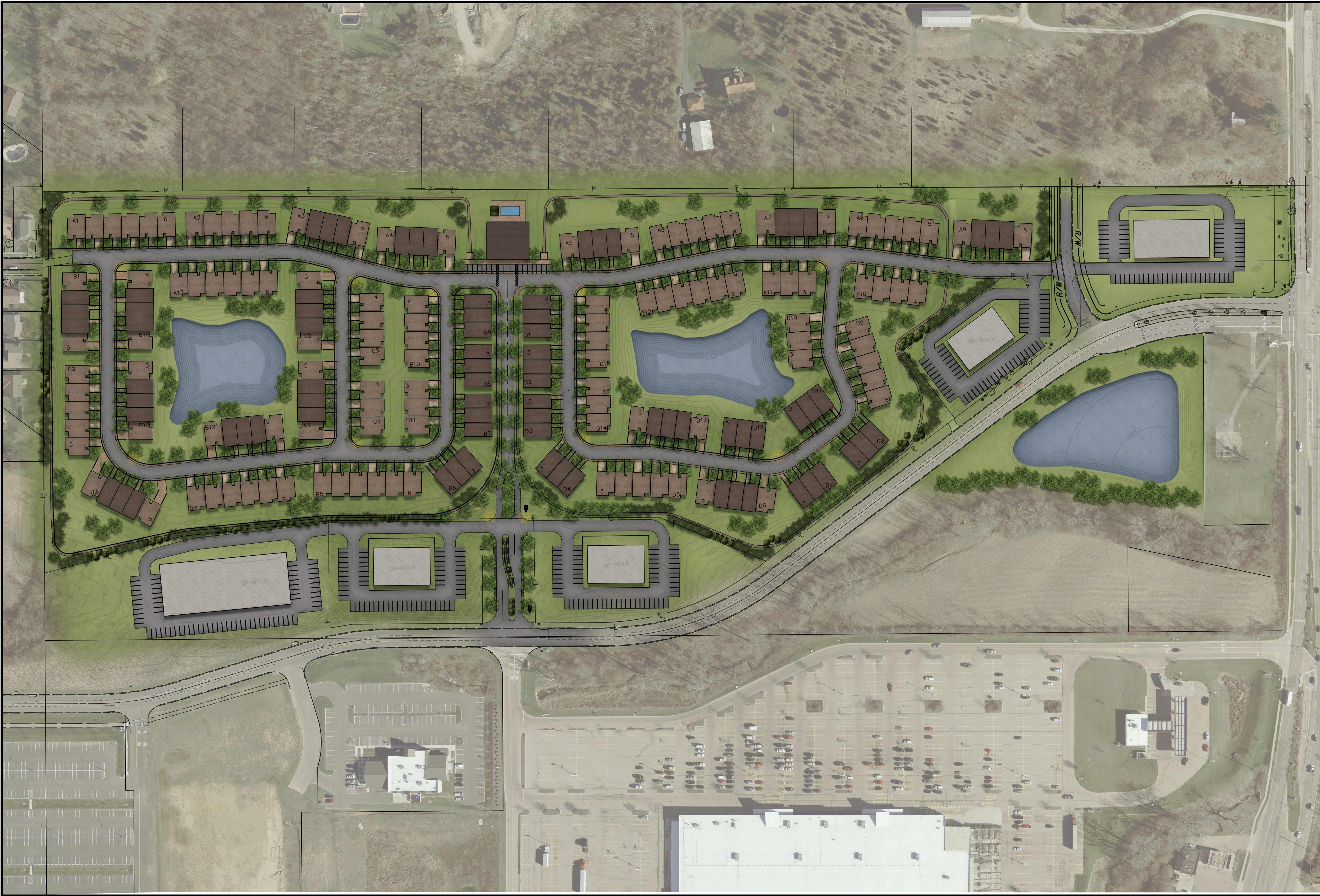



TYPICAL DUMPSTER  
LANDSCAPE SCREENING



TYPICAL BUILDING LANDSCAPE







SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
www.CHOICEONEENGINEERING.com

**EXECUTIVE BOULEVARD-PRIDE ONE**  
**CITY OF HUBER HEIGHTS**  
**SCHEMATIC PLAN RENDERING**

REVISIONS:

FILE NAME  
RENDERING

DRAWN BY  
KMM

CHECKED BY  
MLS

PROJECT No.  
MOT-HHE-2015

DATE  
02-09-2022

SHEET NUMBER  
1 OF 1



























GENERAL NOTES - ELEVATIONS

1. VERIFY ALL DIMENSIONED CONDITIONS IN THE FIELD. WHEN DIMENSIONS AND/OR CONDITIONS AS INDICATED ON THE DRAWINGS CONFLICT WITH ACTUAL, CONTACT THE ARCHITECT FOR CLARIFICATION.
2. COORDINATE ALL EXTERIOR FINISH MATERIALS, STYLES, AND COLORS WITH OWNER.
3. REFER TO STRUCTURAL DETAILS FOR TYPICAL EXPANSION AND CONTROL JOINT CONSTRUCTION.

SYMBOL LEGEND

- TYPICAL SECTION AND DETAIL FLAGS:  
REFERS TO SECTION OR ELEVATION NUMBER  
REFERS TO DRAWING SHEET NUMBER
- 101-1 INDICATES DOOR TYPE - REFER TO SHEET A6.1 FOR DOOR SCHEDULE & DOOR/FRAME MATERIALS & ELEVATIONS
- (A) INDICATES WINDOW TYPE, REFER TO SHEET A6.3 FOR WINDOW ELEVATIONS
- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

FLAG NOTES - EXTERIOR ELEVATIONS

- 1 APPROXIMATE FINISHED GRADE, SEE CIVIL DRAWINGS
- 2 PREFINISHED ALUMINUM GUTTER; K-STYLE, TYP. SLOPE 1/16" PER 12" MINIMUM TO DOWNSPOUTS.
- 3 3x4 PREFINISHED ALUMINUM HEAVY-DUTY COMMERCIAL GRADE DOWNSPOUT.
- 4 TYPICAL FASCIA TRIM - ALUM CLAD 2x6 WITH ALUM DRIP EDGE, TYP UNO.
- 5 ARCHITECTURAL FIBERGLASS SHINGLE ROOF PER ASSEMBLY AND SPECS.
- 6 VINYL TRIM BAND, SIZE AS INDICATED.
- 7 FIBER CEMENT PANEL (PRE-ROCK AT ELECTRICAL GEAR); LOCATE JOINTS BEHIND BRACKETS AND/OR TRIM AND FLASH ALL HORIZONTAL JOINTS IN PANEL SIDING PER MFR. TEXTURE TO BE APPROVED BY OWNER. GC TO COORDINATE LOCATIONS IN FIELD PRIOR TO ROUGH-IN.
- 9 CONTINUOUS RIDGE VENT TO MATCH ROOF SHINGLES, TYP.
- 10 WINDOW PER SCHEDULE, TYP. SEE PLANS. PROVIDE 4" NOMINAL TRIM AROUND ALL FRONT AND HIGH PROFILE (HP) LOCATIONS.
- 11 DOOR PER SCHEDULE, TYP. SEE PLANS.
- 12 DECORATIVE LIGHT FIXTURE, TYP. REFER TO ELECTRICAL DRAWINGS.
- 13 PREMIUM VINYL DUTCH LAP SIDING - 5" EXPOSURE. COORDINATE FINAL COLOR(S) WITH OWNER.
- 14 VINYL BOARD ON BATTEN: 2" BATTEN AT 12" O.C., COLOR(S) BY OWNER.
- 15 PREMIUM VINYL SHAKE SIDING. COORDINATE FINAL STYLE & COLOR(S) WITH OWNER.
- 16 MANUFACTURED STONE VENEER, REFER TO DETAILS FOR MORE INFORMATION. COORDINATE FINAL COLOR, SIZE, AND STYLE WITH OWNER.
- 17 NO OPENINGS OR PENETRATIONS WITHIN MIN. 4'-0" OF EITHER SIDE OF 2-HOUR FIRE RATED WALL, TYP.
- 18 4" NOMINAL VINYL CORNER TRIM, COLOR(S) BY OWNER.
- 20 OVERHEAD DOOR, COLOR BY OWNER. REFER TO SCHEDULE.
- 21 A/C UNIT, TYP. REFER TO PLANS AND MECHANICAL DRAWINGS.
- 23 DECORATIVE COLUMN OVER WOOD POST/COLUMN, COLOR AND STYLE BY OWNER.
- 24 STANDING SEAM METAL ROOF ACCENT, COLOR AND STYLE BY OWNER.
- 25 DECORATIVE VENT AND BRACKETS, COLOR AND STYLE BY OWNER.

PRELIMINARY

NOTE!!!  
THIS DRAWING IS NOT  
FOR CONSTRUCTION

REVISIONS

phone 330.666.5770  
fax 330.666.8812  
3660 Embassy Parkway  
Fairlawn, OH 44333  
mpg-architects.com

MPG  
MANN • PARSONS • GRAY  
ARCHITECTS

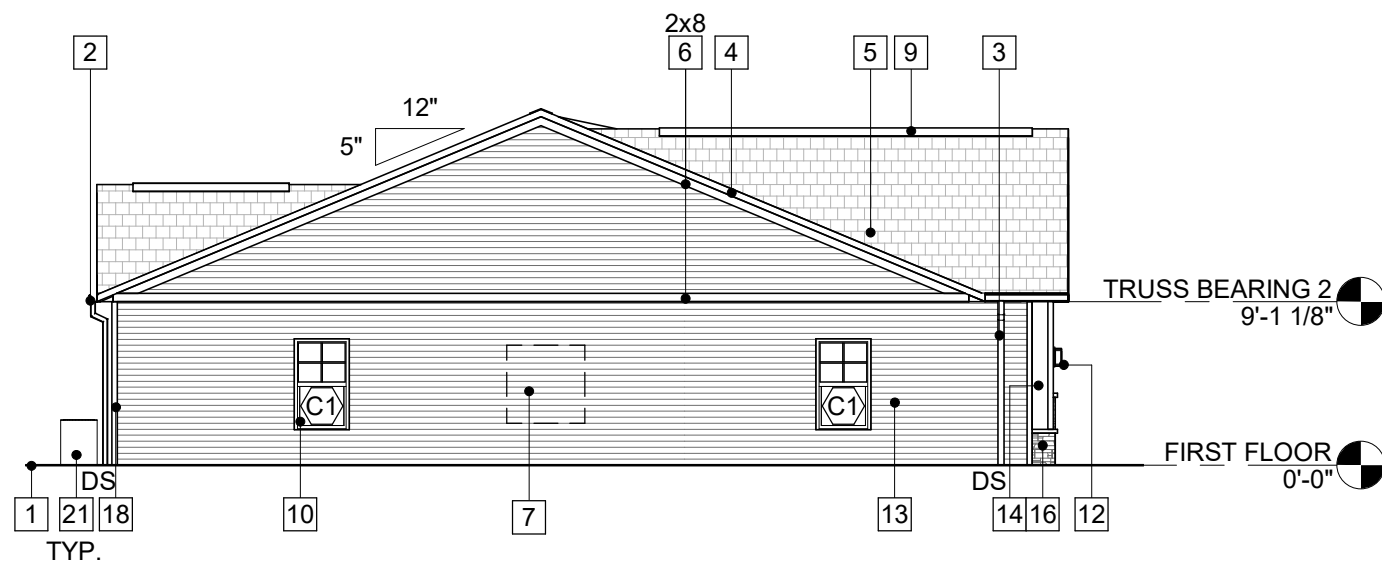
EXTERIOR ELEVATIONS - BUILDINGS A1, A13, B4, & B5

PROJECT #: 1322 DATE: MARCH 2, 2022

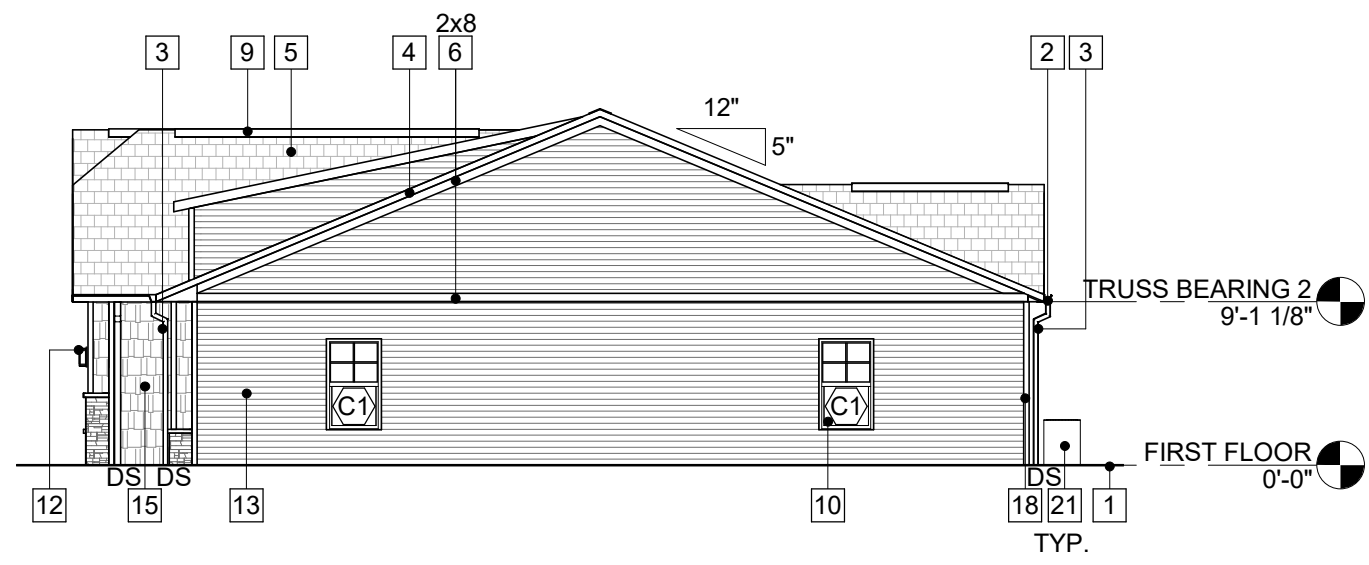
THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

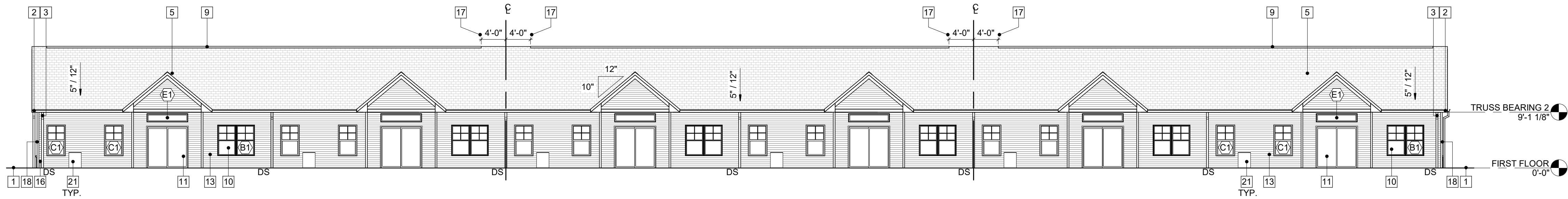
A2.01



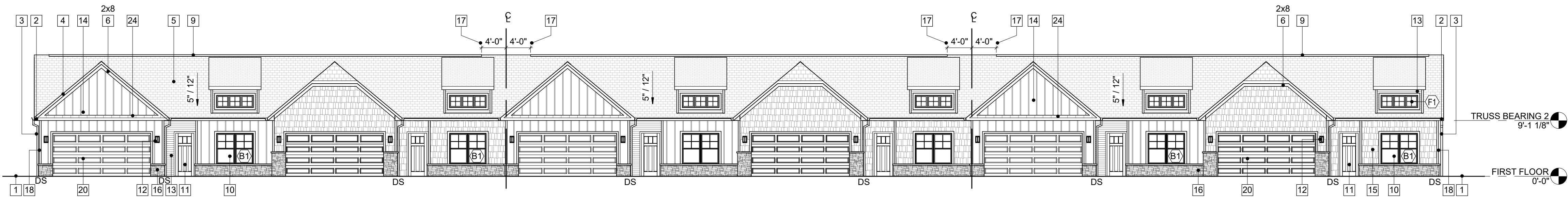
4 ELEVATION BUILDINGS 'A1', 'A13', 'B4', & 'B5' - LEFT  
3/32" = 1'-0"



3 ELEVATION BUILDINGS 'A1', 'A13', 'B4', & 'B5' - RIGHT  
3/32" = 1'-0"



2 ELEVATION BUILDINGS 'A1', 'A13', 'B4', & 'B5' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDINGS 'A1', 'A13', 'B4', & 'B5' - FRONT  
3/32" = 1'-0"



GENERAL NOTES - ELEVATIONS

1. VERIFY ALL DIMENSIONED CONDITIONS IN THE FIELD. WHEN DIMENSIONS AND/OR CONDITIONS AS INDICATED ON THE DRAWINGS CONFLICT WITH ACTUAL, CONTACT THE ARCHITECT FOR CLARIFICATION.
2. COORDINATE ALL EXTERIOR FINISH MATERIALS, STYLES, AND COLORS WITH OWNER.
3. REFER TO STRUCTURAL DETAILS FOR TYPICAL EXPANSION AND CONTROL JOINT CONSTRUCTION.

SYMBOL LEGEND

- TYPICAL SECTION AND DETAIL FLAGS:  
REFERS TO SECTION OR ELEVATION NUMBER  
REFERS TO DRAWING SHEET NUMBER
- 101-1 INDICATES DOOR TYPE - REFER TO SHEET A6.1 FOR DOOR SCHEDULE & DOOR/FRAME MATERIALS & ELEVATIONS
- A INDICATES WINDOW TYPE, REFER TO SHEET A6.3 FOR WINDOW ELEVATIONS
- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

FLAG NOTES - EXTERIOR ELEVATIONS

- 1 APPROXIMATE FINISHED GRADE, SEE CIVIL DRAWINGS
- 2 PREFINISHED ALUMINUM GUTTER; K-STYLE, TYP. SLOPE 1/16" PER 12" MINIMUM TO DOWNSPOUTS.
- 3 3x4 PREFINISHED ALUMINUM HEAVY-DUTY COMMERCIAL GRADE DOWNSPOUT.
- 4 TYPICAL FASCIA TRIM - ALUM CLAD 2x6 WITH ALUM DRIP EDGE, TYP UNO.
- 5 ARCHITECTURAL FIBERGLASS SHINGLE ROOF PER ASSEMBLY AND SPECS.
- 6 VINYL TRIM BAND, SIZE AS INDICATED.
- 7 FIBER CEMENT PANEL (PRE-ROCK AT ELECTRICAL GEAR); LOCATE JOINTS BEHIND BRACKETS AND/OR TRIM AND FLASH ALL HORIZONTAL JOINTS IN PANEL SIDING PER MFR. TEXTURE TO BE APPROVED BY OWNER. GC TO COORDINATE LOCATIONS IN FIELD PRIOR TO ROUGH-IN.
- 9 CONTINUOUS RIDGE VENT TO MATCH ROOF SHINGLES, TYP.
- 10 WINDOW PER SCHEDULE, TYP. SEE PLANS. PROVIDE 4" NOMINAL TRIM AROUND ALL FRONT AND HIGH PROFILE (HP) LOCATIONS.
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- 12 DECORATIVE LIGHT FIXTURE, TYP. REFER TO ELECTRICAL DRAWINGS.
- 13 PREMIUM VINYL DUTCH LAP SIDING - 5" EXPOSURE. COORDINATE FINAL COLOR(S) WITH OWNER.
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- 25 DECORATIVE VENT AND BRACKETS, COLOR AND STYLE BY OWNER.

PRELIMINARY

NOTE!!!  
THIS DRAWING IS NOT  
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REVISIONS

phone 330.666.5770  
fax 330.666.8812  
3660 Embassy Parkway  
Fairlawn, OH 44333  
MANN • PARSONS • GRAY  
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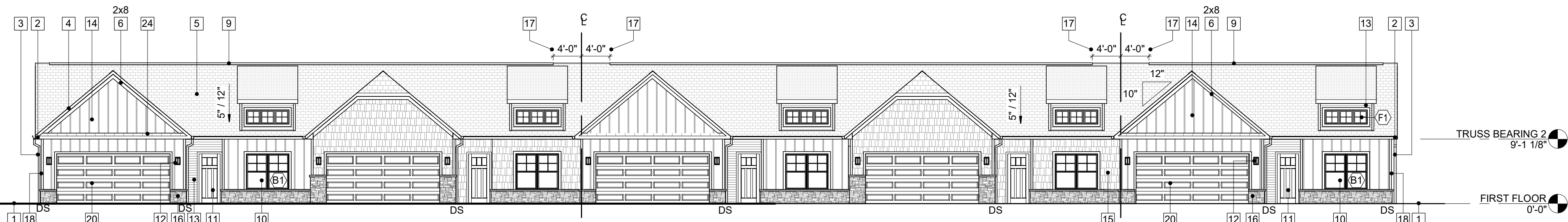
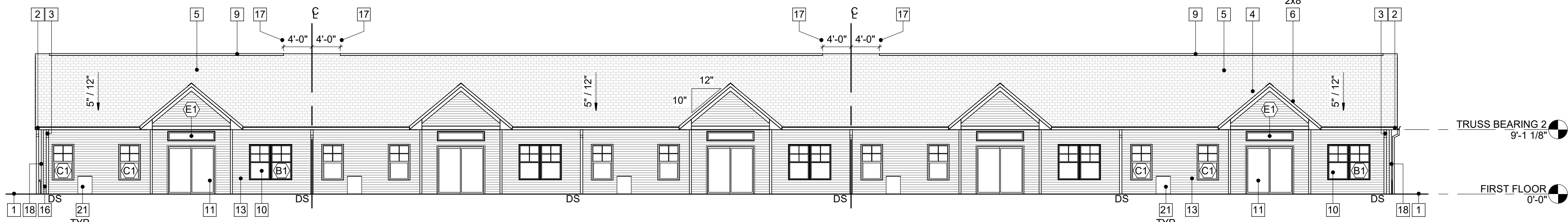
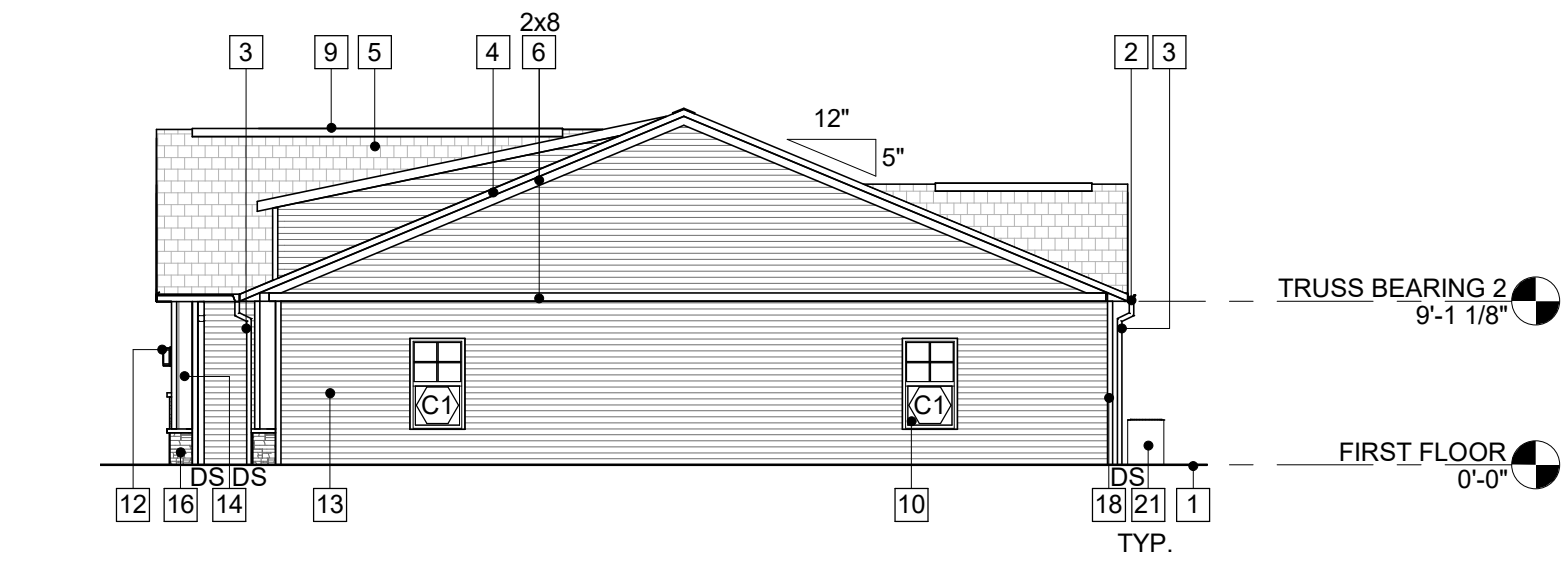
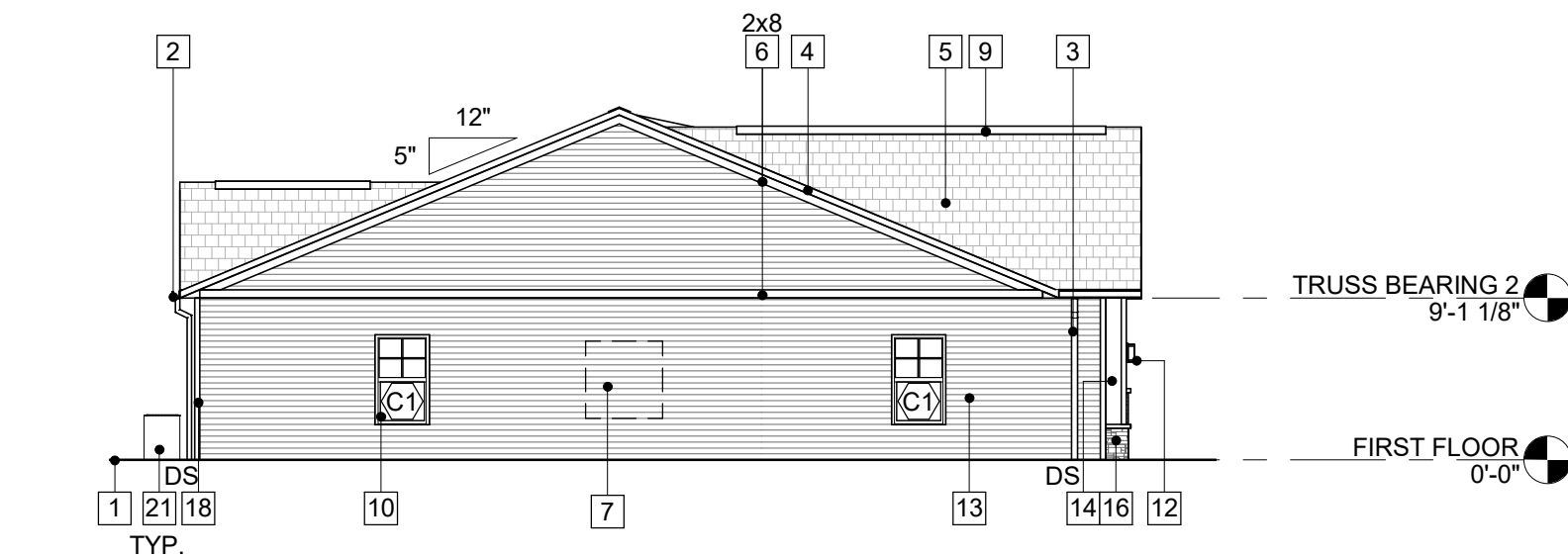
EXTERIOR ELEVATIONS - BUILDINGS A2, A6, A8, & B2

PROJECT #: 1322 DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS  
EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

A2.02

BUILDINGS 'D5' & 'D9' SIM.





GENERAL NOTES - ELEVATIONS

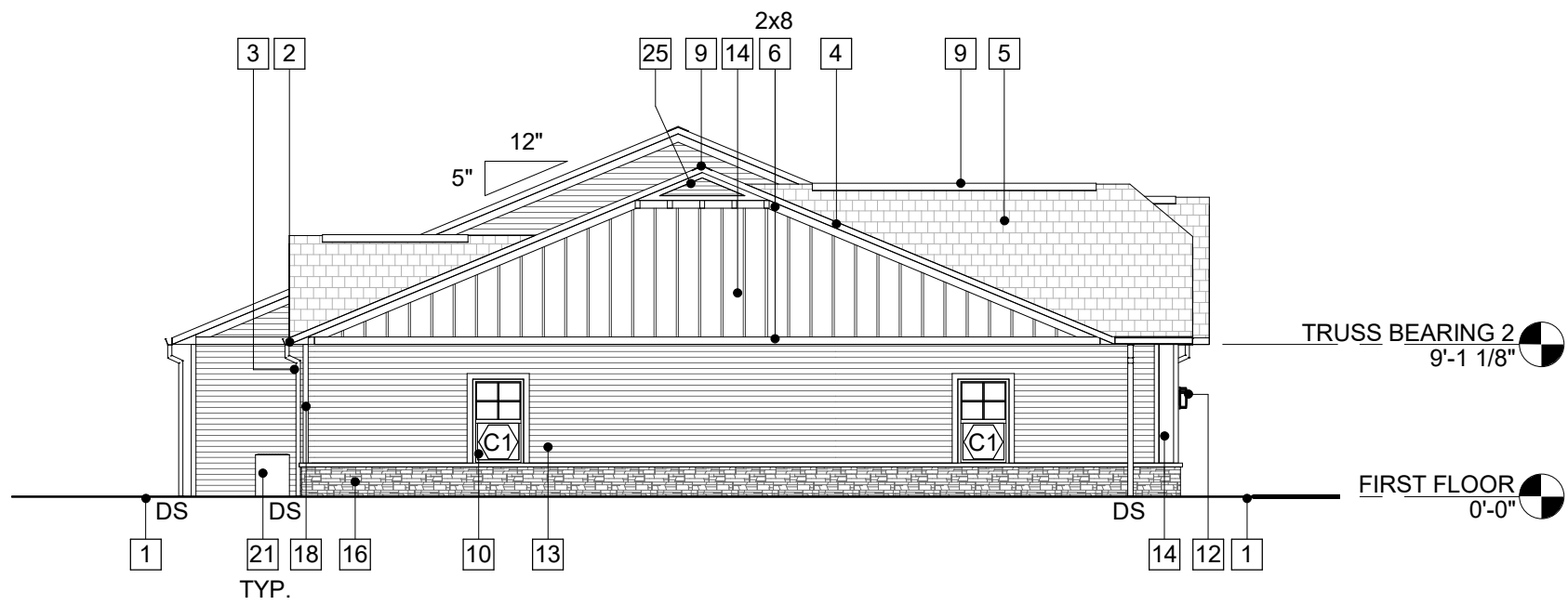
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3. REFER TO STRUCTURAL DETAILS FOR TYPICAL EXPANSION AND CONTROL JOINT CONSTRUCTION.

SYMBOL LEGEND

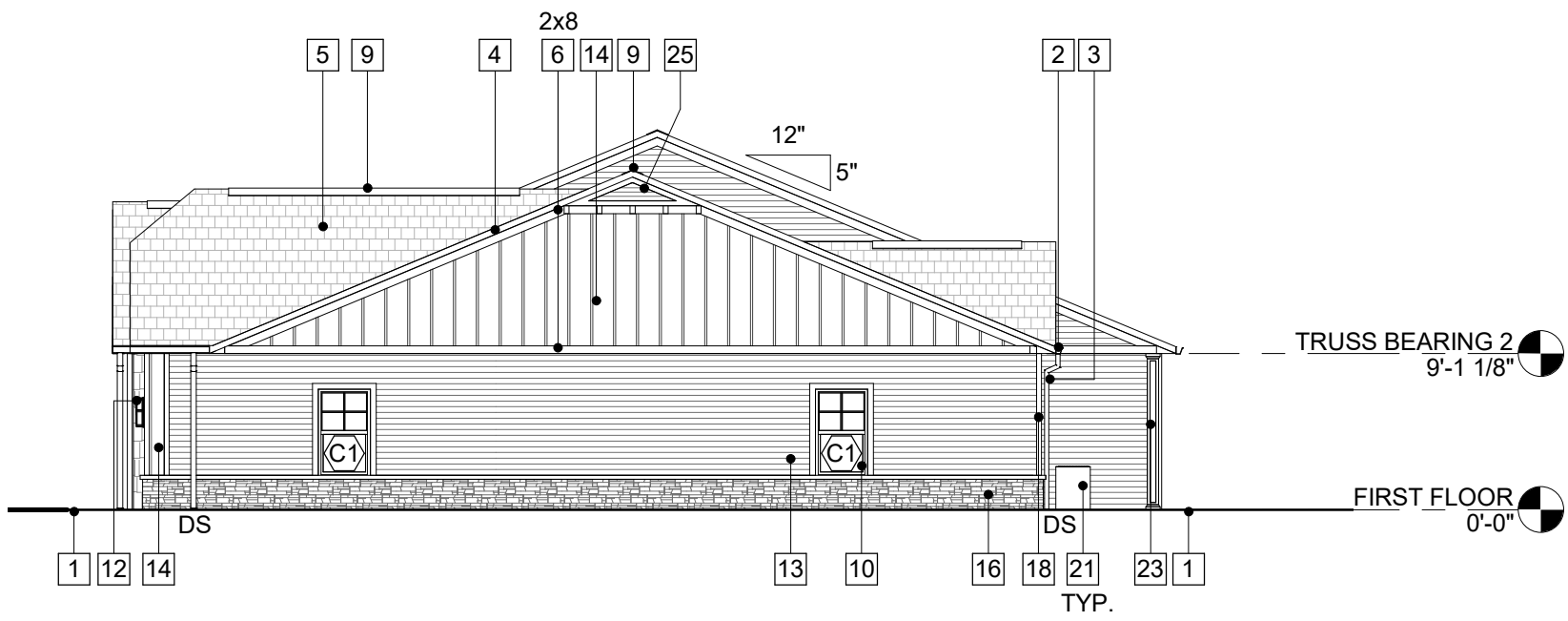
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- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

FLAG NOTES - EXTERIOR ELEVATIONS

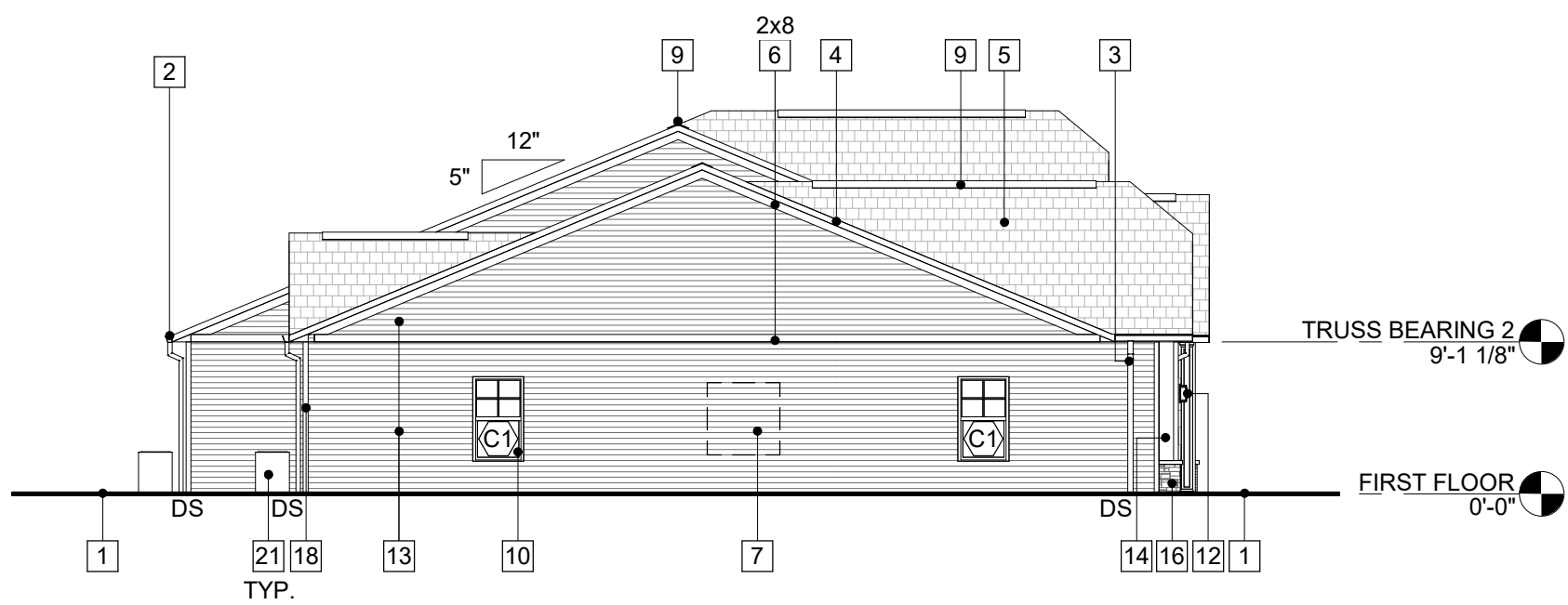
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24. STANDING SEAM METAL ROOF ACCENT, COLOR AND STYLE BY OWNER.
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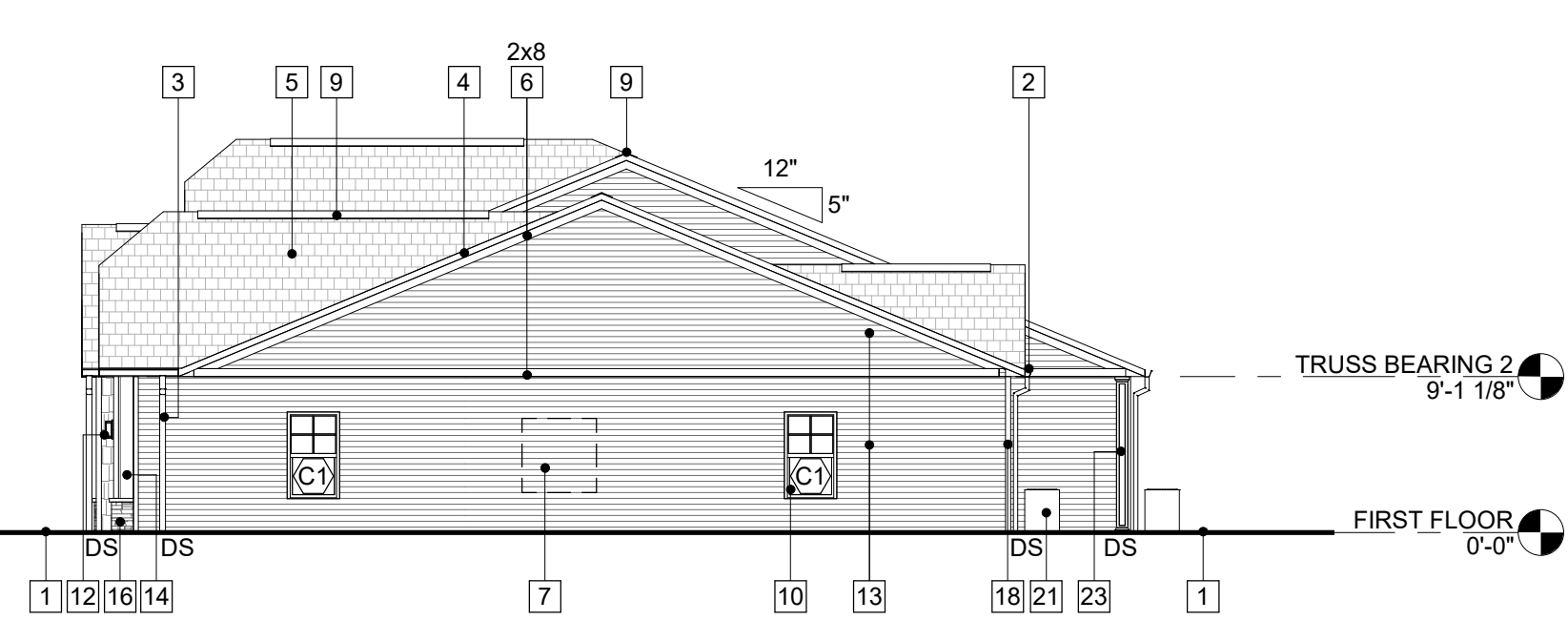
6 ELEVATION BUILDINGS 'C1' - LEFT - HP  
3/32" = 1'-0"



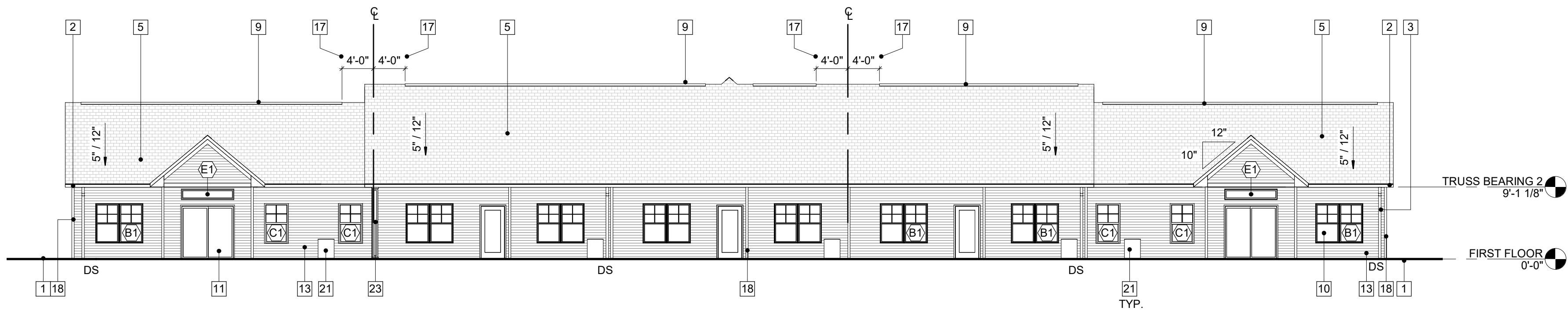
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3/32" = 1'-0"



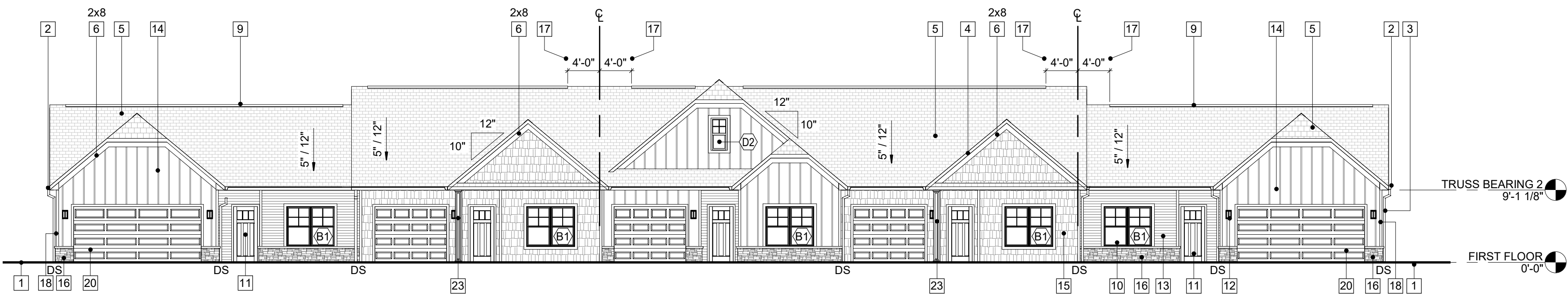
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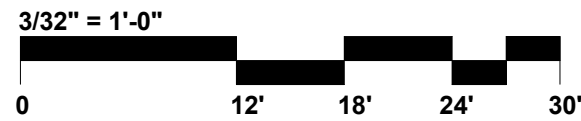
3 ELEVATION BUILDINGS 'A5', 'A7', 'B3', 'B12', & 'C1' - RIGHT  
3/32" = 1'-0"



2 ELEVATION BUILDINGS 'A5', 'A7', 'B3', 'B12', 'B13', & 'C1' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDINGS 'A5', 'A7', 'B3', 'B12', 'B13', & 'C1' - FRONT  
3/32" = 1'-0"



EXTERIOR ELEV. - BLDGS. A5, A7, B3, B12, B13, & C1  
PROJECT #: 1322  
DATE: MARCH 2, 2022  
THE HAMPTONS AT THE HEIGHTS  
EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424



GENERAL NOTES - ELEVATIONS

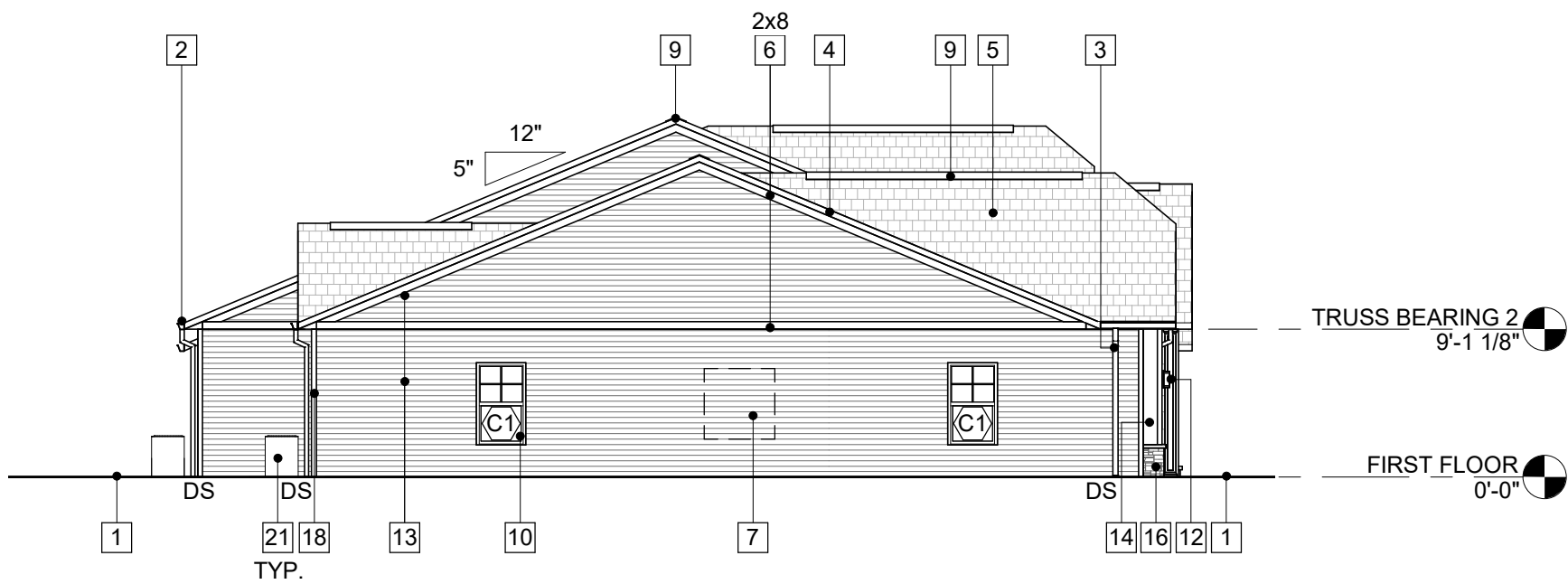
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SYMBOL LEGEND

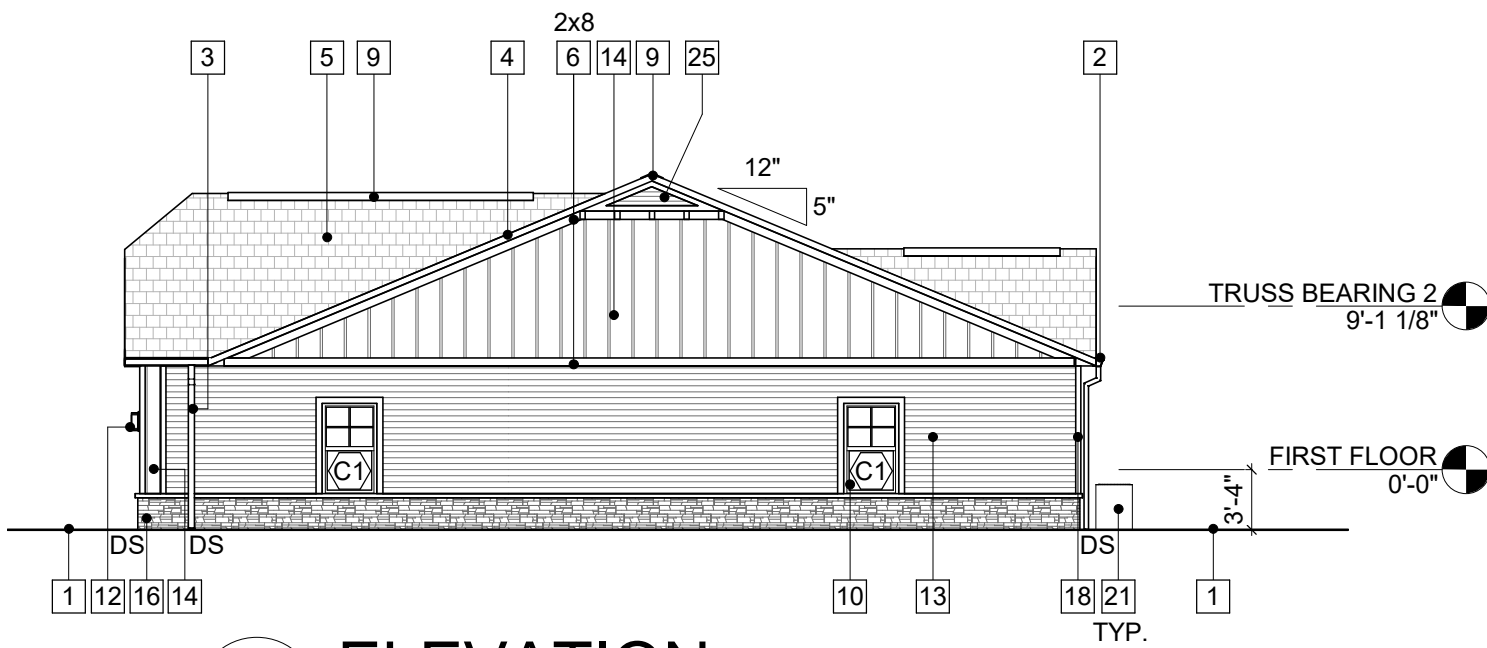
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FLAG NOTES - EXTERIOR ELEVATIONS

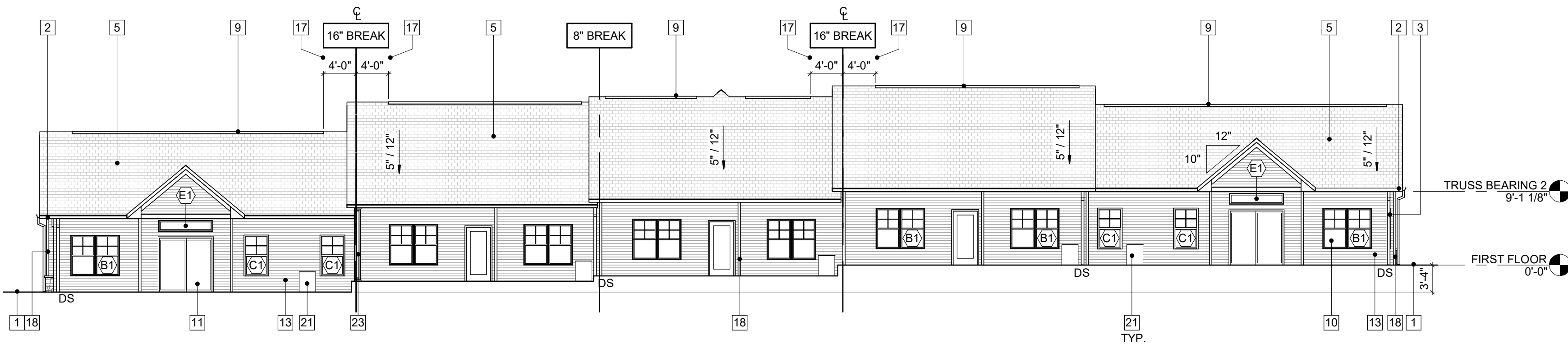
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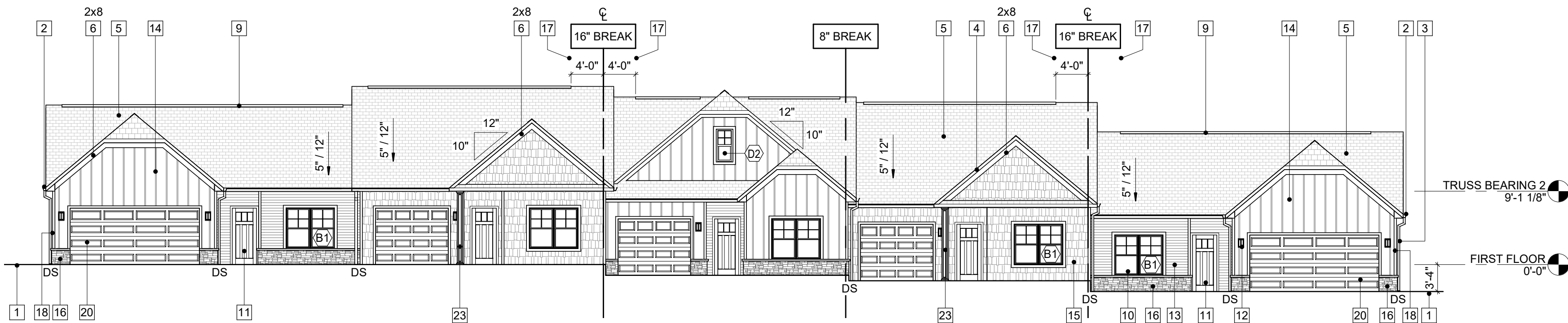
4 ELEVATION BUILDING 'A9' - LEFT  
3/32" = 1'-0"



3 ELEVATION BUILDING 'A9' - RIGHT  
3/32" = 1'-0"



2 ELEVATION BUILDING 'A9' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDING 'A9' - FRONT  
3/32" = 1'-0"



PRELIMINARY

NOTE!!!  
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REVISIONS

phone 330.666.5770  
fax 330.666.8812  
3660 Embassy Parkway  
Fairlawn, OH 44333  
mpg-architects.com

**MPG**  
MANN • PARSONS • GRAY  
ARCHITECTS

EXTERIOR ELEVATIONS - BUILDING A9

PROJECT #: 1322 DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS  
EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

A2.06



GENERAL NOTES - ELEVATIONS

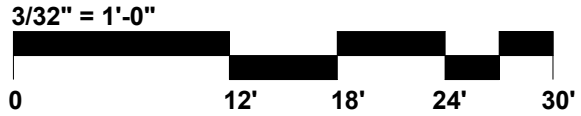
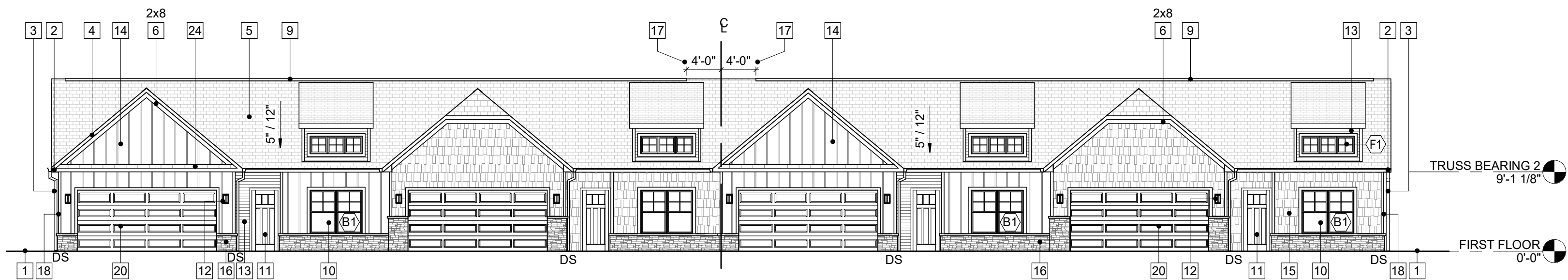
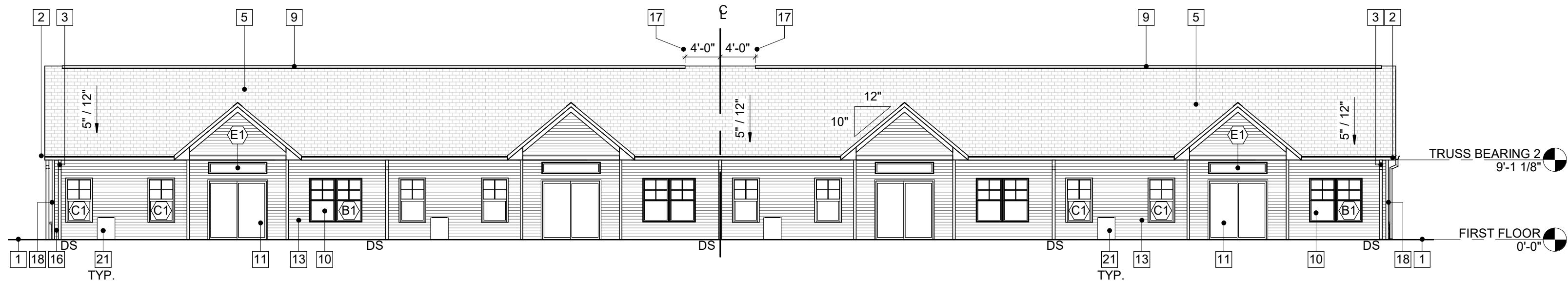
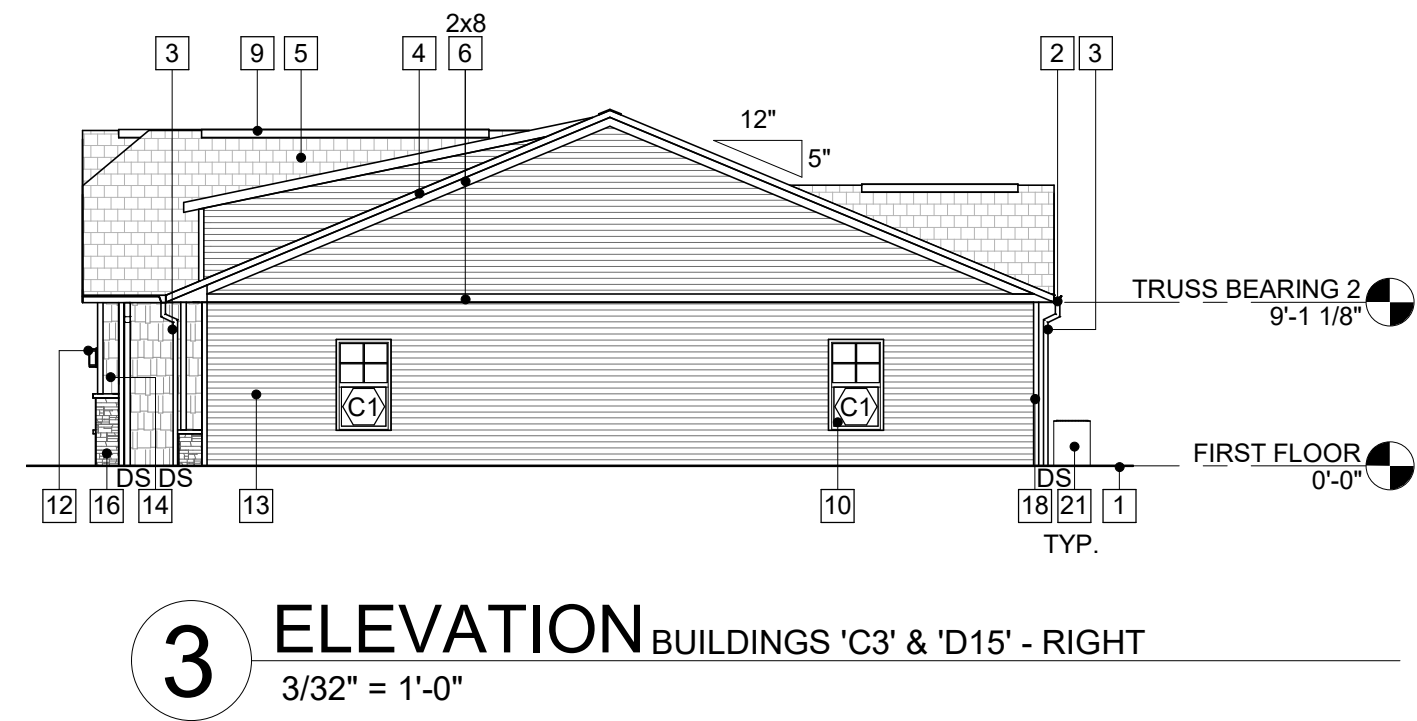
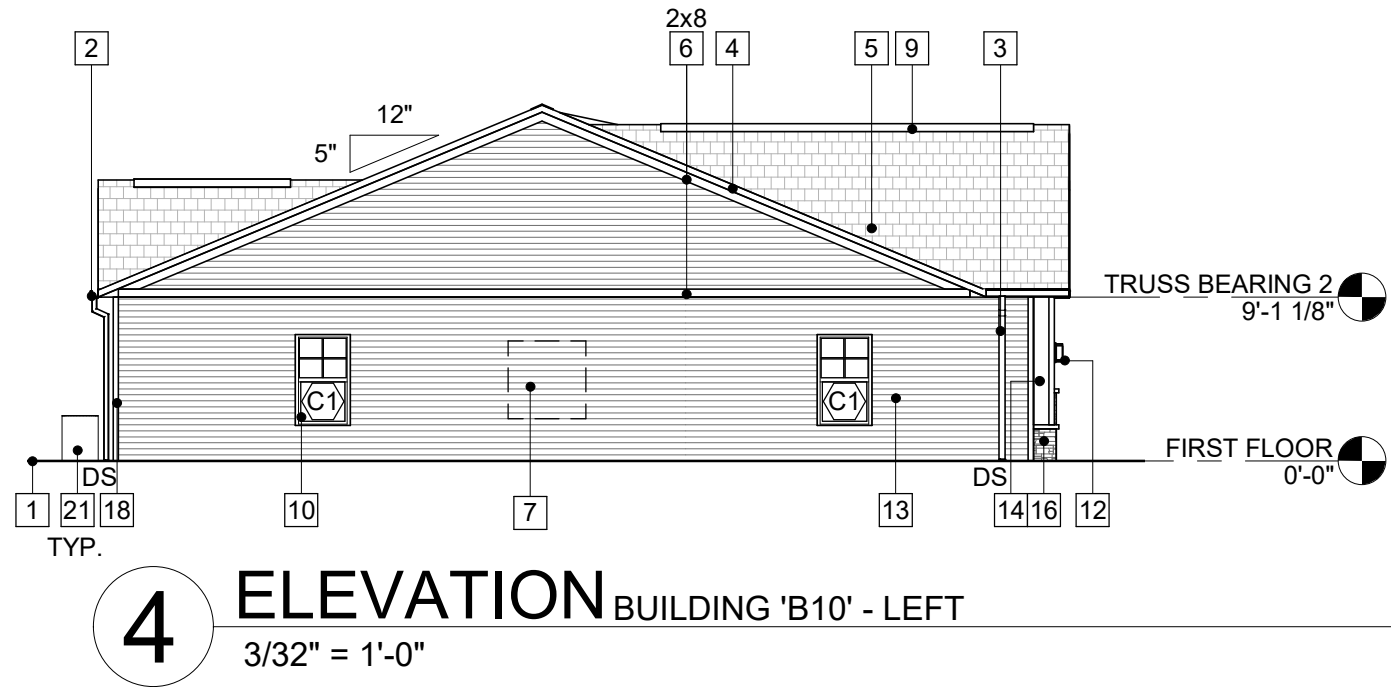
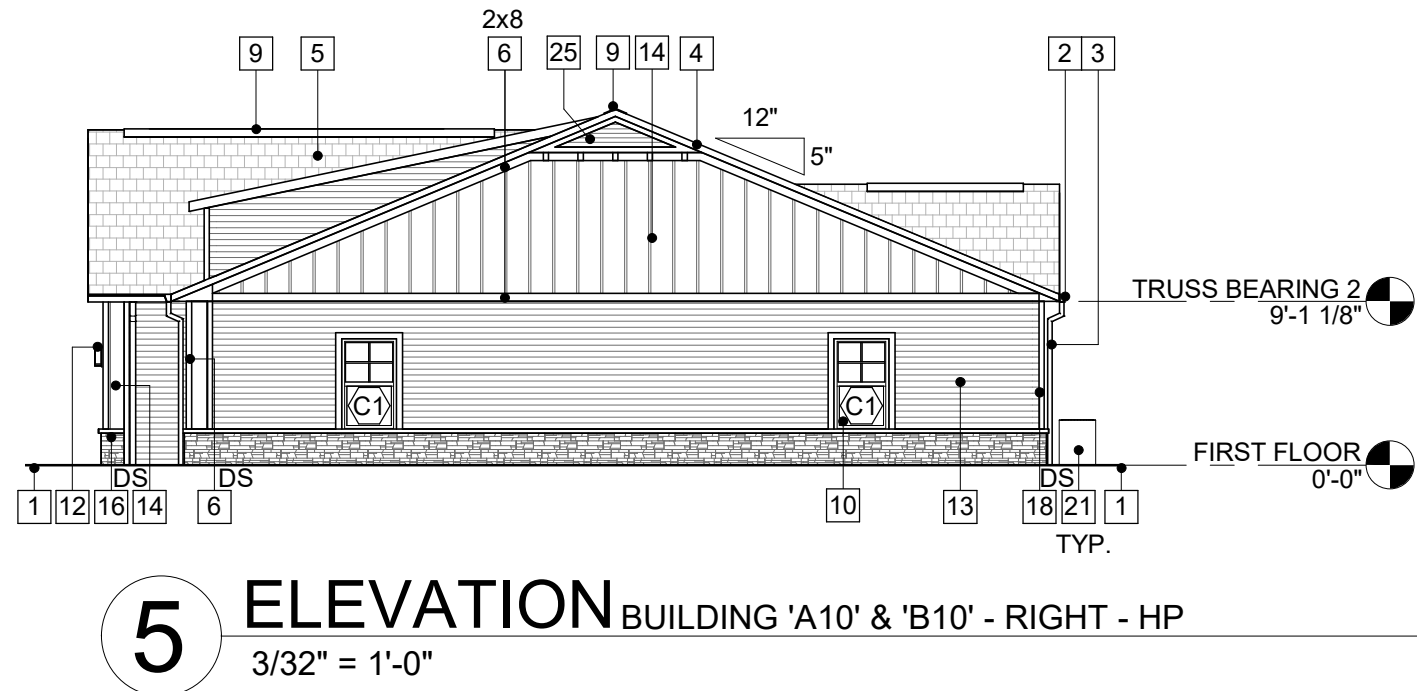
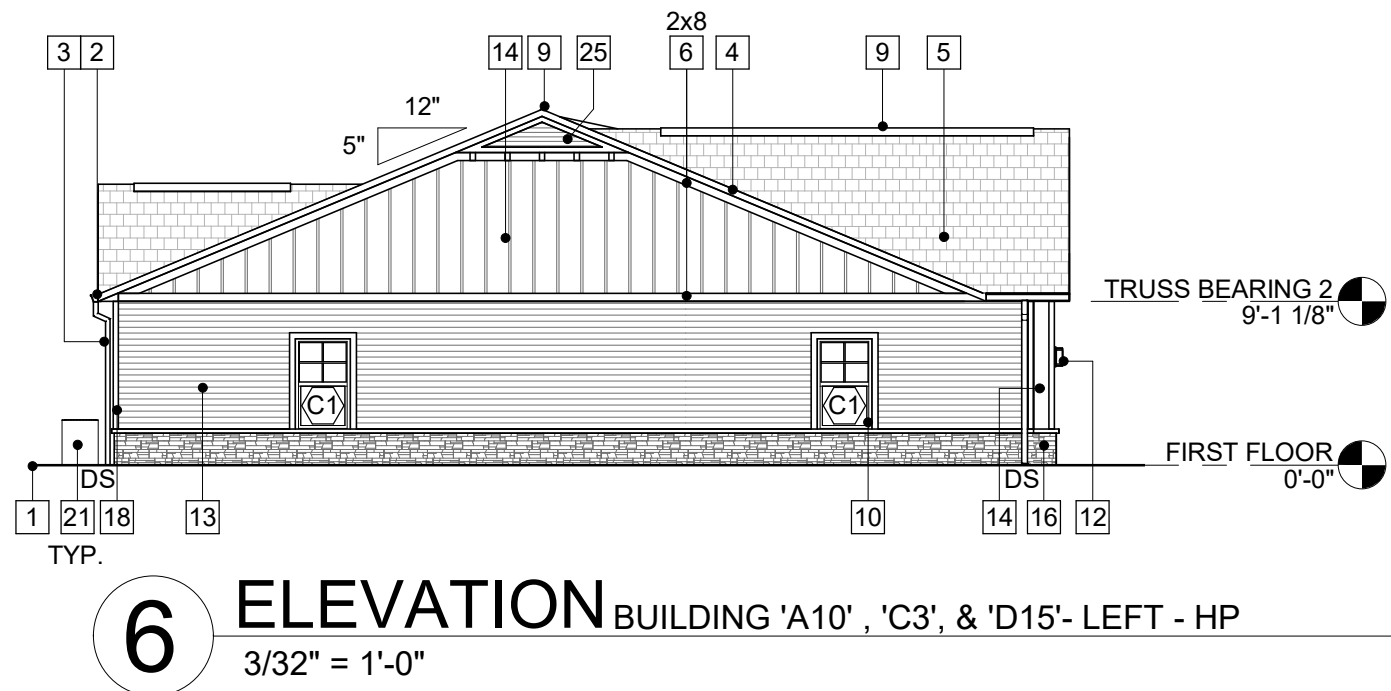
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EXTERIOR ELEVATIONS - BUILDINGS A10, B10, C3, & D15

PROJECT #: 1322 DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

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MANN • PARSONS • GRAY  
ARCHITECTS  
3660 Embassy Parkway  
Fairlawn, OH 44333  
phone 330.666.5770  
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GENERAL NOTES - ELEVATIONS

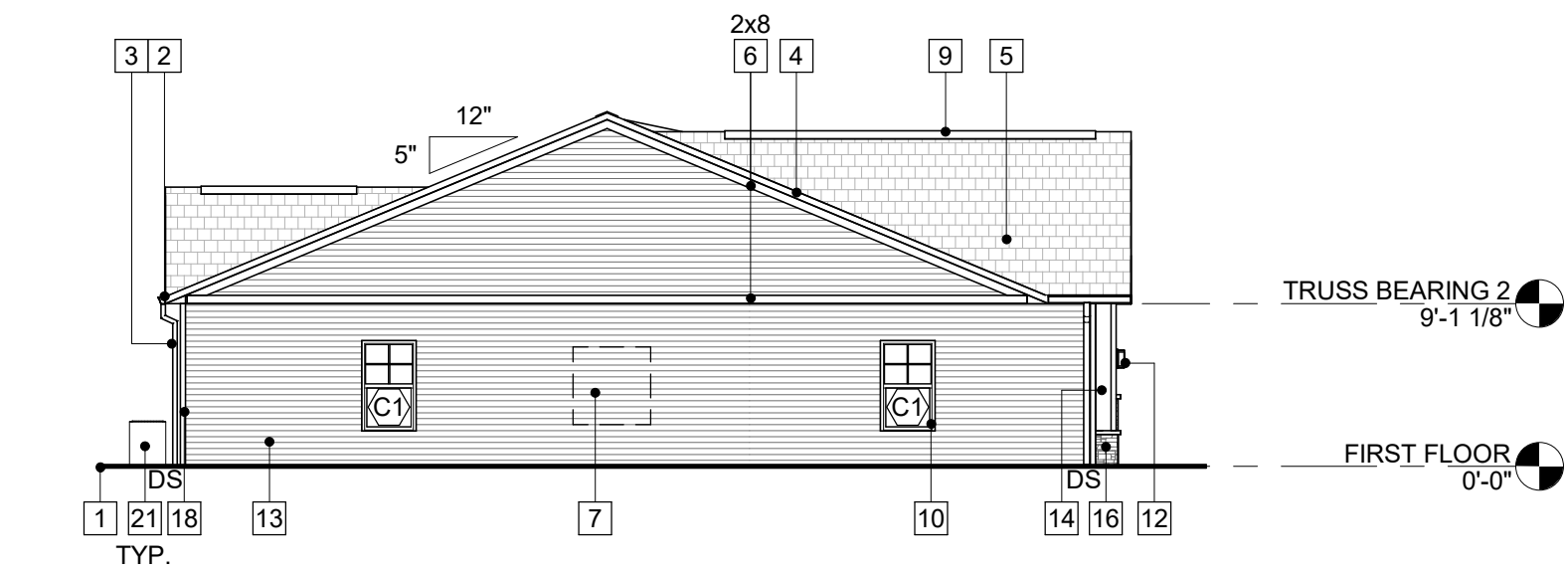
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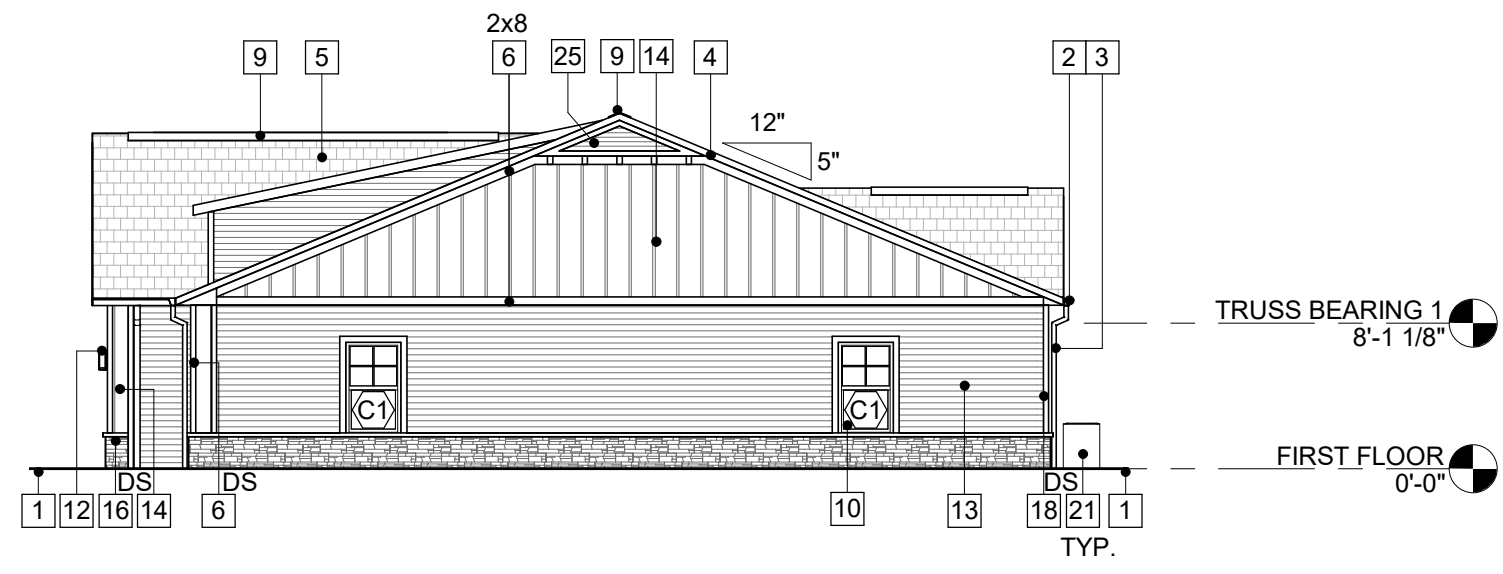
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FLAG NOTES - EXTERIOR ELEVATIONS

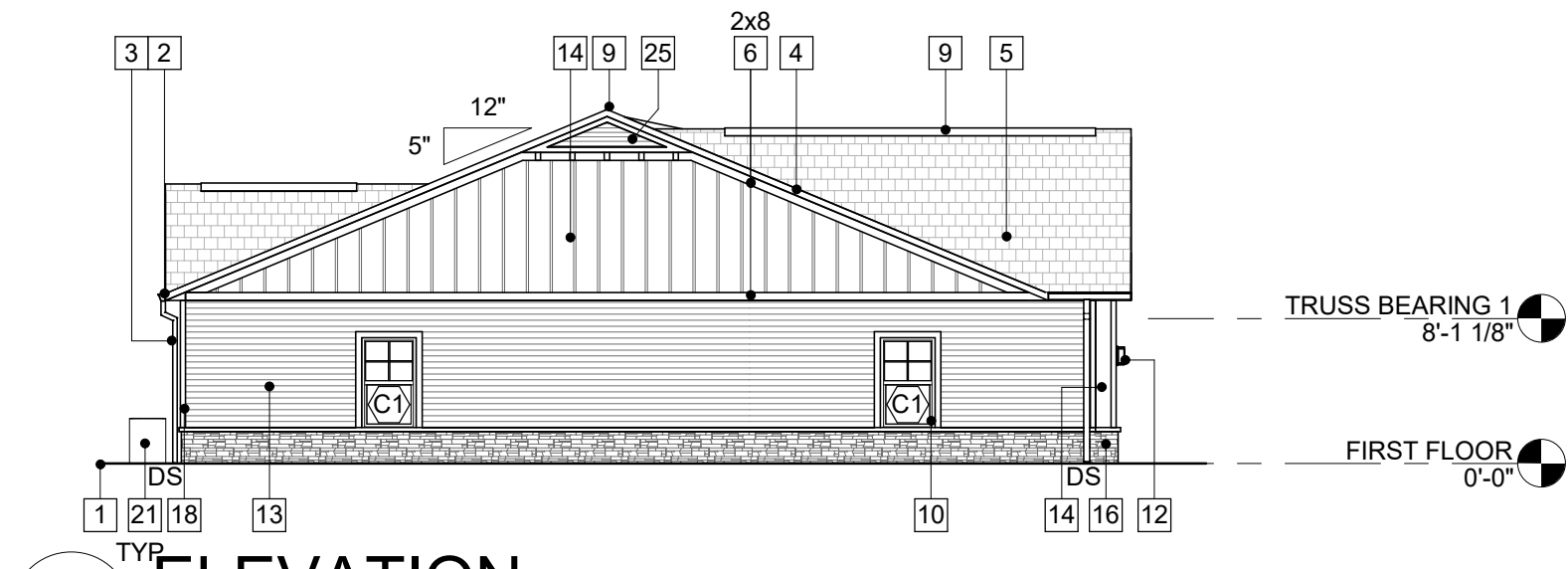
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- 17 NO OPENINGS OR PENETRATIONS WITHIN MIN. 4'-0" OF EITHER SIDE OF 2-HOUR FIRE RATED WALL, TYP.
- 18 4" NOMINAL VINYL CORNER TRIM, COLOR(S) BY OWNER.
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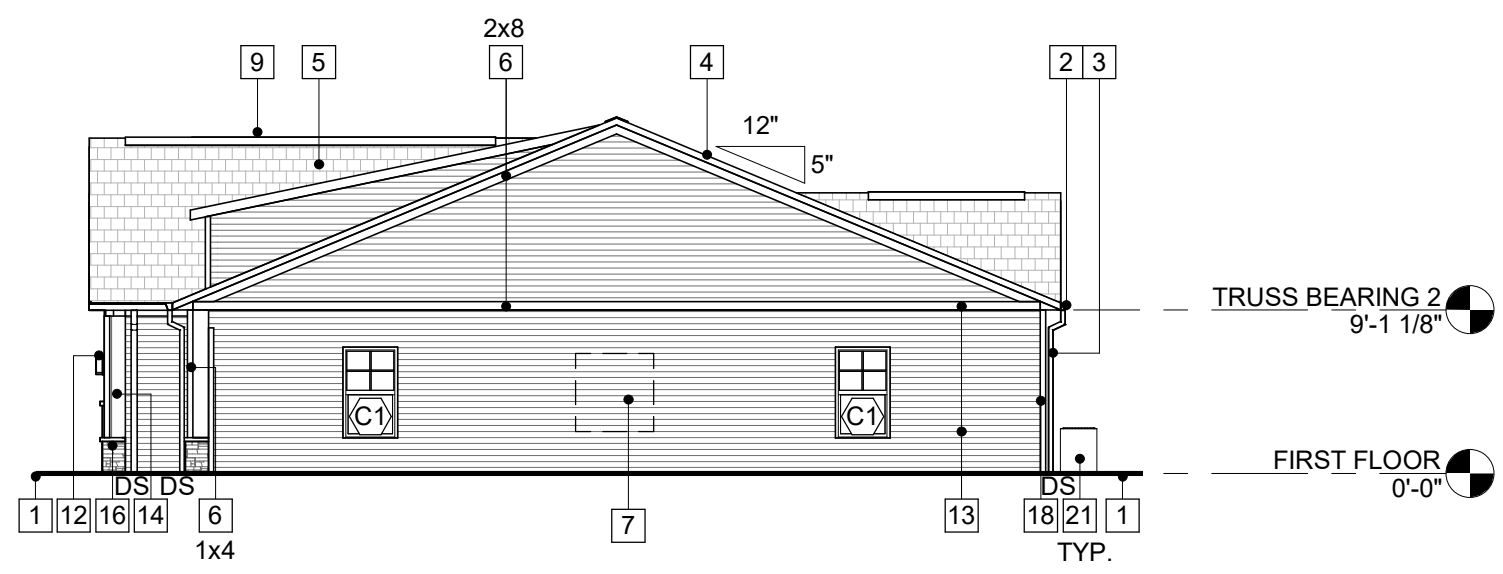
6 ELEVATION BUILDINGS 'C4', 'D10', & 'D14' - LEFT  
3/32" = 1'-0"



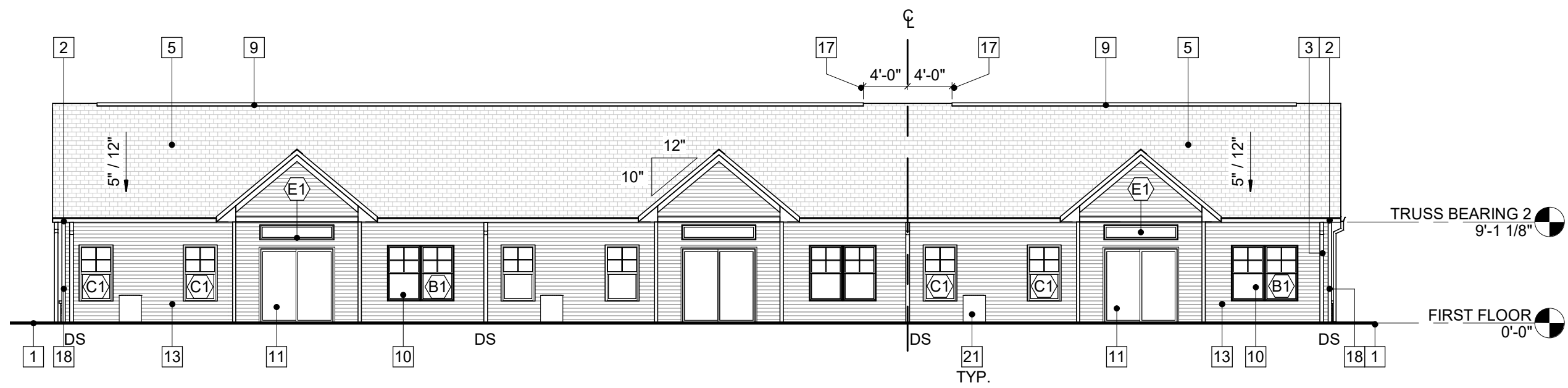
5 ELEVATION BUILDINGS 'C4' & 'D14' - RIGHT - HP  
3/32" = 1'-0"



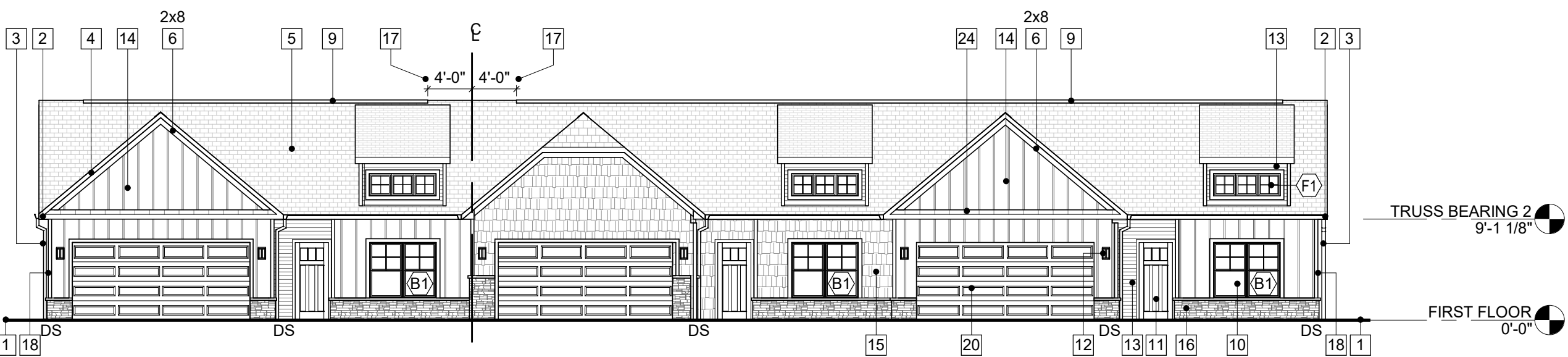
4 ELEVATION BUILDINGS 'A11' & 'B11' - LEFT - HP  
3/32" = 1'-0"



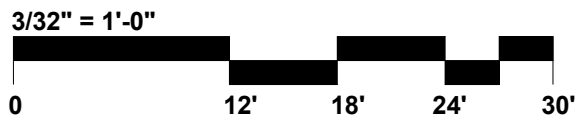
3 ELEVATION BUILDINGS 'A11', 'B11', & 'D10' - RIGHT  
3/32" = 1'-0"



2 ELEVATION BUILDINGS 'A11', 'B11', 'C4', 'D10', & 'D14' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDINGS 'A11', 'B11', 'C4', 'D10', & 'D14' - FRONT  
3/32" = 1'-0"



EXTERIOR ELEVATIONS - BUILDINGS A11, B11, C4, D10, & D14

PROJECT #: 1322

DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

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ARCHITECTS

A2.08



GENERAL NOTES - ELEVATIONS

1. VERIFY ALL DIMENSIONED CONDITIONS IN THE FIELD. WHEN DIMENSIONS AND/OR CONDITIONS AS INDICATED ON THE DRAWINGS CONFLICT WITH ACTUAL, CONTACT THE ARCHITECT FOR CLARIFICATION.
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3. REFER TO STRUCTURAL DETAILS FOR TYPICAL EXPANSION AND CONTROL JOINT CONSTRUCTION.

SYMBOL LEGEND

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REFERS TO SECTION OR ELEVATION NUMBER  
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- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

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PRELIMINARY

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REVISIONS

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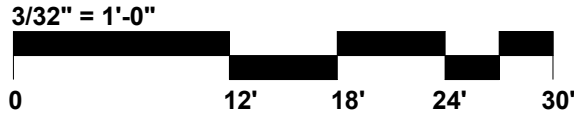
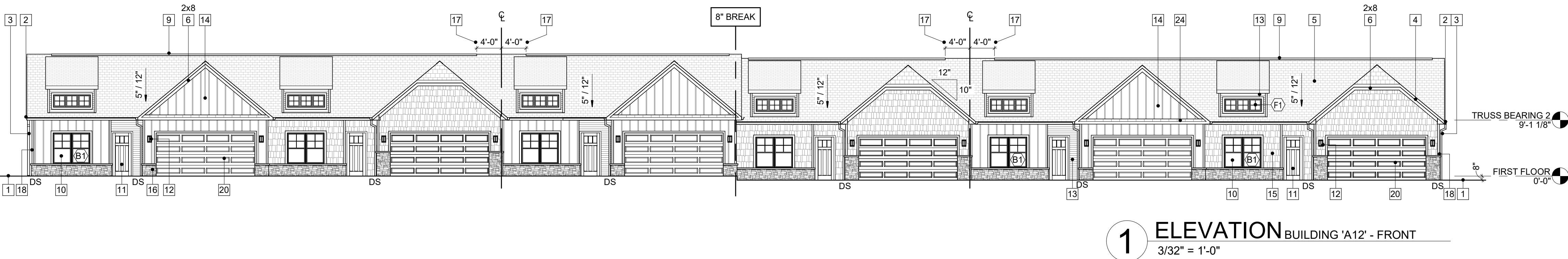
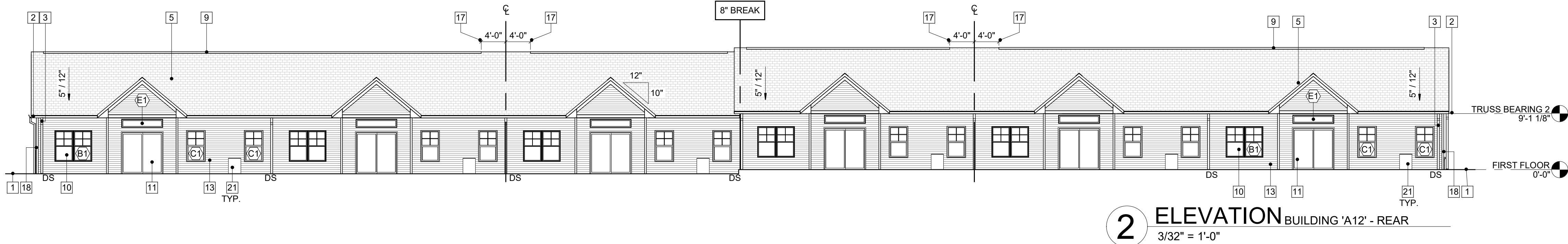
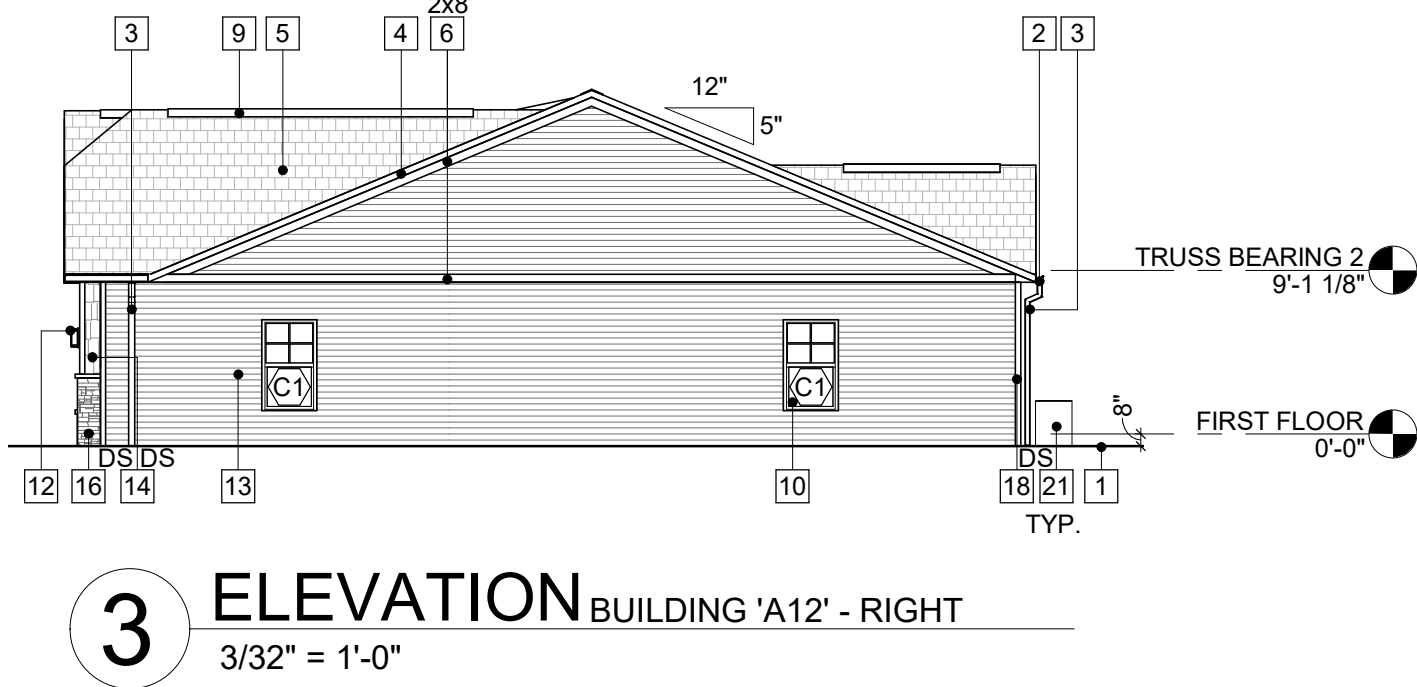
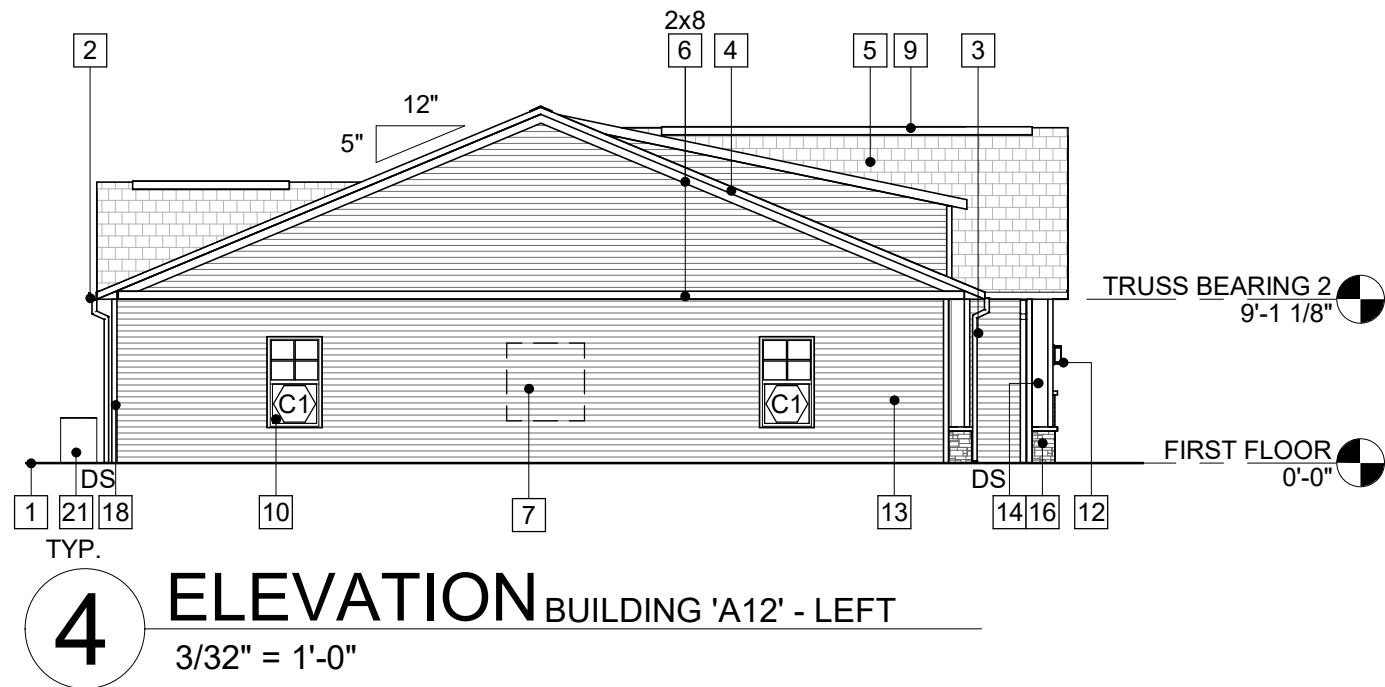
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EXTERIOR ELEVATIONS - BUILDING A12

PROJECT #: 1322 DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS  
EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

A2.09





GENERAL NOTES - ELEVATIONS

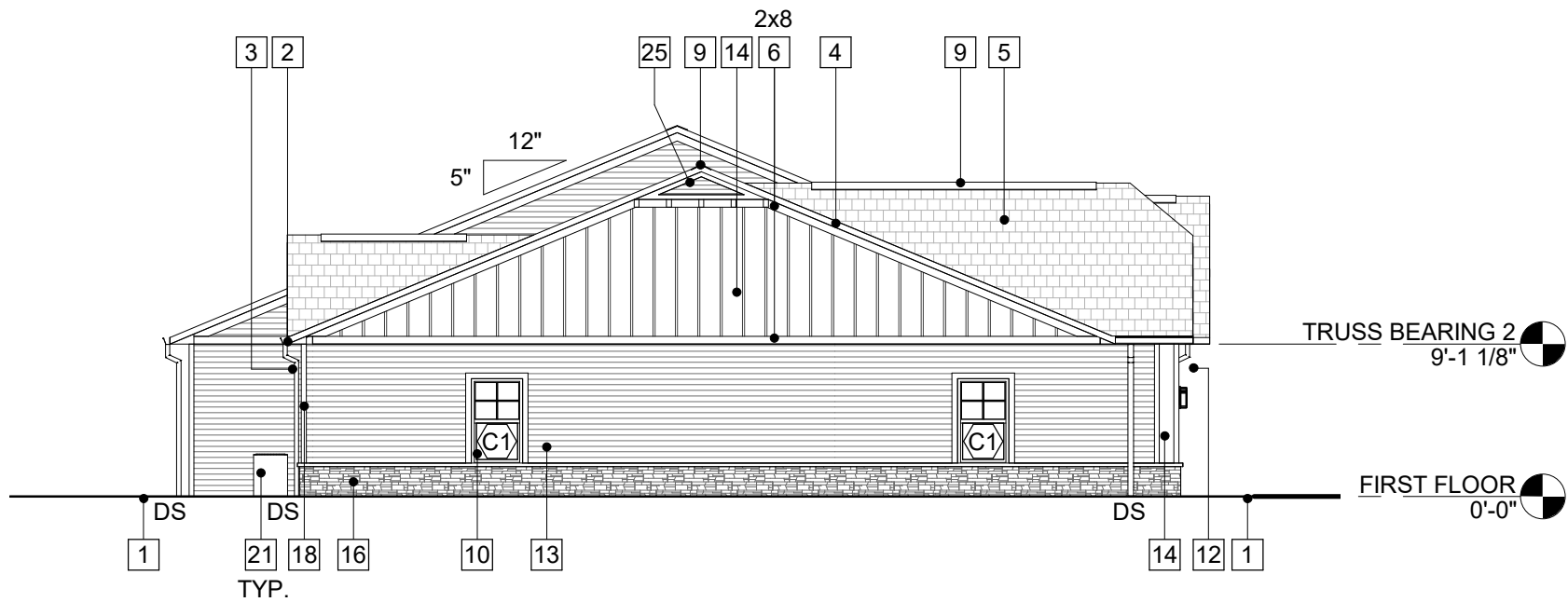
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SYMBOL LEGEND

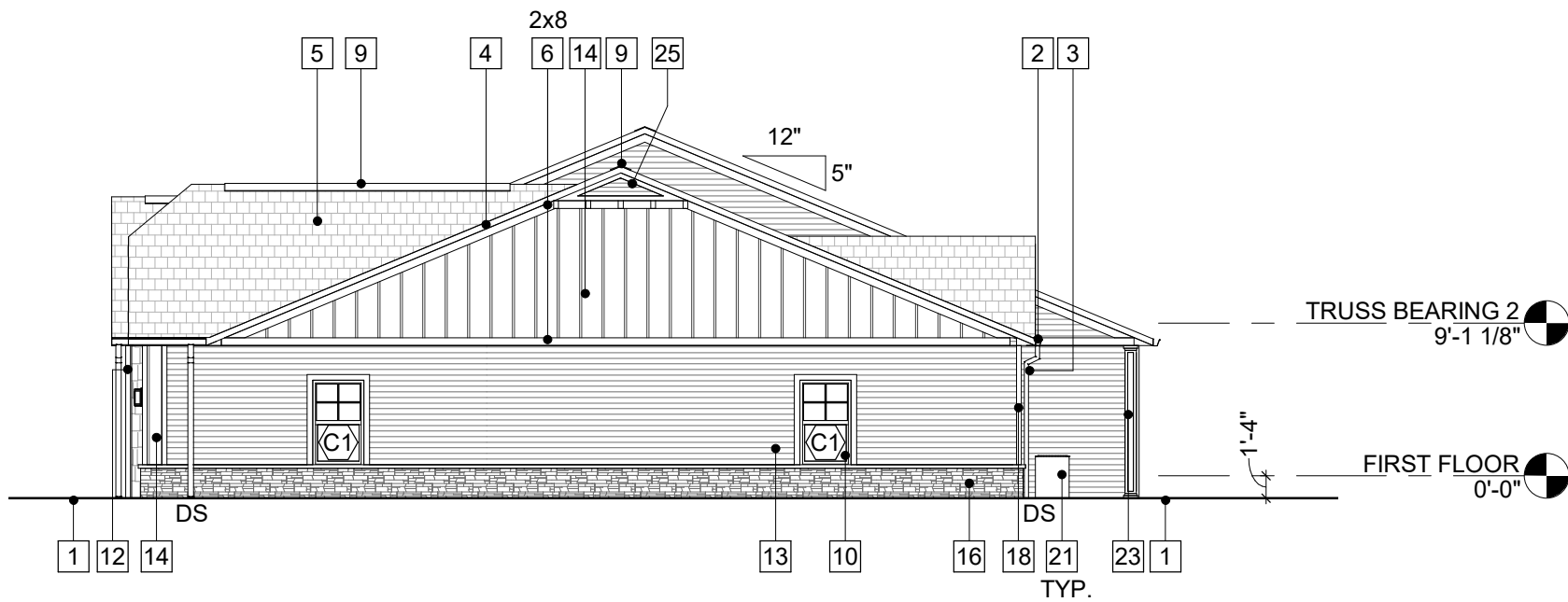
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FLAG NOTES - EXTERIOR ELEVATIONS

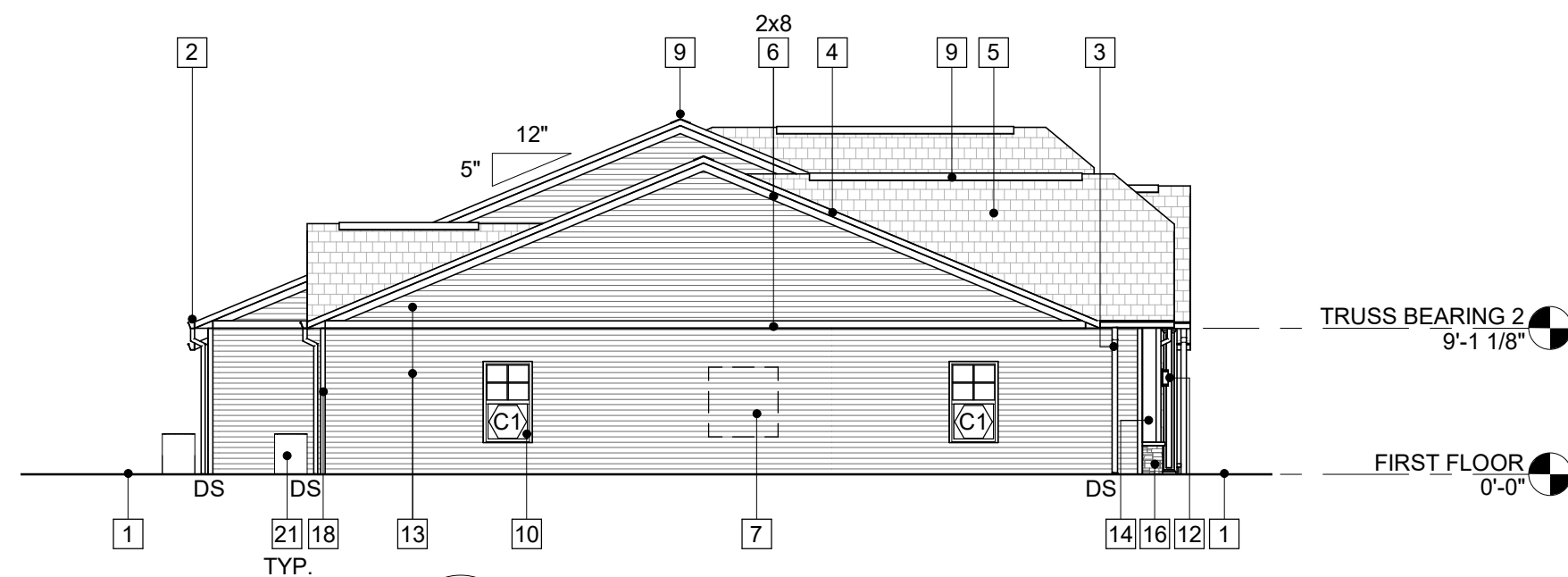
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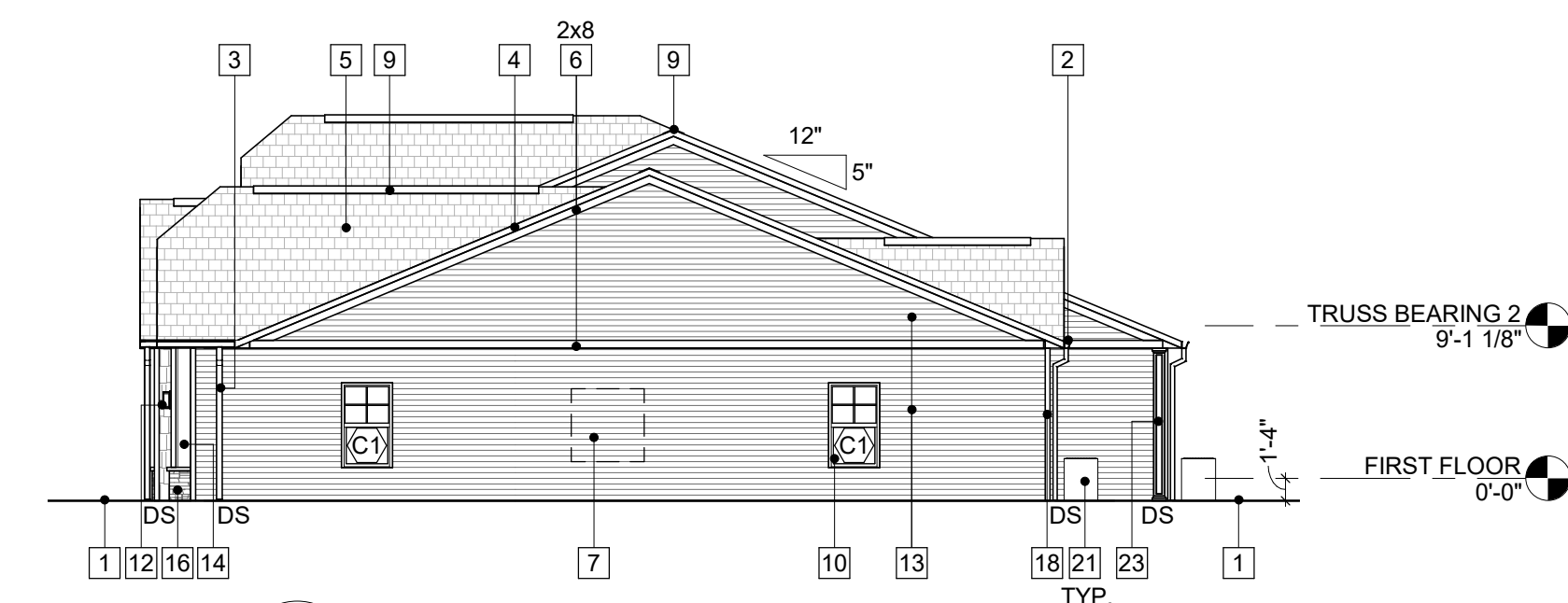
6 ELEVATION BUILDINGS 'B14' - LEFT - HP  
3/32" = 1'-0"



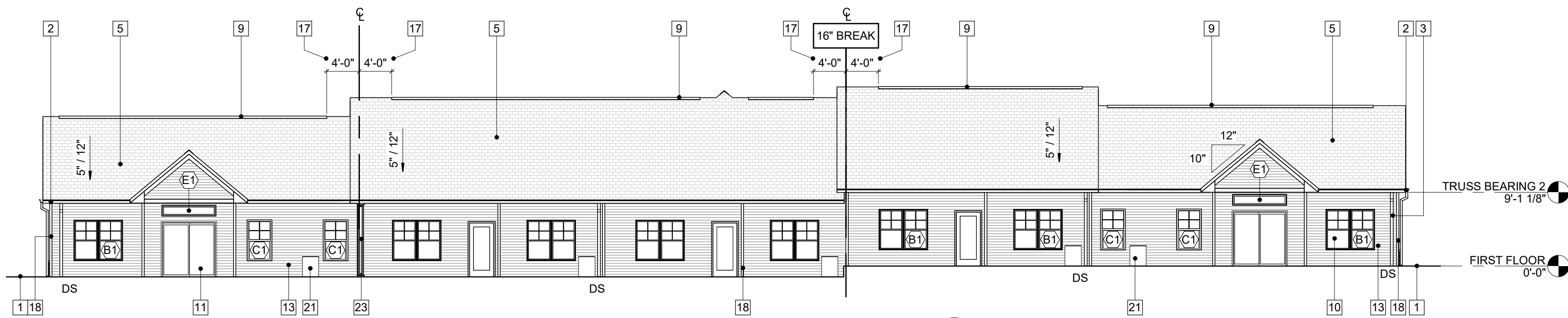
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3/32" = 1'-0"



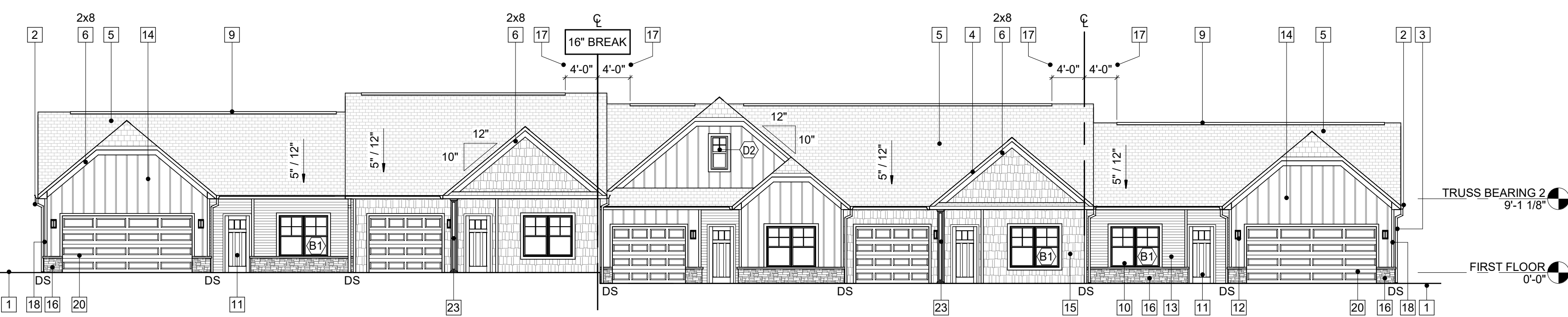
4 ELEVATION BUILDING 'B1' - LEFT  
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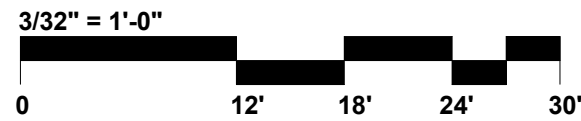
3 ELEVATION BUILDING 'B14' - RIGHT  
3/32" = 1'-0" BUILDINGS 'A3', 'A4', & 'D6' SIM.



2 ELEVATION BUILDING 'B1' & 'B14' - REAR  
3/32" = 1'-0" BUILDINGS 'A3', 'A4', & 'D6' SIM.



1 ELEVATION BUILDING 'B1' & 'B14' - FRONT  
3/32" = 1'-0" BUILDINGS 'A3', 'A4', & 'D6' SIM.





GENERAL NOTES - ELEVATIONS

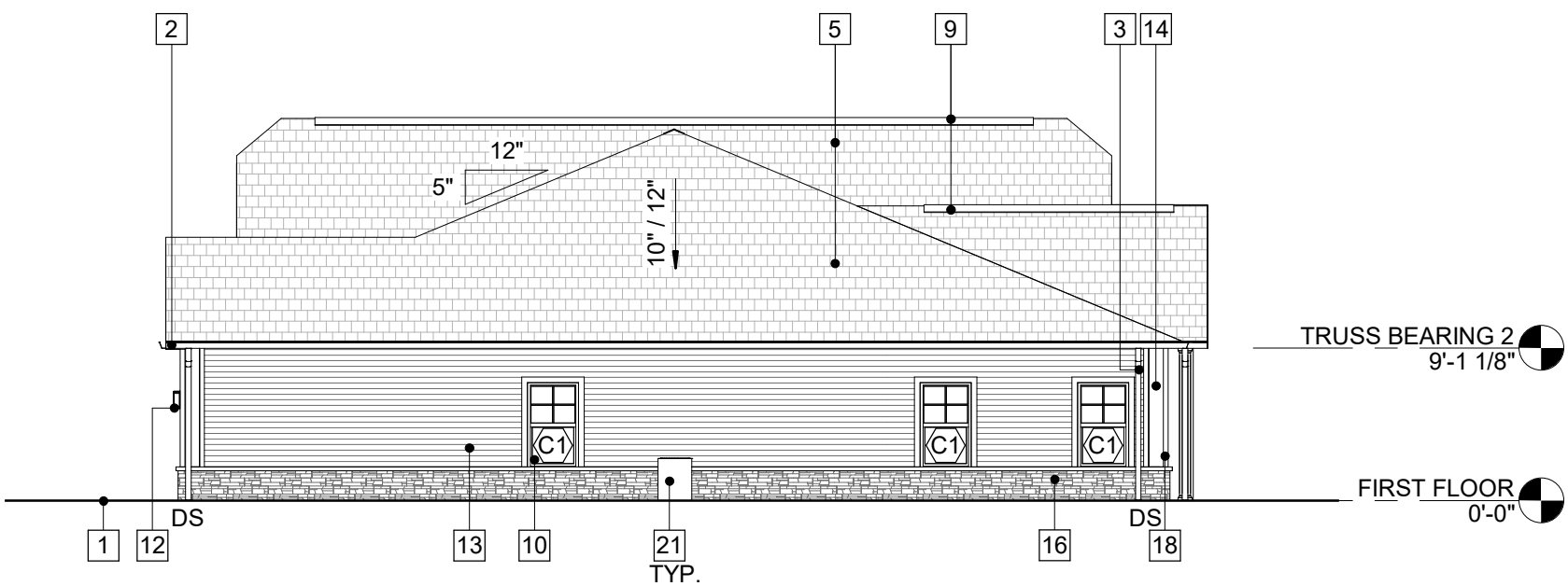
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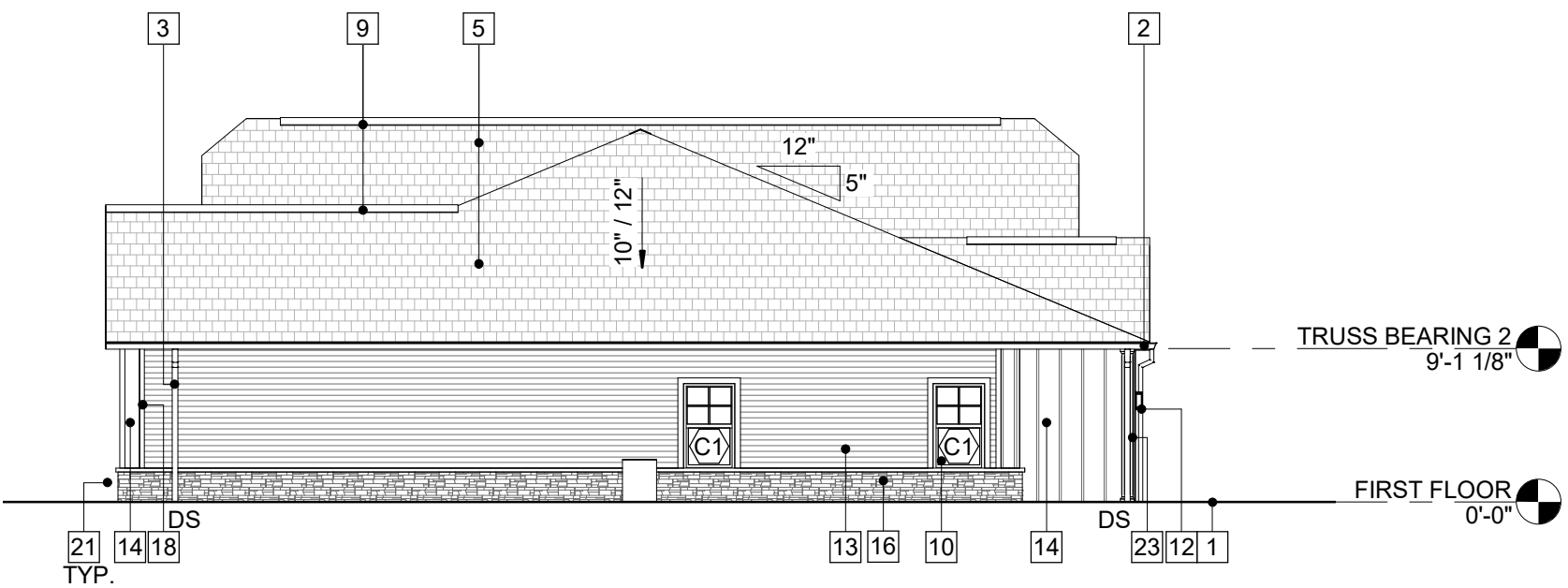
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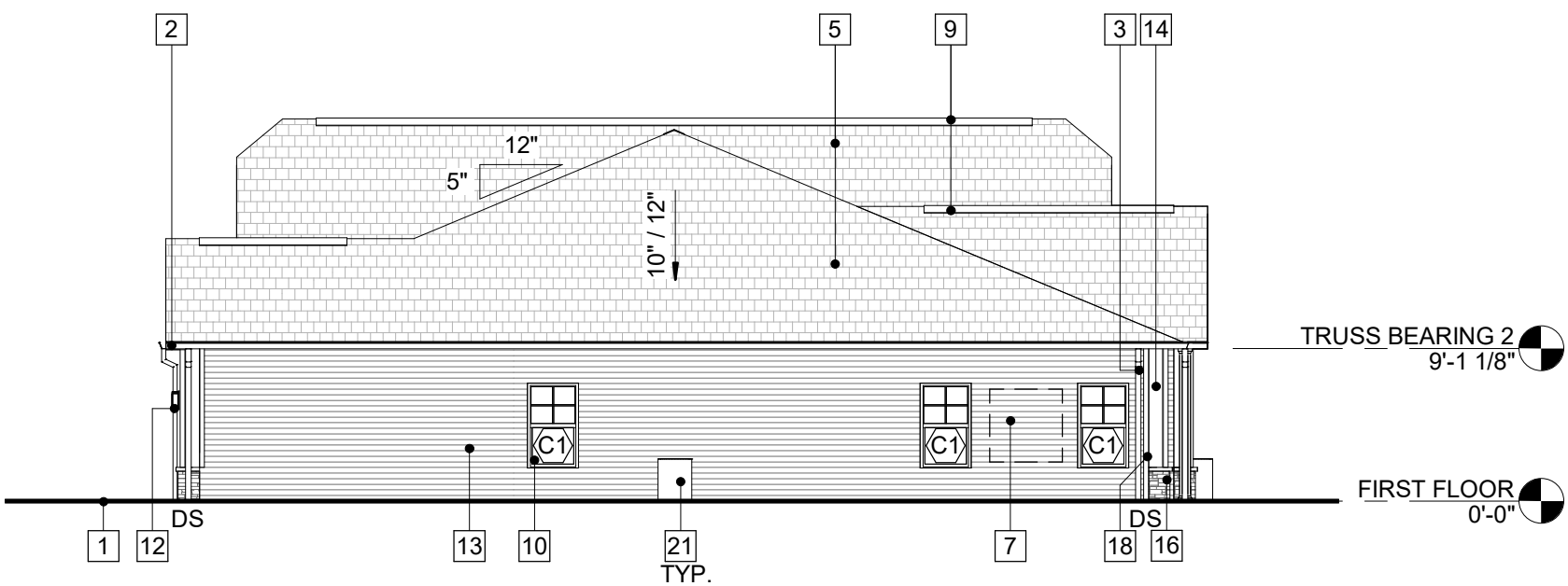
1. APPROXIMATE FINISHED GRADE, SEE CIVIL DRAWINGS
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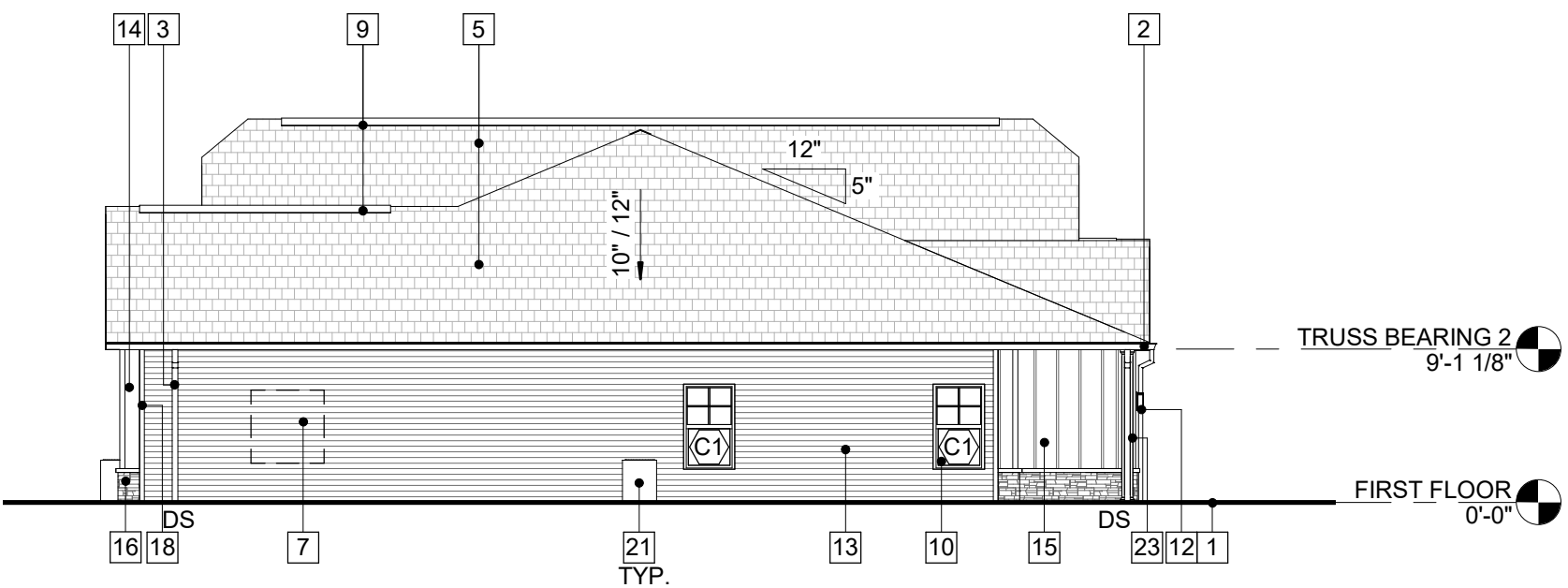
6 ELEVATION BUILDINGS 'B9' - LEFT - HP  
3/32" = 1'-0"



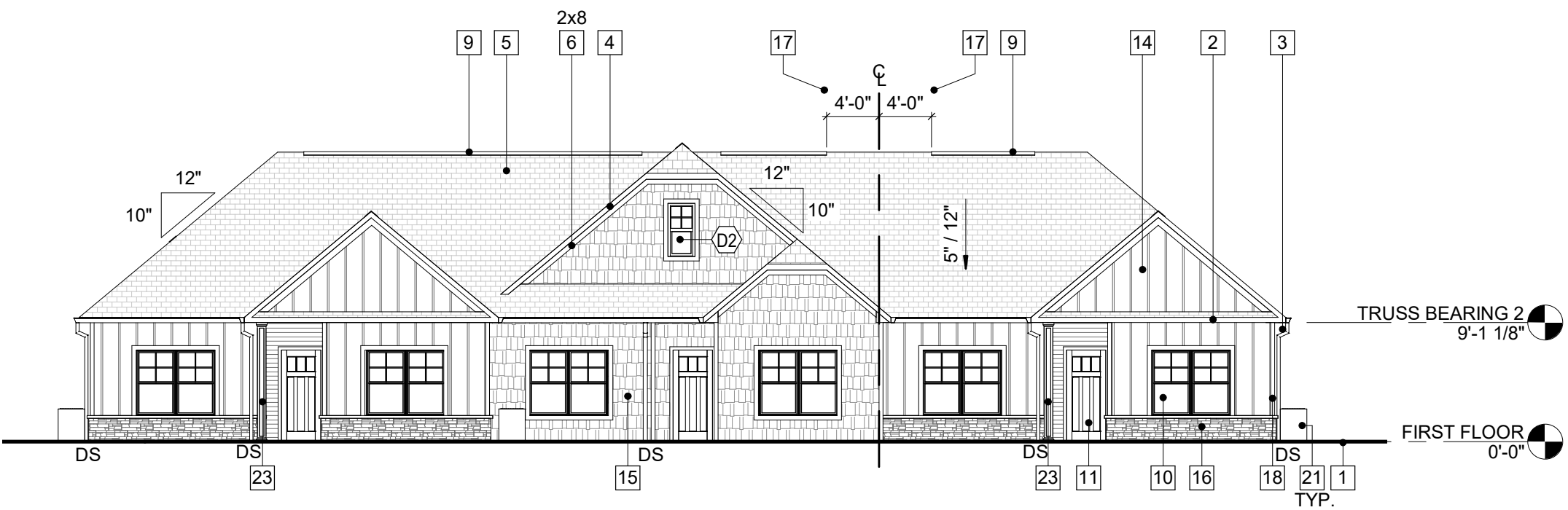
5 ELEVATION BUILDING 'D1' - RIGHT - HP  
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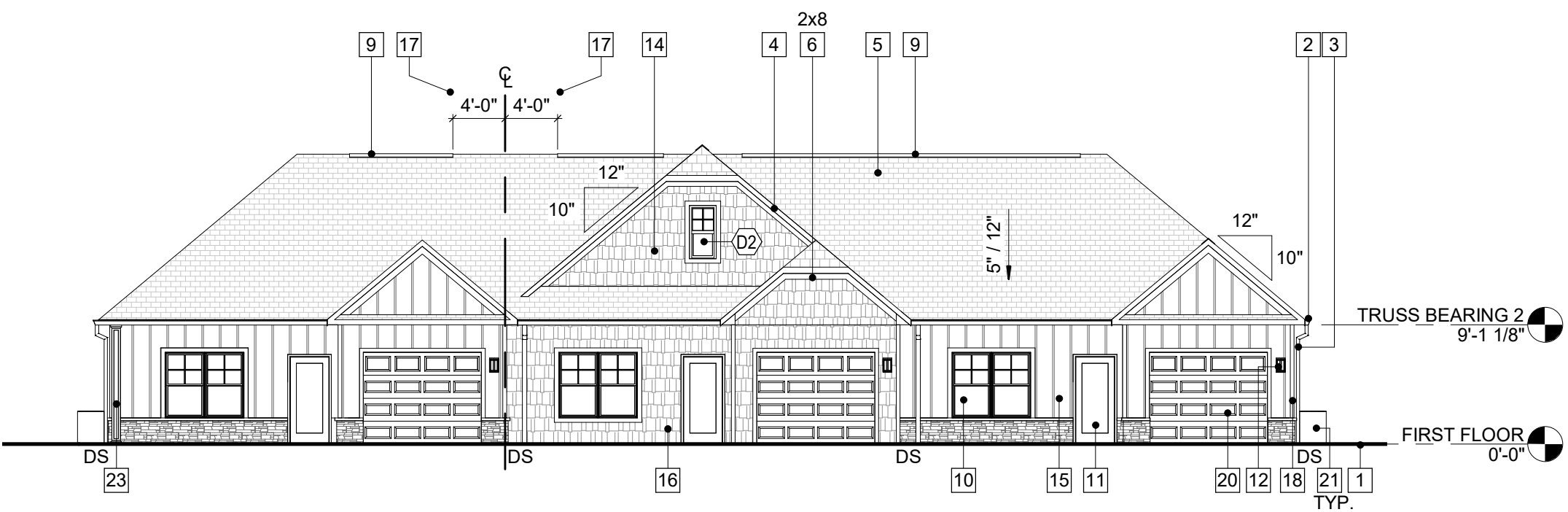
4 ELEVATION BUILDINGS 'B6', 'D1' 'D2', 'D3', & 'D4' - LEFT, 'B7', 'B8', & 'B9' (MIRR.)  
3/32" = 1'-0"



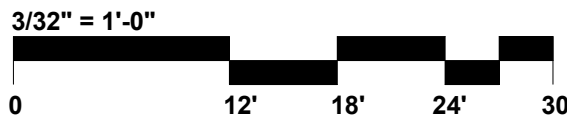
3 ELEVATION BUILDINGS 'B6', 'D2', 'D3', & 'D4' - RIGHT, 'B7', & 'B8' (MIRR.)  
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2 ELEVATION BUILDINGS 'B6', 'D1', 'D2', 'D2', 'D3', & 'D4' - REAR HP, 'B7', 'B8', & 'B9' (MIRR.)  
3/32" = 1'-0"



1 ELEVATION BUILDINGS 'B6', 'D1', 'D2', 'D3', & 'D4' - FRONT, 'B7', 'B8', & 'B9' (MIRR.)  
3/32" = 1'-0"



EXT. ELEV. - BLDGS. B6, D1, D2, D3, & D4, B7, B8, & B9 (MIRR.)

PROJECT #: 1322

DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

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A2.11



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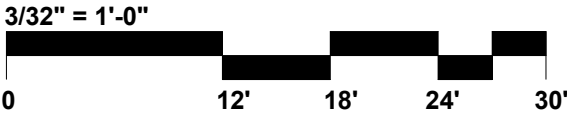
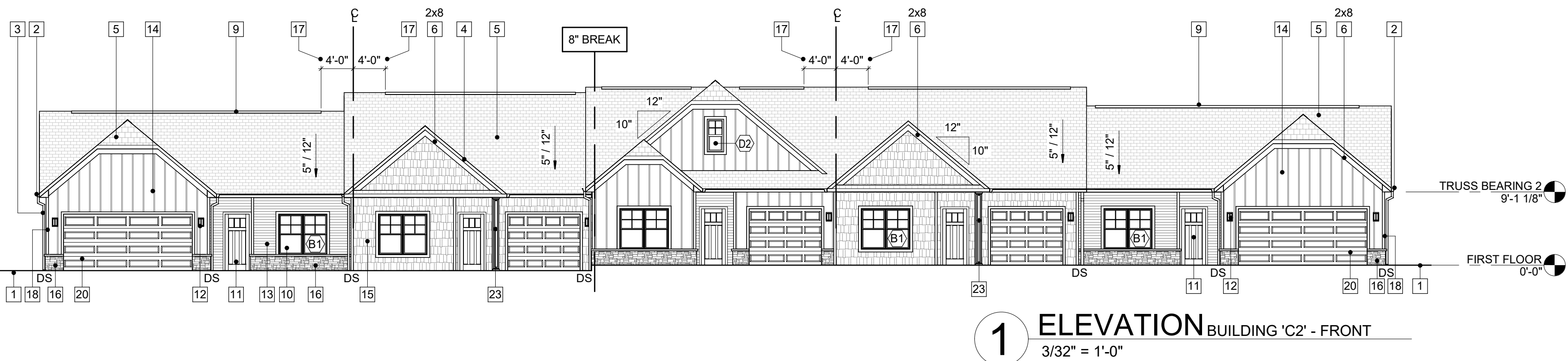
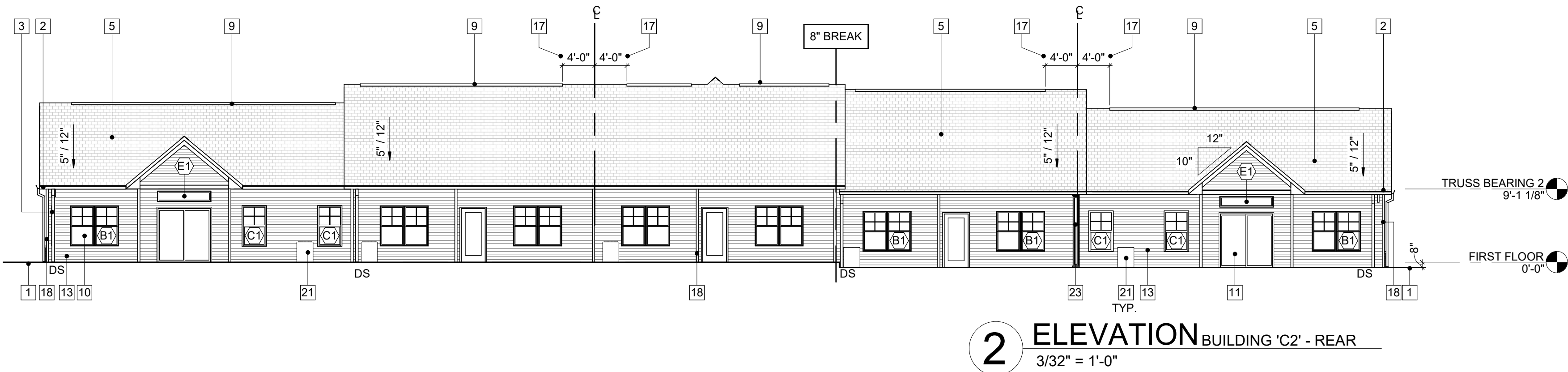
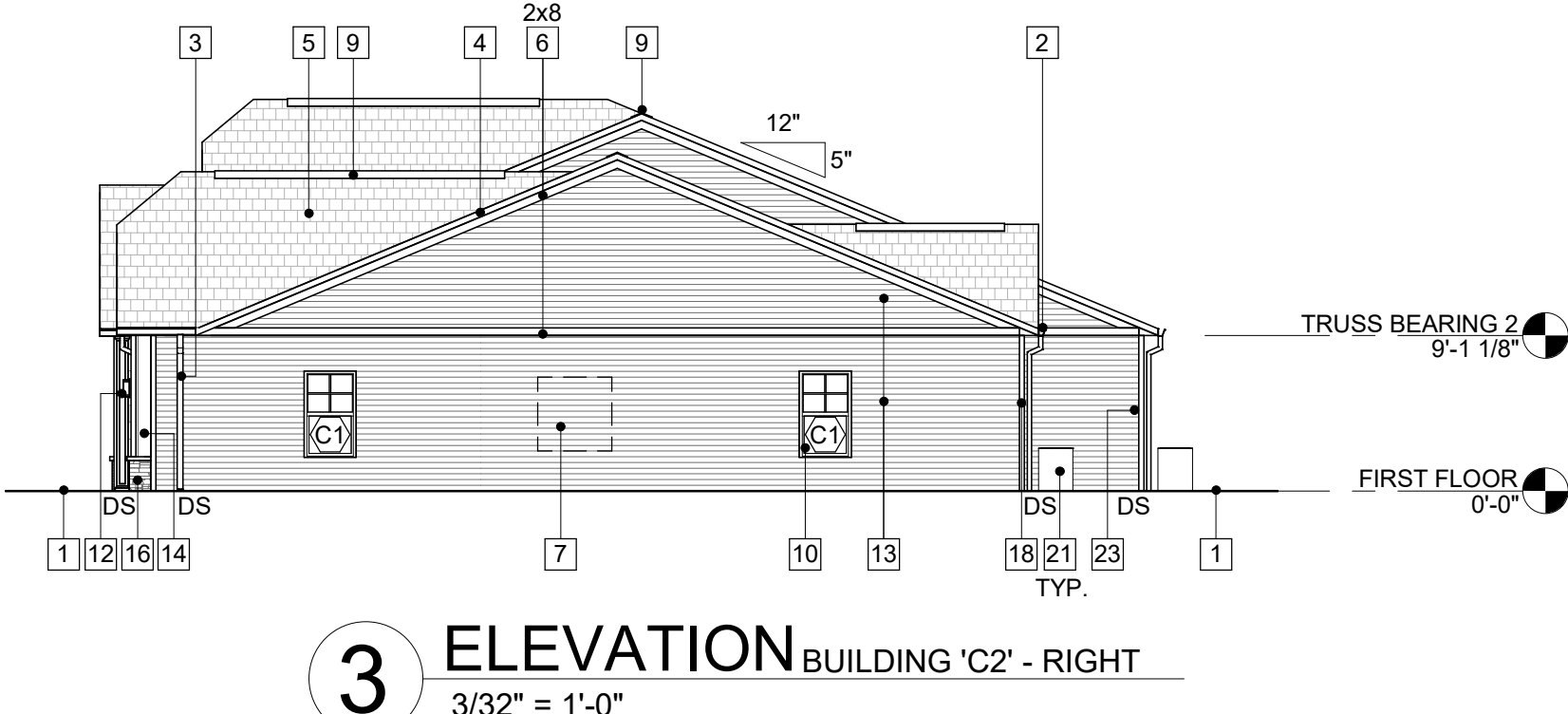
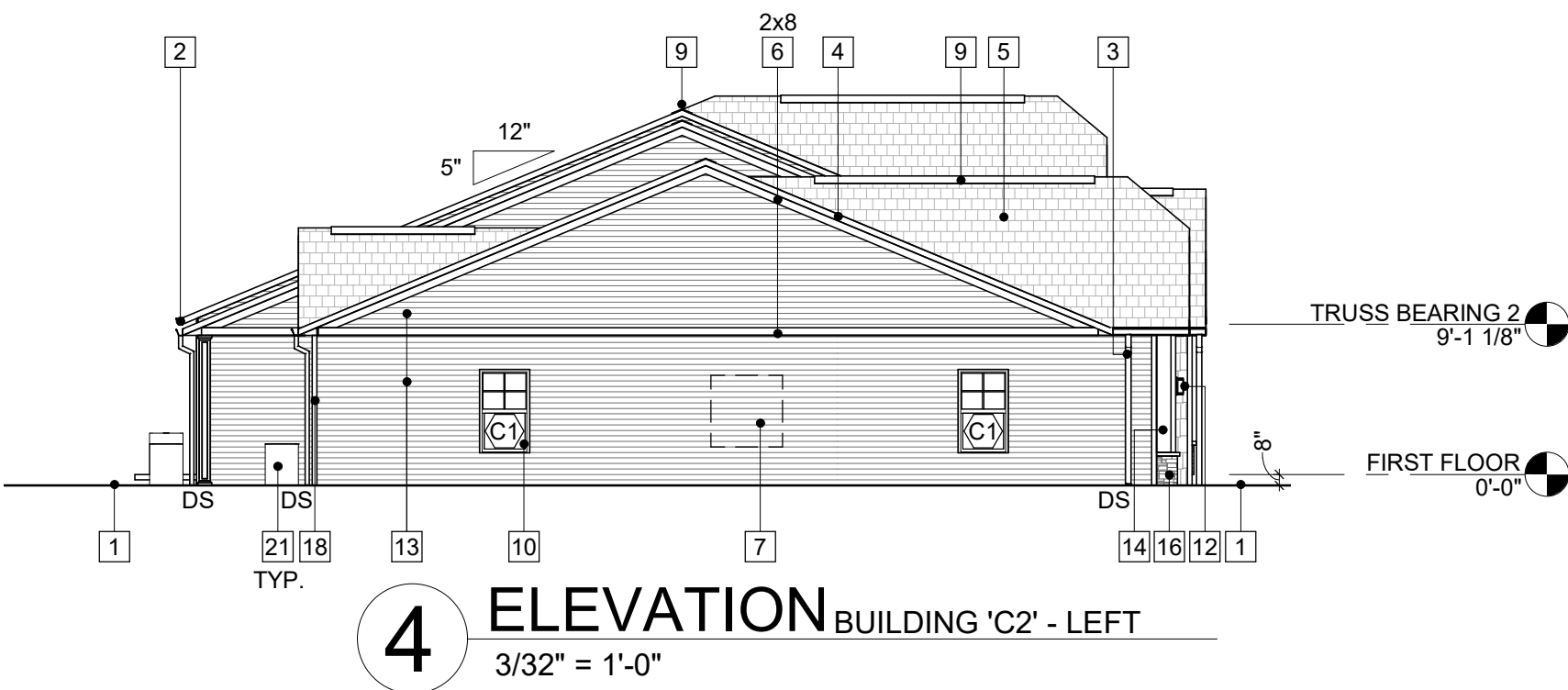
REVISIONS

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3660 Embassy Parkway  
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EXTERIOR ELEVATIONS - BUILDING C2

PROJECT #: 1322

DATE: MARCH 2, 2022

THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

A2.12



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3. REFER TO STRUCTURAL DETAILS FOR TYPICAL EXPANSION AND CONTROL JOINT CONSTRUCTION.

SYMBOL LEGEND

- TYPICAL SECTION AND DETAIL FLAGS:  
REFERS TO SECTION OR ELEVATION NUMBER  
REFERS TO DRAWING SHEET NUMBER
- 101-1 INDICATES DOOR TYPE - REFER TO SHEET A6.1 FOR DOOR SCHEDULE & DOOR/FRAME MATERIALS & ELEVATIONS
- (A) INDICATES WINDOW TYPE, REFER TO SHEET A6.3 FOR WINDOW ELEVATIONS
- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

FLAG NOTES - EXTERIOR ELEVATIONS

1. APPROXIMATE FINISHED GRADE, SEE CIVIL DRAWINGS
2. PREFINISHED ALUMINUM GUTTER; K-STYLE, TYP. SLOPE 1/16" PER 12" MINIMUM TO DOWNSPOUTS.
3. 3x4 PREFINISHED ALUMINUM HEAVY-DUTY COMMERCIAL GRADE DOWNSPOUT.
4. TYPICAL FASCIA TRIM - ALUM CLAD 2x6 WITH ALUM DRIP EDGE, TYP UNO.
5. ARCHITECTURAL FIBERGLASS SHINGLE ROOF PER ASSEMBLY AND SPECS.
6. VINYL TRIM BAND, SIZE AS INDICATED.
7. FIBER CEMENT PANEL (PRE-ROCK AT ELECTRICAL GEAR); LOCATE JOINTS BEHIND BRACKETS AND/OR TRIM AND FLASH ALL HORIZONTAL JOINTS IN PANEL SIDING PER MFR. TEXTURE TO BE APPROVED BY OWNER. GC TO COORDINATE LOCATIONS IN FIELD PRIOR TO ROUGH-IN.
9. CONTINUOUS RIDGE VENT TO MATCH ROOF SHINGLES, TYP.
10. WINDOW PER SCHEDULE, TYP. SEE PLANS. PROVIDE 4" NOMINAL TRIM AROUND ALL FRONT AND HIGH PROFILE (HP) LOCATIONS.
11. DOOR PER SCHEDULE, TYP. SEE PLANS.
12. DECORATIVE LIGHT FIXTURE, TYP. REFER TO ELECTRICAL DRAWINGS.
13. PREMIUM VINYL DUTCH LAP SIDING - 5" EXPOSURE. COORDINATE FINAL COLOR(S) WITH OWNER.
14. VINYL BOARD ON BATTEN: 2" BATTEN AT 12" O.C., COLOR(S) BY OWNER.
15. PREMIUM VINYL SHAKE SIDING. COORDINATE FINAL STYLE & COLOR(S) WITH OWNER.
16. MANUFACTURED STONE VENEER, REFER TO DETAILS FOR MORE INFORMATION. COORDINATE FINAL COLOR, SIZE, AND STYLE WITH OWNER.
17. NO OPENINGS OR PENETRATIONS WITHIN MIN. 4'-0" OF EITHER SIDE OF 2-HOUR FIRE RATED WALL, TYP.
18. 4" NOMINAL VINYL CORNER TRIM, COLOR(S) BY OWNER.
20. OVERHEAD DOOR, COLOR BY OWNER. REFER TO SCHEDULE.
21. A/C UNIT, TYP. REFER TO PLANS AND MECHANICAL DRAWINGS.
23. DECORATIVE COLUMN OVER WOOD POST/COLUMN, COLOR AND STYLE BY OWNER.
24. STANDING SEAM METAL ROOF ACCENT, COLOR AND STYLE BY OWNER.
25. DECORATIVE VENT AND BRACKETS, COLOR AND STYLE BY OWNER.

phone 330.666.5770  
fax 330.666.8812

3660 Embassy Parkway  
Fairlawn, OH 44333

MANN • PARSONS • GRAY  
ARCHITECTS

mpg-architects.com

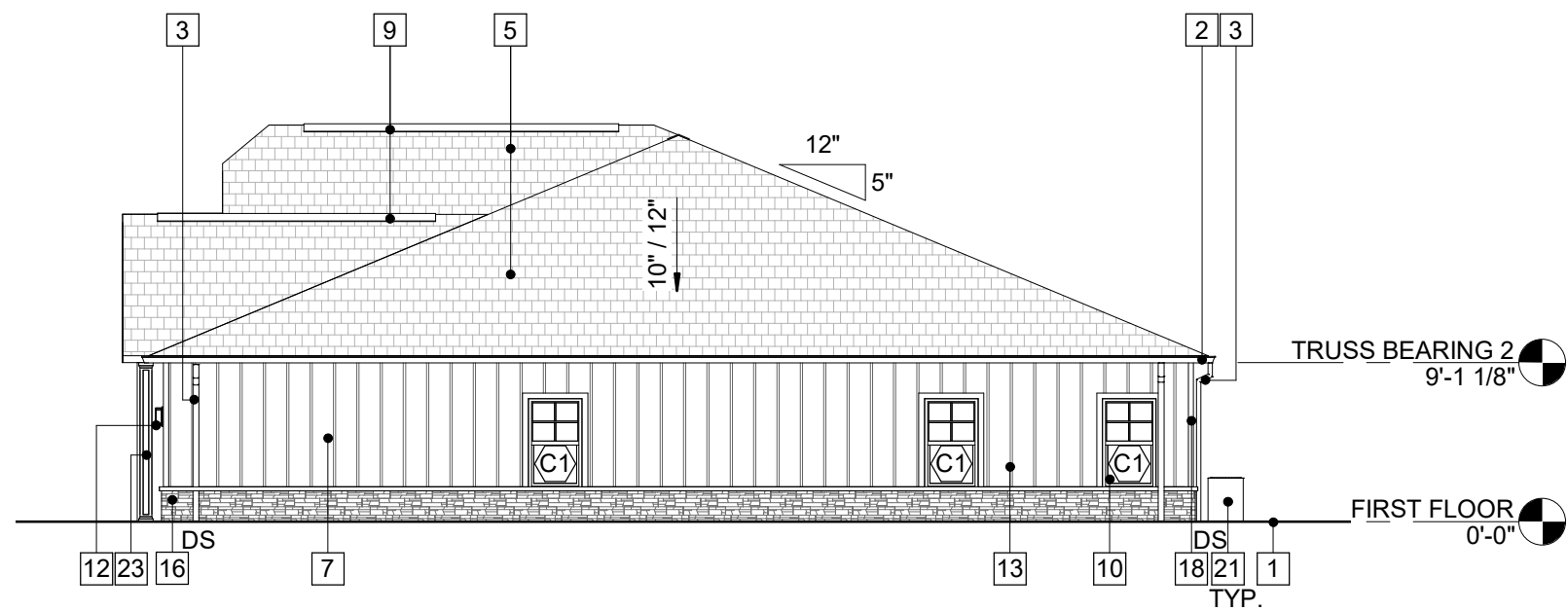
EXTERIOR ELEVATIONS - BLDGS. D7, D8, D11, D12

PROJECT #: 1322 DATE: MARCH 2, 2022

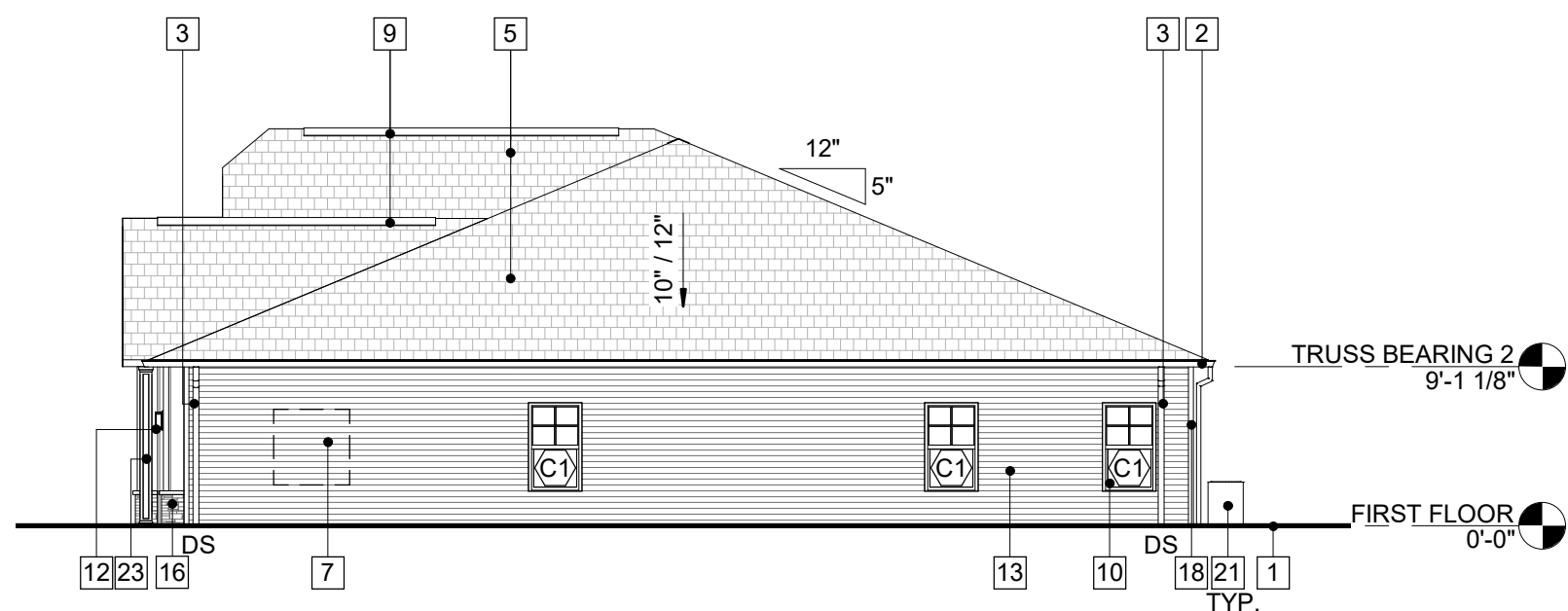
THE HAMPTONS AT THE HEIGHTS

EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

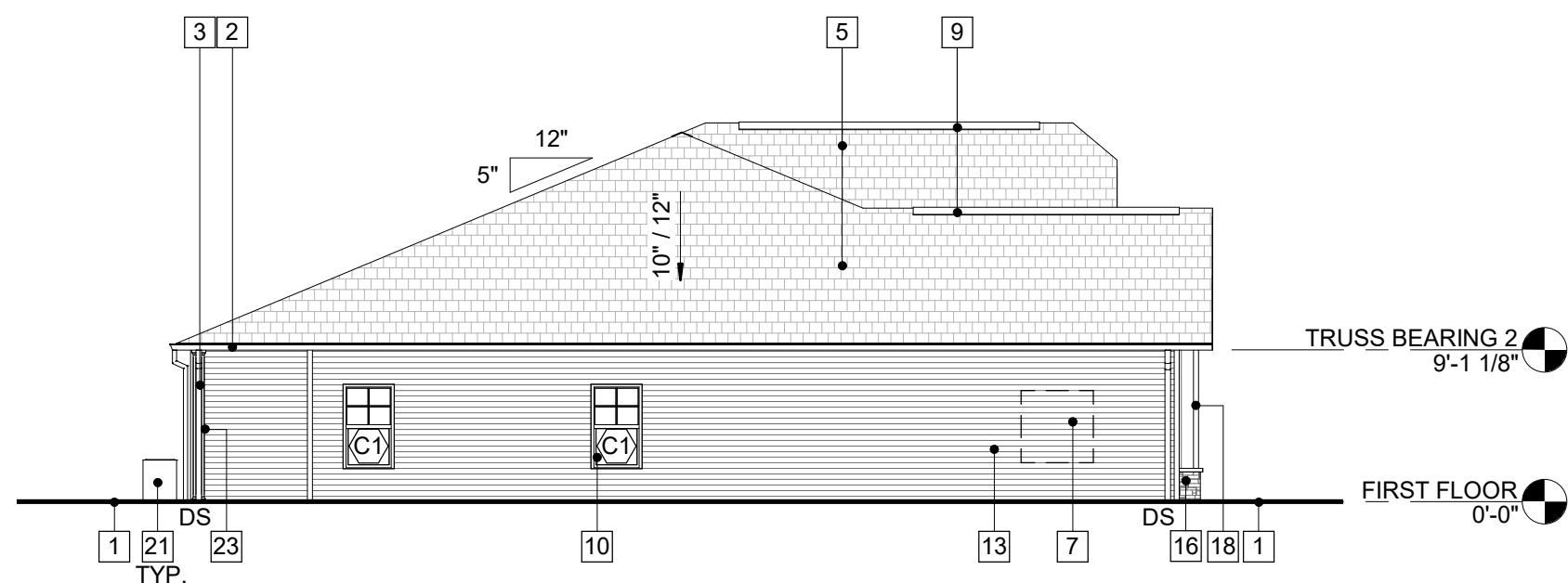
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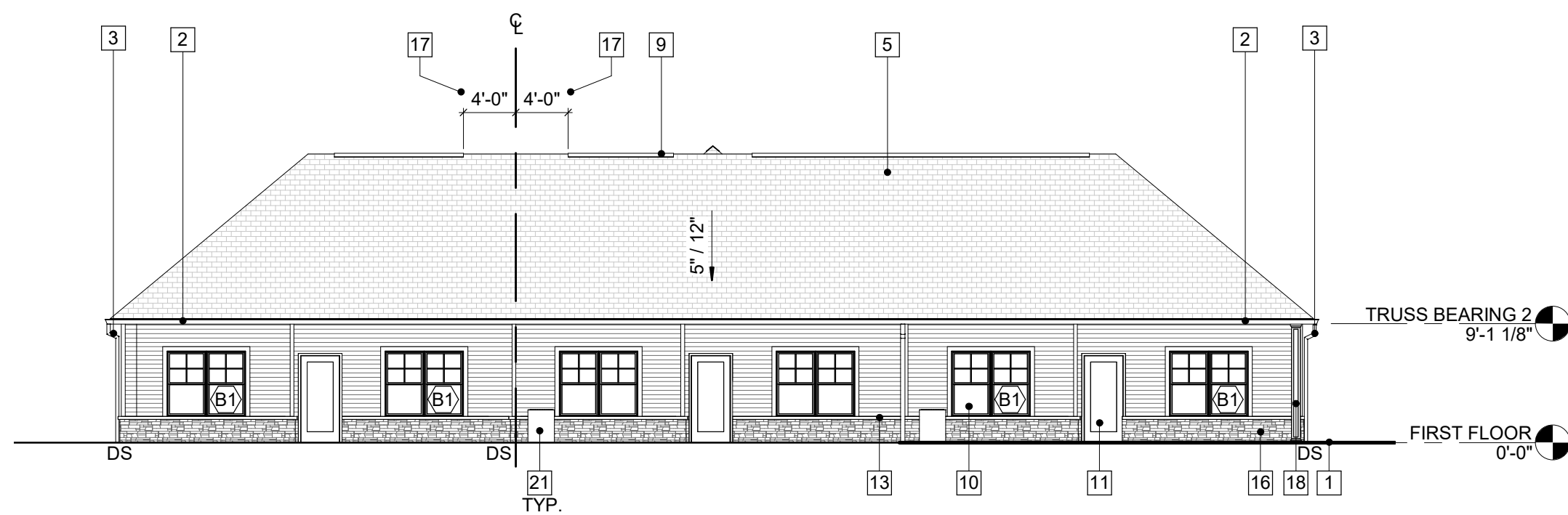
6 ELEVATION BUILDING 'D11' - RIGHT - HP  
3/32" = 1'-0"



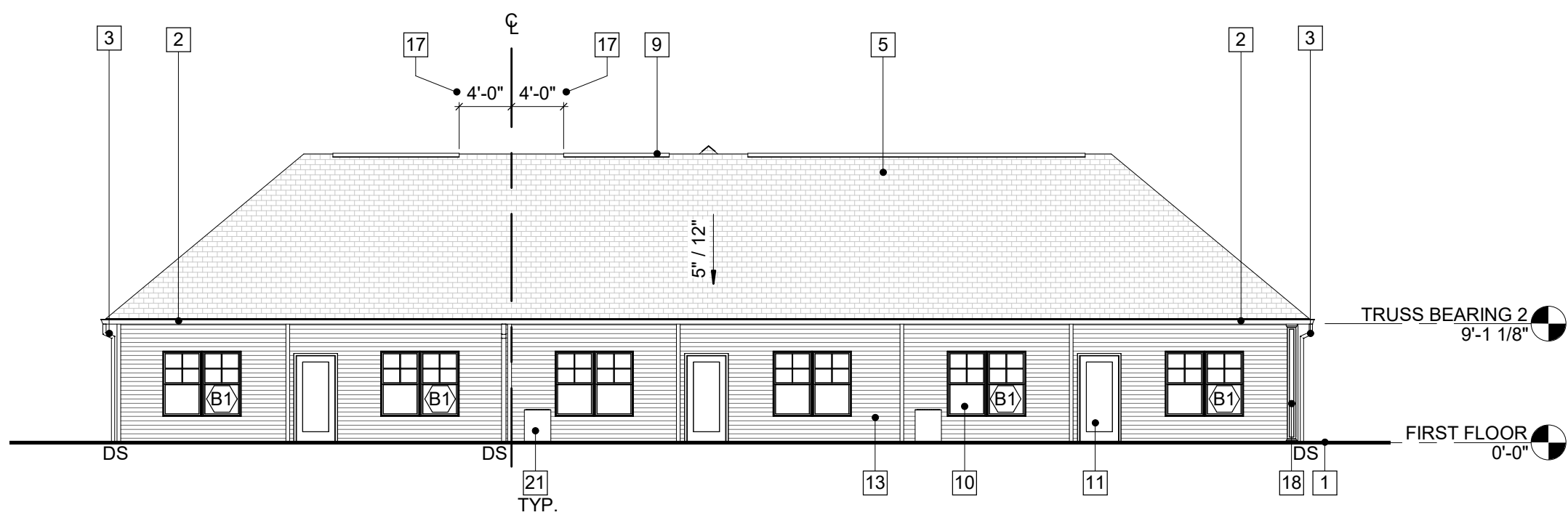
4 ELEVATION BUILDINGS 'D7', 'D8', & 'D12' - RIGHT  
3/32" = 1'-0"



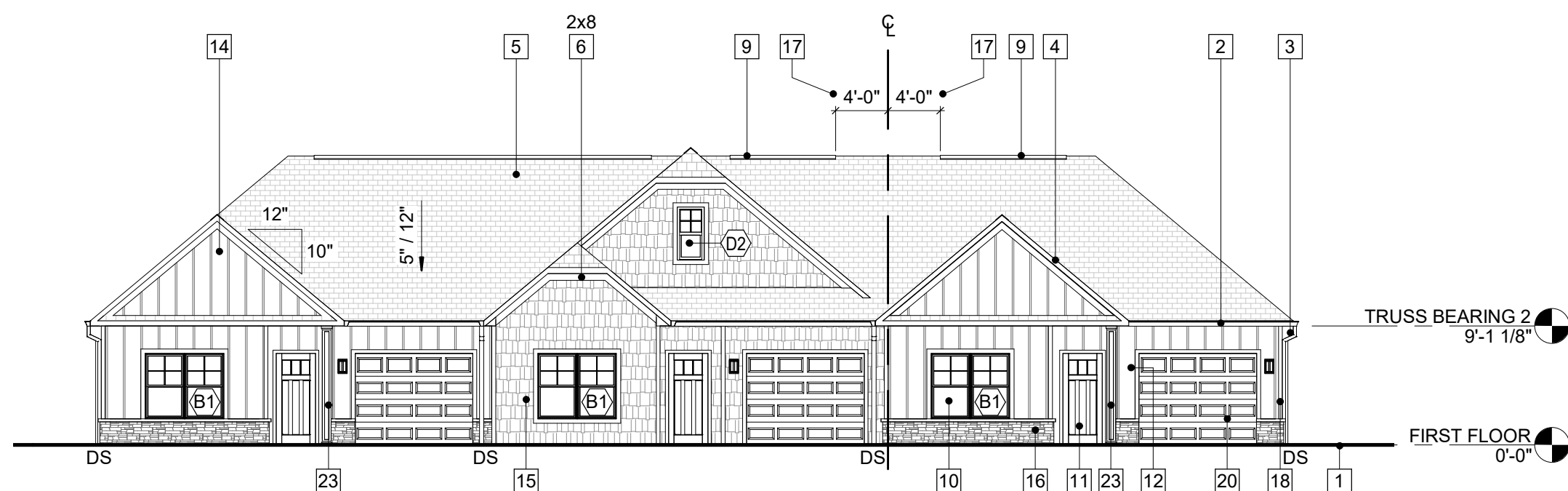
5 ELEVATION BUILDINGS 'D7', 'D8', 'D11' & 'D12' - LEFT  
3/32" = 1'-0"



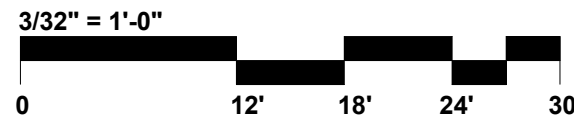
2 ELEVATION BUILDINGS 'D7' & 'D8' - REAR - HP  
3/32" = 1'-0"



3 ELEVATION BUILDINGS 'D11' & 'D12' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDINGS 'D7', 'D8', 'D11' & 'D12' - FRONT  
3/32" = 1'-0"



GENERAL NOTES - ELEVATIONS

1. VERIFY ALL DIMENSIONED CONDITIONS IN THE FIELD. WHEN DIMENSIONS AND/OR CONDITIONS AS INDICATED ON THE DRAWINGS CONFLICT WITH ACTUAL, CONTACT THE ARCHITECT FOR CLARIFICATION.
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- DATUM POINT, INDICATES ELEVATION
- DS DOWNSPOUT, SEE DETAILS

FLAG NOTES - EXTERIOR ELEVATIONS

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- 2 PREFINISHED ALUMINUM GUTTER; K-STYLE, TYP. SLOPE 1/16" PER 12" MINIMUM TO DOWNSPOUTS.
- 3 3x4 PREFINISHED ALUMINUM HEAVY-DUTY COMMERCIAL GRADE DOWNSPOUT.
- 4 TYPICAL FASCIA TRIM - ALUM CLAD 2x6 WITH ALUM DRIP EDGE, TYP UNO.
- 5 ARCHITECTURAL FIBERGLASS SHINGLE ROOF PER ASSEMBLY AND SPECS.
- 6 VINYL TRIM BAND, SIZE AS INDICATED.
- 7 FIBER CEMENT PANEL (PRE-ROCK AT ELECTRICAL GEAR); LOCATE JOINTS BEHIND BRACKETS AND/OR TRIM AND FLASH ALL HORIZONTAL JOINTS IN PANEL SIDING PER MFR. TEXTURE TO BE APPROVED BY OWNER. GC TO COORDINATE LOCATIONS IN FIELD PRIOR TO ROUGH-IN.
- 9 CONTINUOUS RIDGE VENT TO MATCH ROOF SHINGLES, TYP.
- 10 WINDOW PER SCHEDULE, TYP. SEE PLANS. PROVIDE 4" NOMINAL TRIM AROUND ALL FRONT AND HIGH PROFILE (HP) LOCATIONS.
- 11 DOOR PER SCHEDULE, TYP. SEE PLANS.
- 12 DECORATIVE LIGHT FIXTURE, TYP. REFER TO ELECTRICAL DRAWINGS.
- 13 PREMIUM VINYL DUTCH LAP SIDING - 5" EXPOSURE. COORDINATE FINAL COLOR(S) WITH OWNER.
- 14 VINYL BOARD ON BATTEN: 2" BATTEN AT 12" O.C., COLOR(S) BY OWNER.
- 15 PREMIUM VINYL SHAKE SIDING. COORDINATE FINAL STYLE & COLOR(S) WITH OWNER.
- 16 MANUFACTURED STONE VENEER, REFER TO DETAILS FOR MORE INFORMATION. COORDINATE FINAL COLOR, SIZE, AND STYLE WITH OWNER.
- 17 NO OPENINGS OR PENETRATIONS WITHIN MIN. 4'-0" OF EITHER SIDE OF 2-HOUR FIRE RATED WALL, TYP.
- 18 4" NOMINAL VINYL CORNER TRIM, COLOR(S) BY OWNER.
- 20 OVERHEAD DOOR, COLOR BY OWNER. REFER TO SCHEDULE.
- 21 A/C UNIT, TYP. REFER TO PLANS AND MECHANICAL DRAWINGS.
- 23 DECORATIVE COLUMN OVER WOOD POST/COLUMN, COLOR AND STYLE BY OWNER.
- 24 STANDING SEAM METAL ROOF ACCENT, COLOR AND STYLE BY OWNER.
- 25 DECORATIVE VENT AND BRACKETS, COLOR AND STYLE BY OWNER.

PRELIMINARY

NOTE!!!  
THIS DRAWING IS NOT  
FOR CONSTRUCTION

REVISIONS

phone 330.666.5770  
fax 330.666.8812  
3660 Embassy Parkway  
Fairlawn, OH 44333  
mpg-architects.com

MPG  
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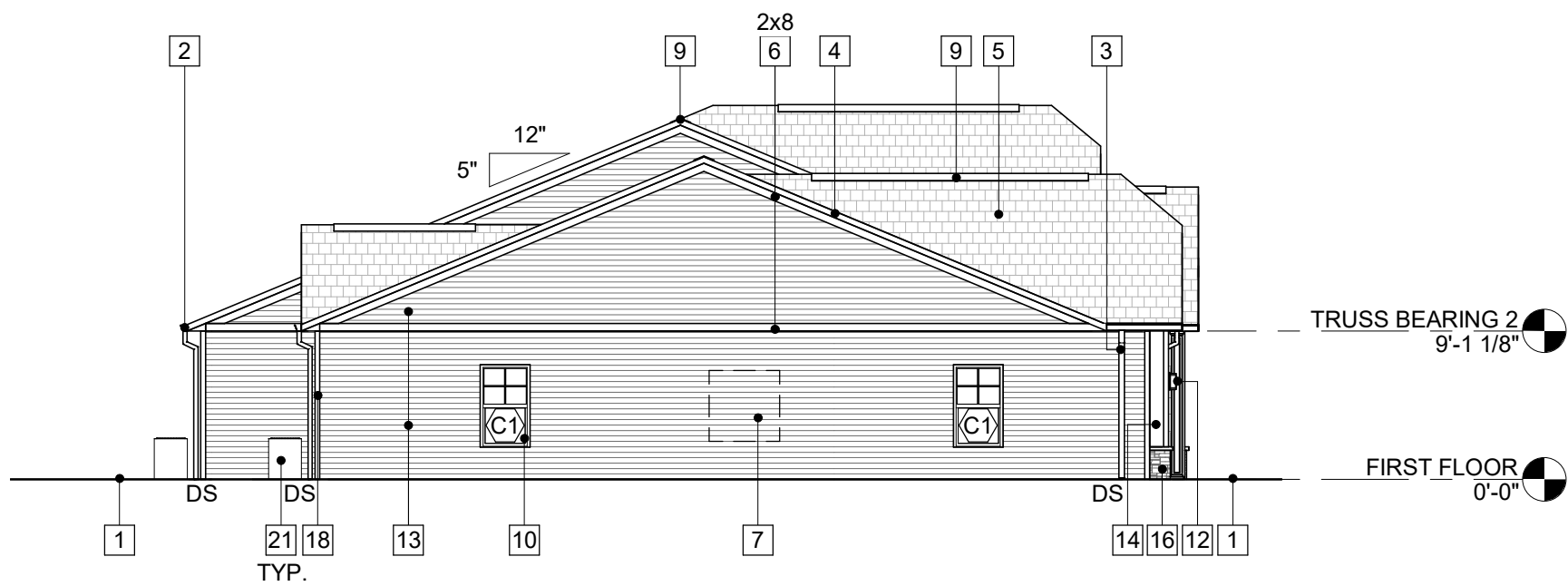
EXTERIOR ELEVATIONS - BUILDING D13

DATE: MARCH 2, 2022

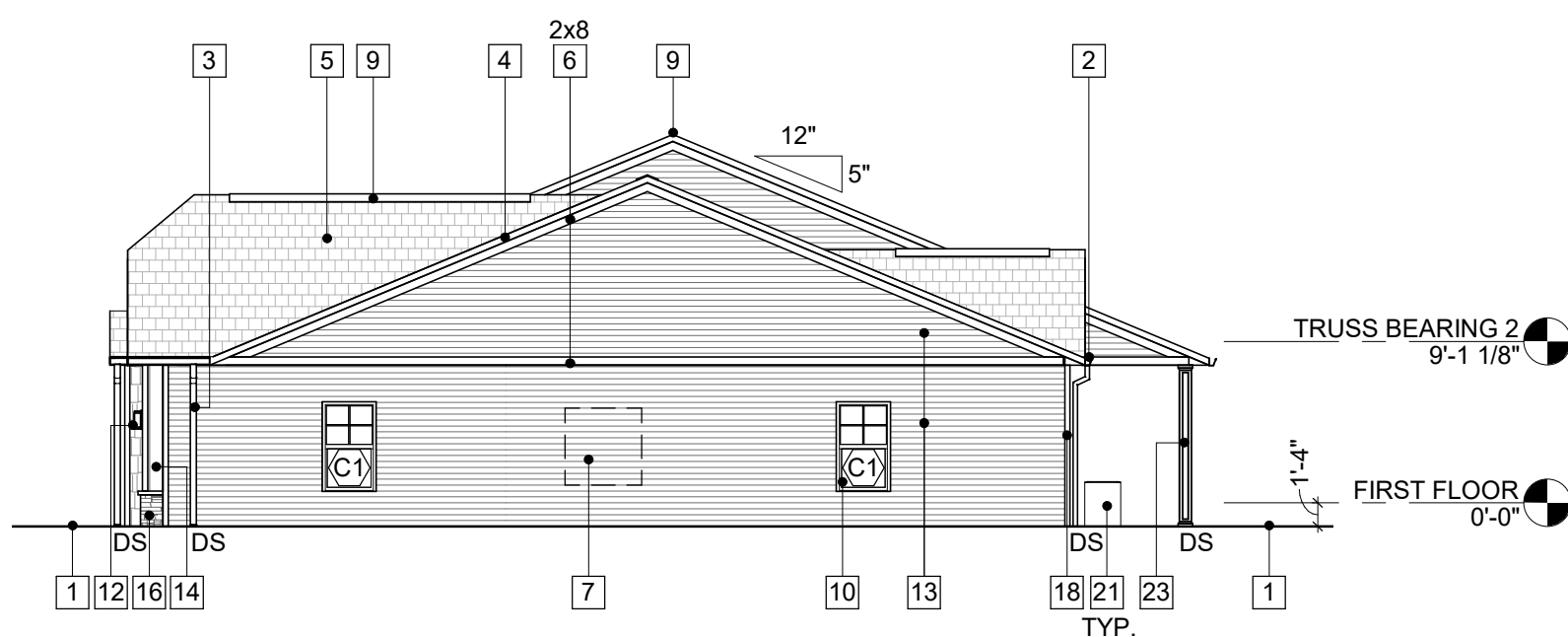
PROJECT #: 1322

THE HAMPTONS AT THE HEIGHTS  
EXECUTIVE BOULEVARD  
HUBER HEIGHTS, OHIO 45424

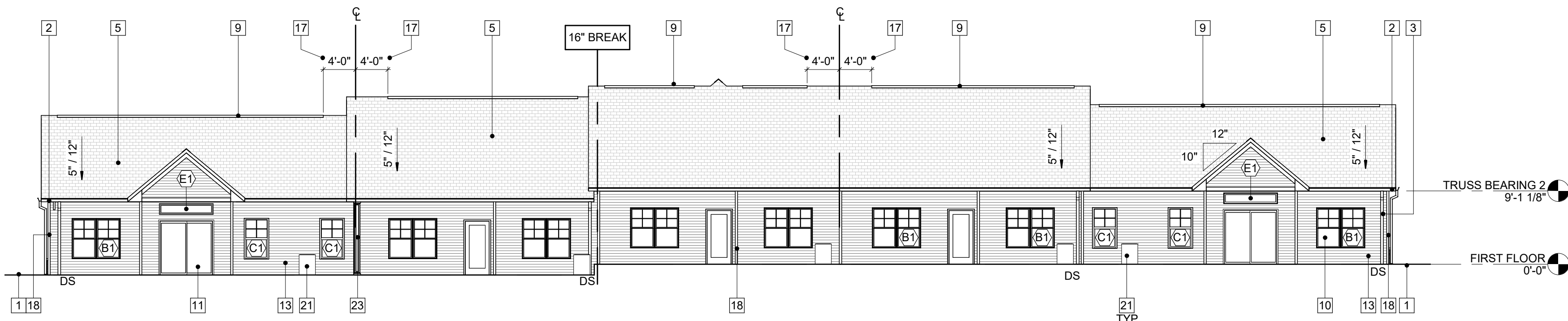
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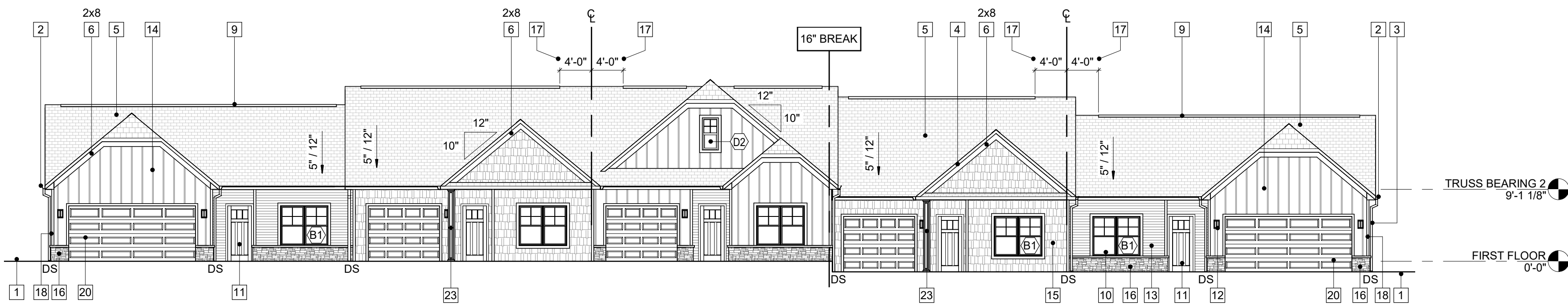
4 ELEVATION BUILDING 'D13' - LEFT  
3/32" = 1'-0"



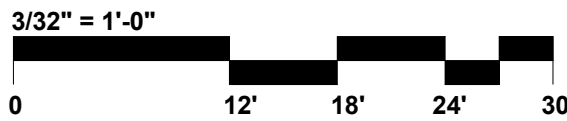
3 ELEVATION BUILDING 'D13' - RIGHT  
3/32" = 1'-0"



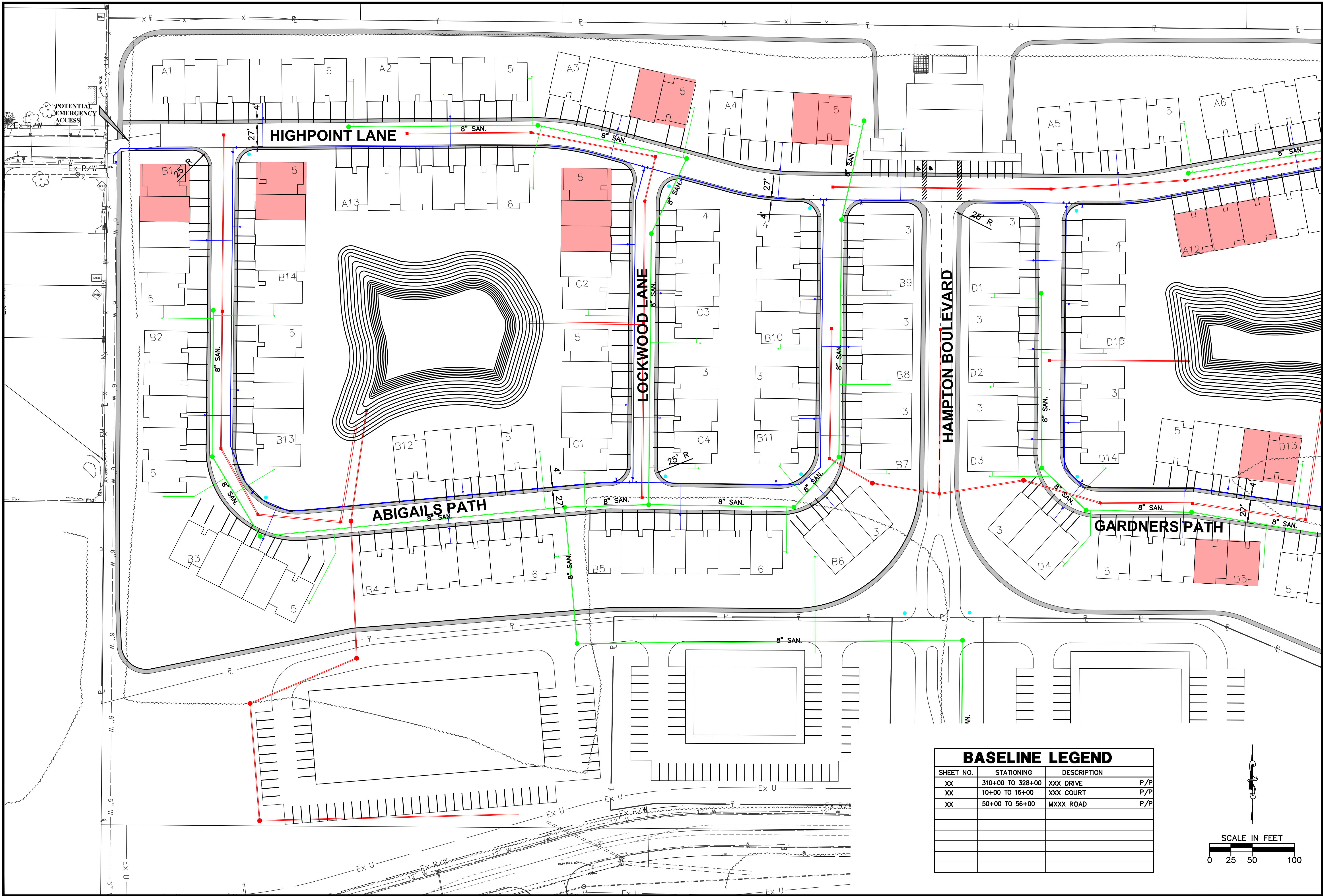
2 ELEVATION BUILDING 'D13' - REAR  
3/32" = 1'-0"



1 ELEVATION BUILDING 'D13' - FRONT  
3/32" = 1'-0"





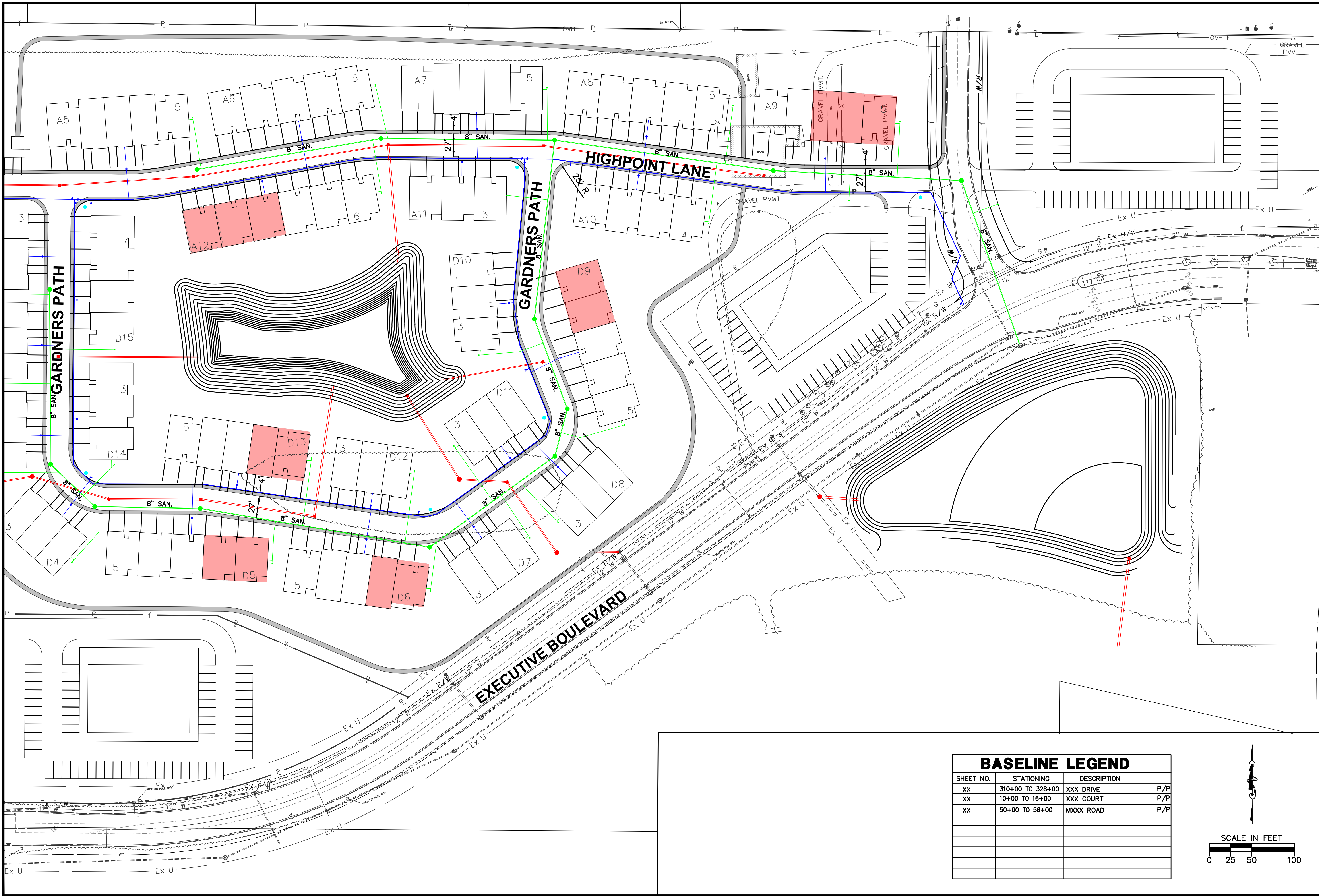


**HAMPTONS AT THE HEIGHTS  
CITY OF HUBER HEIGHTS  
WEST SCHEMATIC PLAN**

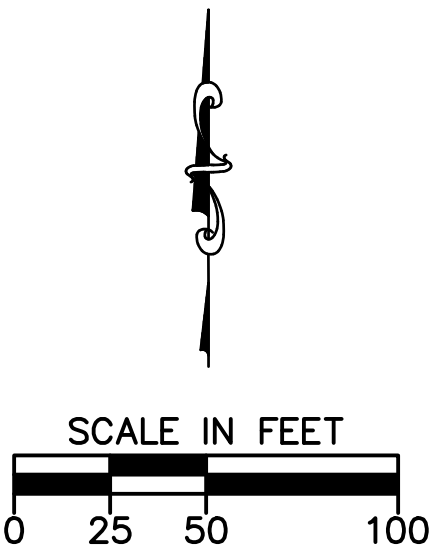
REVISIONS:


FILE NAME	Schematic Plan
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2105
DATE	02-09-2022
SHEET NUMBER	1 OF 8





BASELINE LEGEND			
SHEET NO.	STATIONING	DESCRIPTION	
XX	310+00 TO 328+00	XXX DRIVE	P/P
XX	10+00 TO 16+00	XXX COURT	P/P
XX	50+00 TO 56+00	MXXX ROAD	P/P





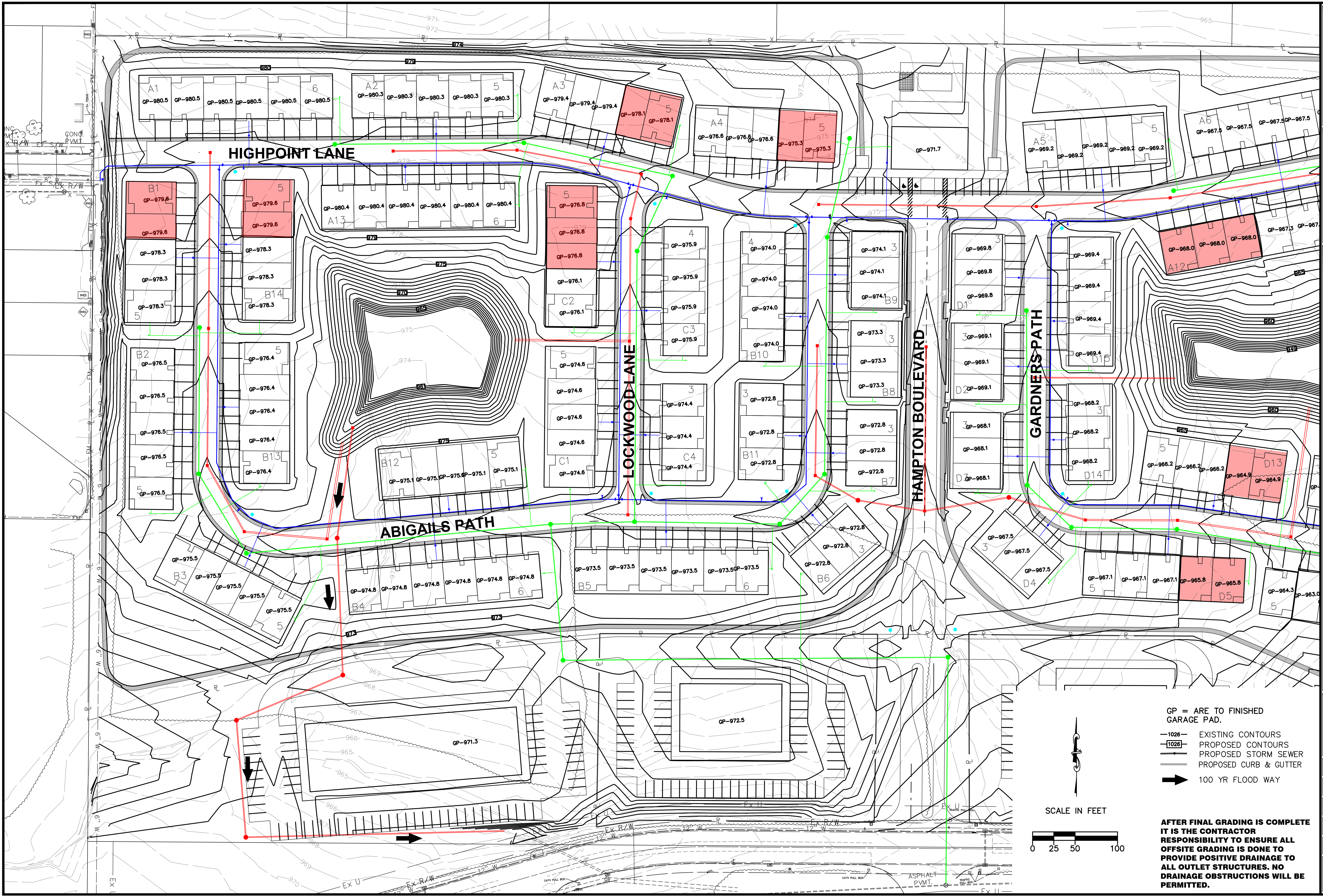
SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
WWW.CHOICEONEENGINEERING.COM

**HAMPTONS AT THE HEIGHTS**  
**CITY OF HUBER HEIGHTS**  
**EAST SCHEMATIC PLAN**

REVISIONS:

FILE NAME	Schematic Plan 2
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2105
DATE	02-09-2022
SHEET NUMBER	2 OF 8





**HAMPTONS AT THE HEIGHTS**  
**CITY OF HUBER HEIGHTS**  
**PRELIMINARY WEST GRADING PLAN**

REVISIONS:
FILE NAME GRADING
DRAWN BY KMM
CHECKED BY MLS
PROJECT No. MOT-HHE-2105
DATE 02-09-2022
SHEET NUMBER 3 OF 8

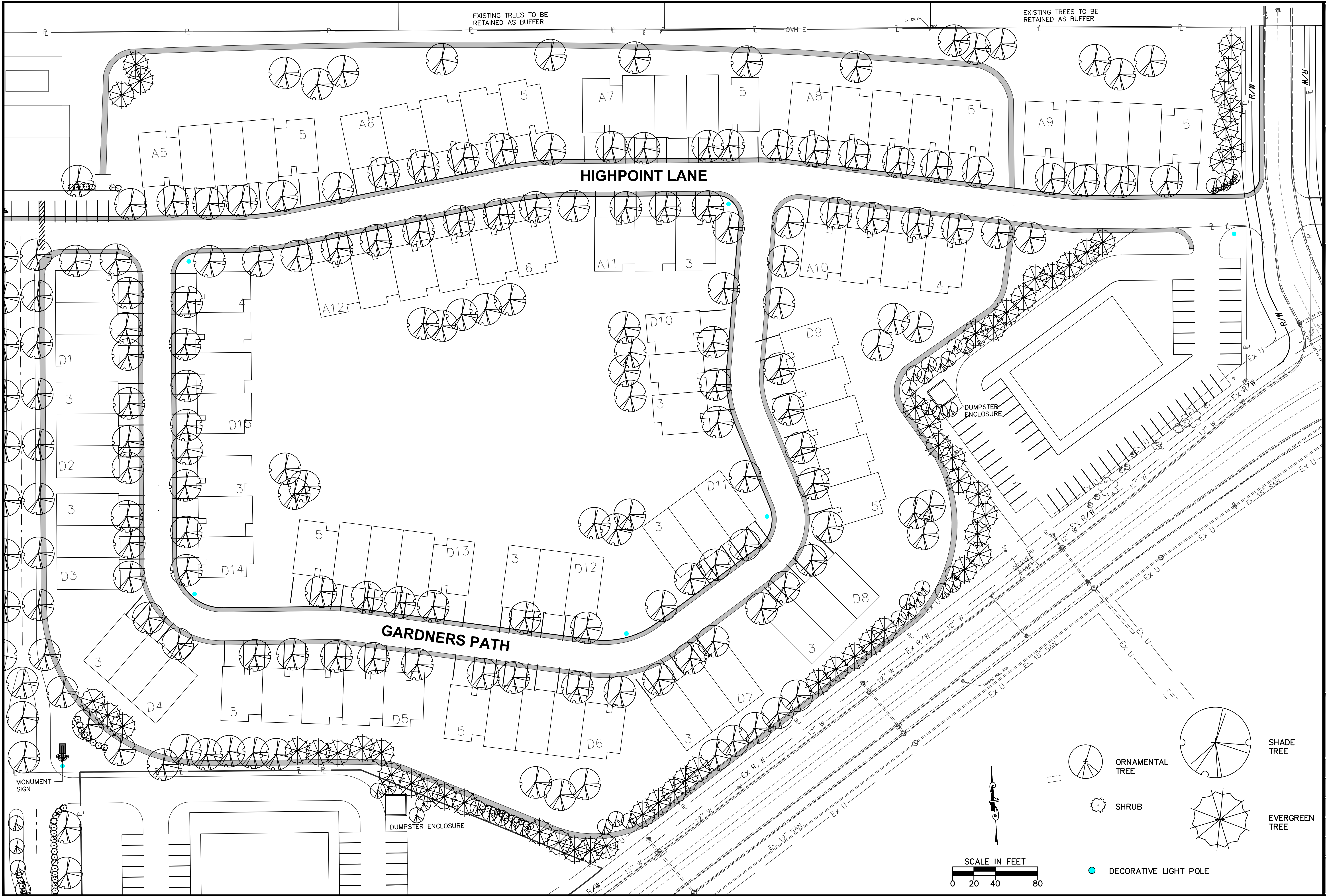














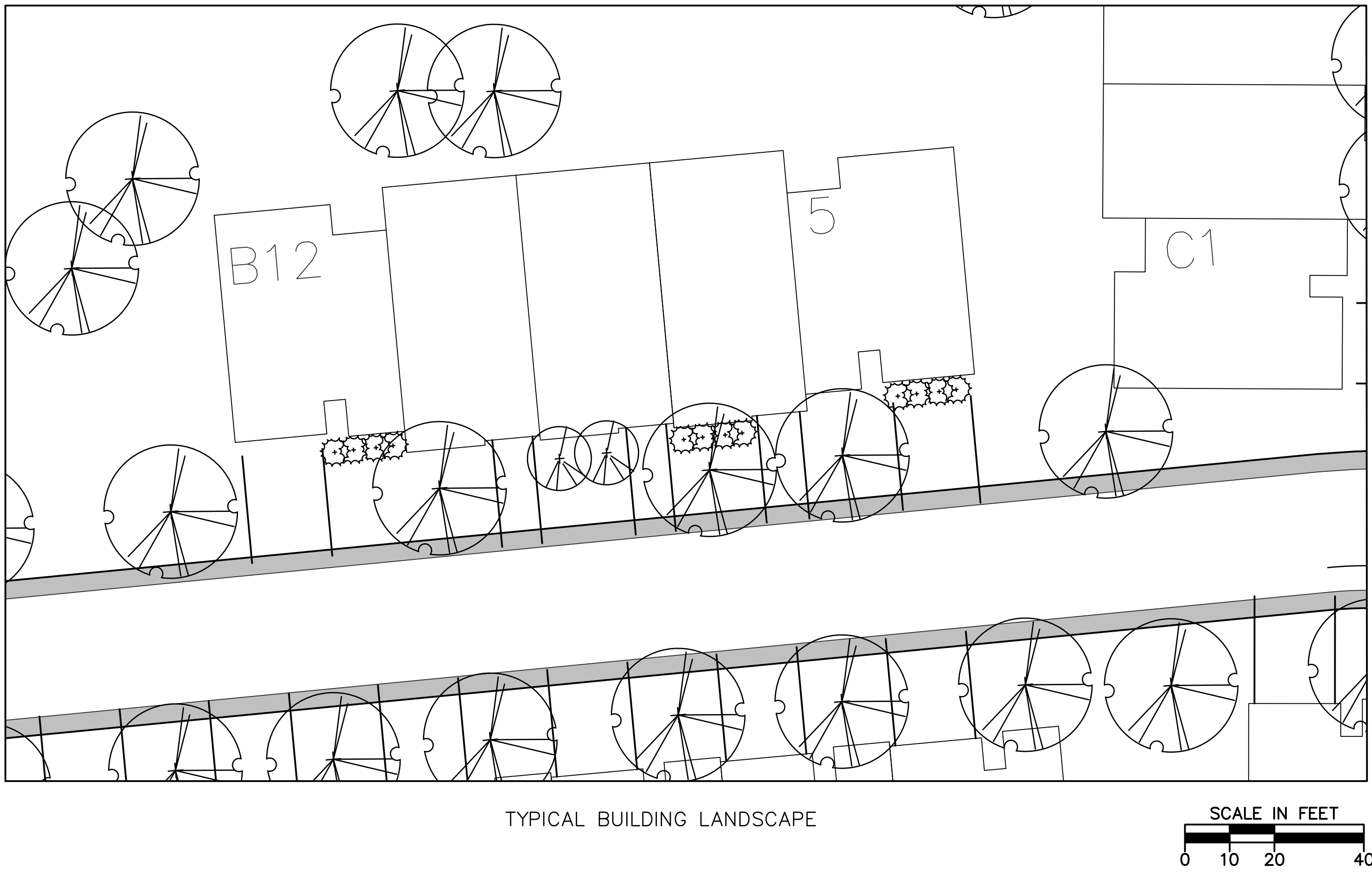
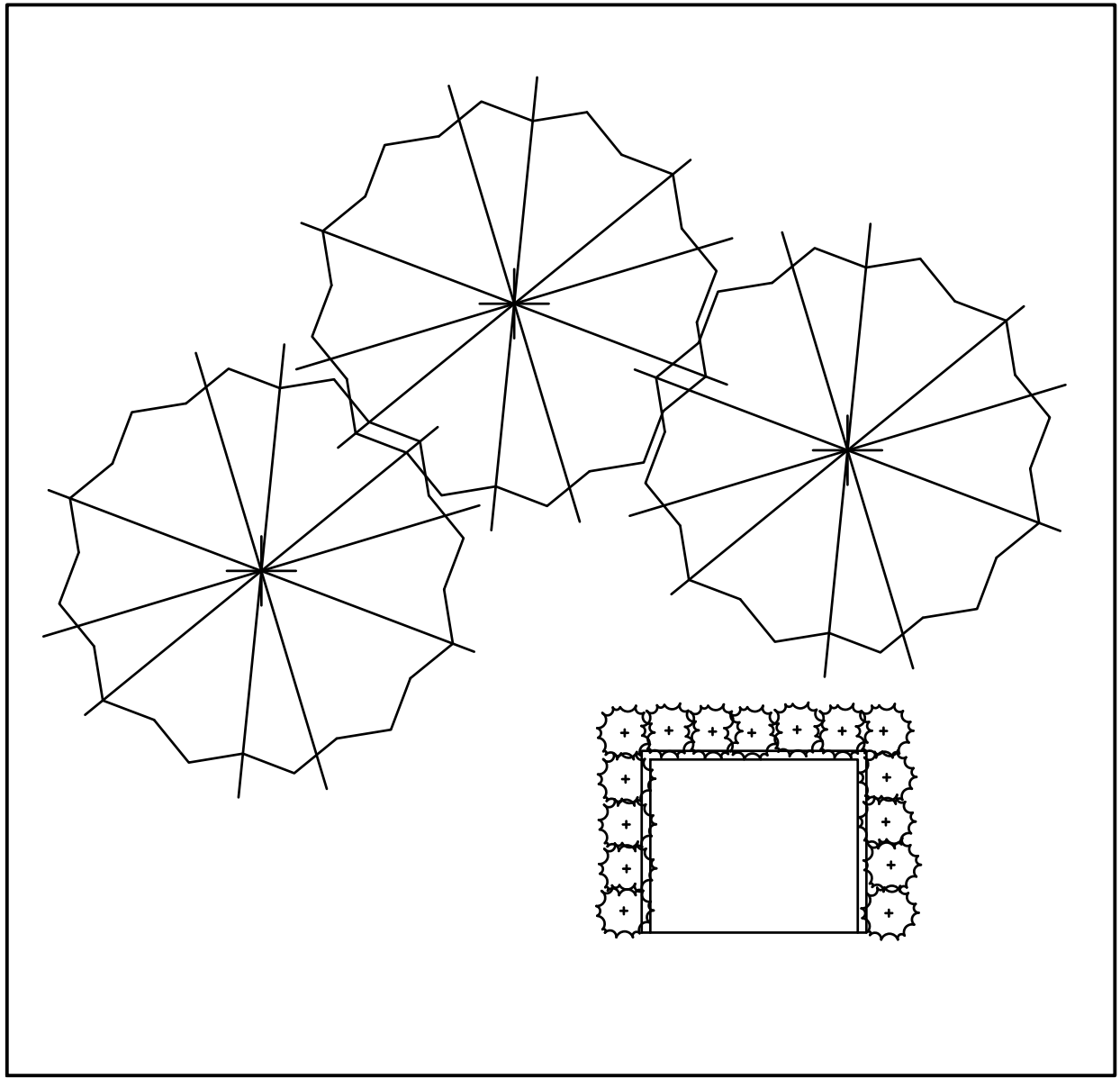
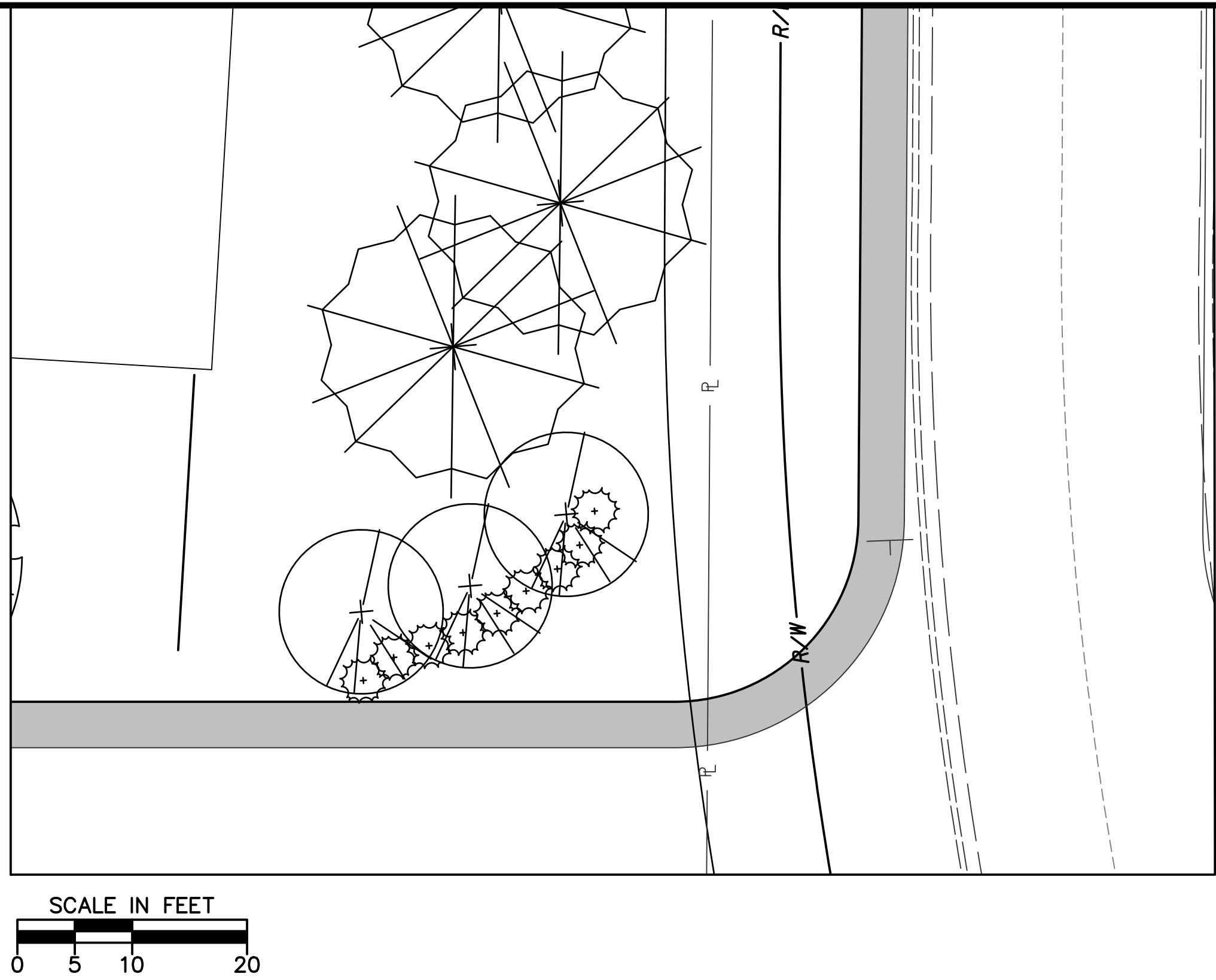
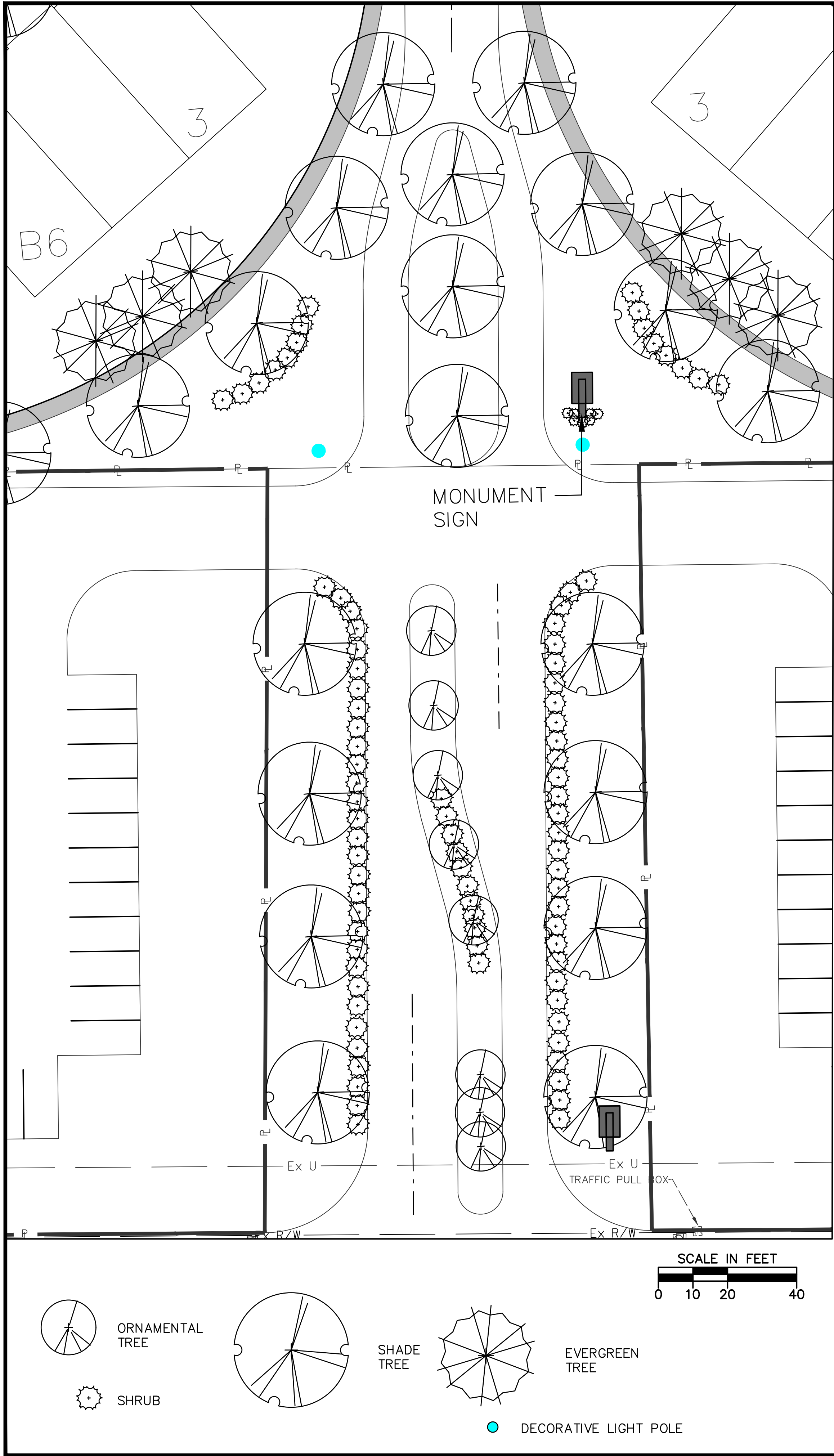
SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
WWW.CHOICEONEENGINEERING.COM

**HAMPTONS AT THE HEIGHTS**  
**CITY OF HUBER HEIGHTS**  
**LANDSCAPE EAST**

REVISIONS:

FILE NAME	LANDSCAPE EAST
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2105
DATE	02-09-2022
SHEET NUMBER	6 OF 8





Choice One Engineering

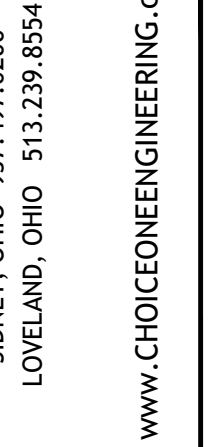
SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
WWW.CHOICEONEENGINEERING.COM

HAMPTONS AT THE HEIGHTS  
CITY OF HUBER HEIGHTS  
LANDSCAPE ENTRIES

REVISIONS:

FILE NAME	ENTRIES
DRAWN BY	KMM
CHECKED BY	MLS
PROJECT No.	MOT-HHE-2105
DATE	02-09-2022
SHEET NUMBER	7 OF 8

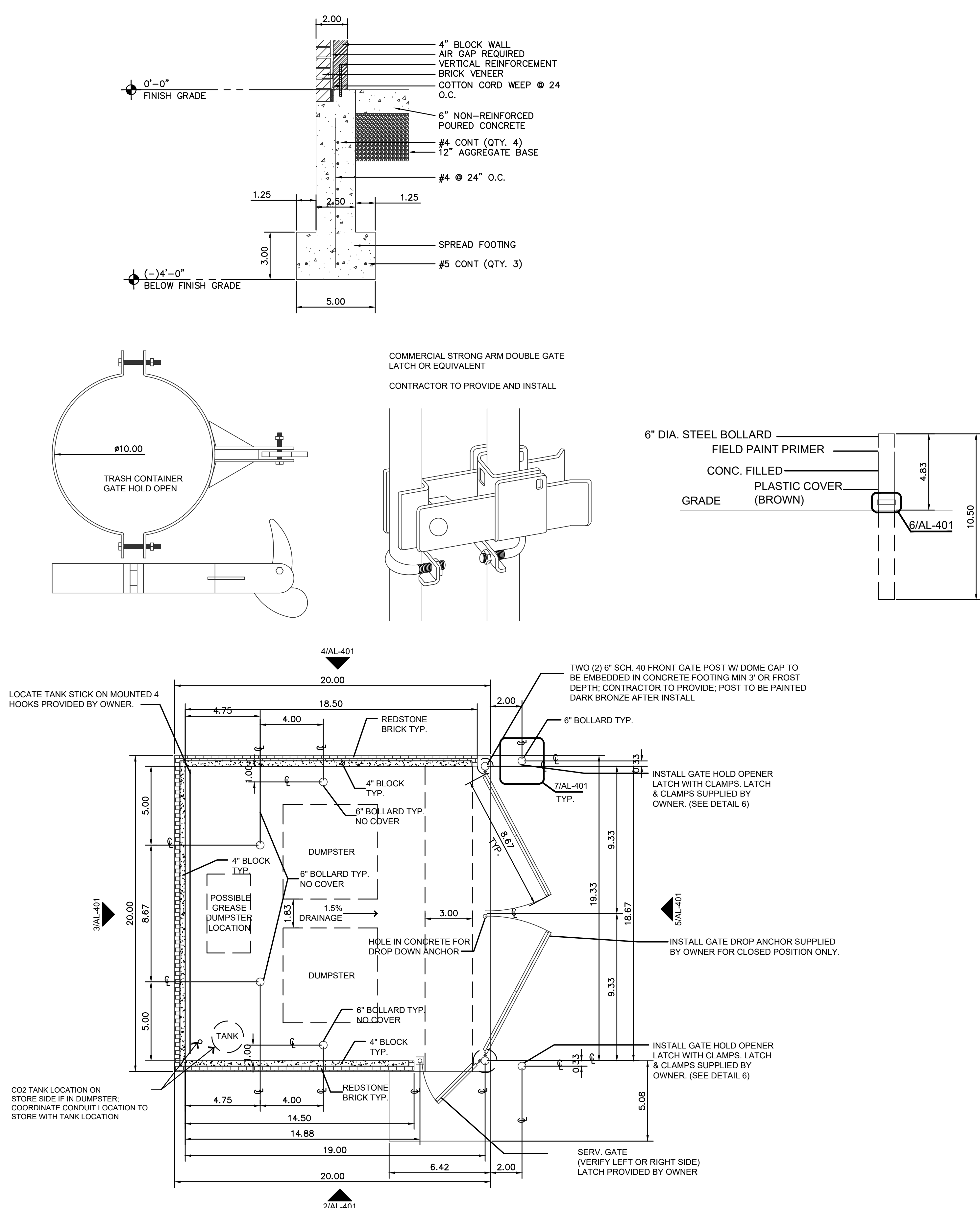




## REVISIONS:

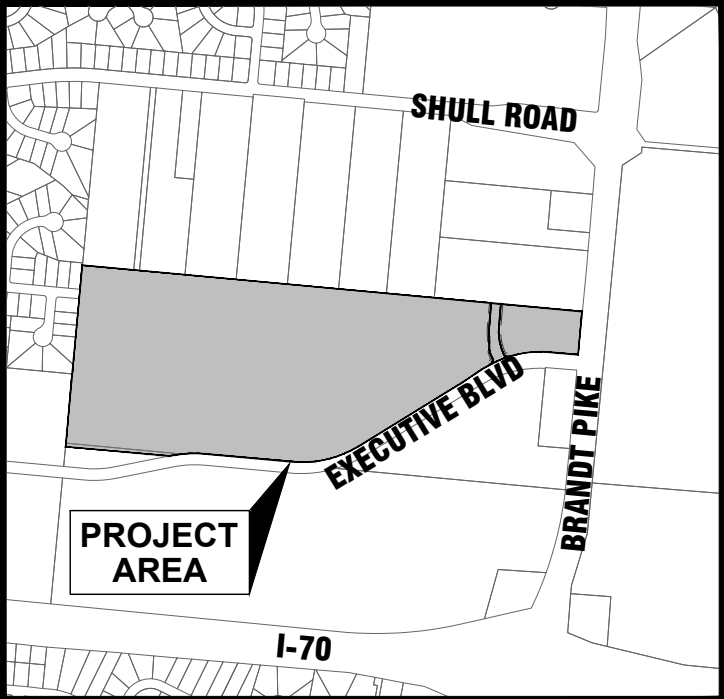
**SHEET NUMBER**

3 OF 8









VICINITY MAP

# RECORD PLAN LEHMAN PLAT

LOCATED IN SECTION 18, TOWN 2, RANGE 8 M.Rs.,  
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO  
43.067 ACRES TOTAL

## APPROVALS

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY THE PLANNING COMMISSION OF THE CITY OF HUBER HEIGHTS, OHIO

\_\_\_\_\_  
CHAI.R.MAN

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BY THE COUNCIL OF THE CITY OF HUBER HEIGHTS, OHIO

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## OCCUPATION STATEMENT

LINES OF OCCUPATION (WHERE EXISTING) IN  
GENERAL AGREE WITH PROPERTY LINES.

PROPERTY LINES CALCULATED FROM EXISTING  
MONUMENTATION AND SURVEYS OF RECORD.

## DESCRIPTION

BEING 43.067 ACRES OUT OF A 51.5979 ACRE TRACT, SITUATE IN  
SECTION 18, TOWN 2, RANGE 8 M.Rs., CITY OF HUBER HEIGHTS,  
MONTGOMERY COUNTY, OHIO, OWNED BY THE CITY OF HUBER HEIGHTS AS  
CONVEYED IN I.R. DEED 19-054747 OF THE MONTGOMERY COUNTY DEED RECORDS.

## CERTIFICATION

I HEREBY CERTIFY THIS PLAT WAS PREPARED IN ACCORDANCE WITH  
O.A.C, CHAPTER 4733.37 STANDARDS OF PLAT OF SURVEYS AND  
ALSO CONFORMS TO THE O.R.C. CHAPTER 711 FOR RECORD PLANS  
AND WAS CONDUCTED UNDER MY DI.R.ECT SUPERVISION AND BASED  
ON ACTUAL FIELDWORK PERFORMED IN SEPTEMBER 2021.  
ALL MEASUREMENTS ARE CORRECT AND MONUMENTS  
ARE SET OR TO BE SET AS SHOWN. CURVE DISTANCES ARE  
MEASURED ON THE ARC.

## PLAT AUTHORIZATION AND DEDICATION

CITY OF HUBER HEIGHTS, THE OWNER OF THE LAND INCLUDED WITHIN  
THIS PLAT HAVE CAUSED THE AREA LOCATED IN THE CITY OF HUBER  
HEIGHTS, OHIO, ENCOMPASSED BY THIS PLAT, TO BE SURVEYED,  
PLATTED, AND KNOWN AS LEHMAN PLAT. FURTHERMORE, CITY OF HUBER  
HEIGHTS DEDICATES THE ROAD RIGHT-OF-WAY AND RESERVES THE  
EASEMENTS AS SHOWN ON THIS PLAT TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN ON THIS PLAT ARE FOR THE CONSTRUCTION,  
OPERATION, MAINTENANCE, REPAI.R., REPLACEMENT OR REMOVAL OF  
WATER, GAS, SEWER, ELECTRIC, TELEPHONE, OR OTHER UTILITIES OR  
SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL  
TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES  
AND FOR PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR  
SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

BY: \_\_\_\_\_,      DATE: \_\_\_\_\_,  
CITY OF HUBER HEIGHTS

CITY OF HUBER HEIGHTS, BEING AFFI.R.MED, SAYS THAT ALL PERSONS  
AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE, INTERESTED IN  
THIS DEDICATION, EITHER AS OWNERS OR AS LIEN HOLDERS, HAVE  
UNITED IN ITS EXECUTION.

SIGNED AND ACKNOWLEDGED  
OWNER: CITY OF HUBER HEIGHTS IN THE PRESENCE OF:

\_\_\_\_\_  
CITY OF HUBER HEIGHTS

STATE OF OHIO  
COUNTY OF MONTGOMERY, SS

BE IT REMEMBERED,  
THAT ON THE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY,  
PERSONALLY CAME CITY OF HUBER HEIGHTS, OWNER, AND  
ACKNOWLEDGED THE SIGNING OF THIS INSTRUMENT TO BE HIS  
VOLUNTARY ACT AND DEED AS OWNER AND THE VOLUNTARY ACT AND  
DEED OF SAID OWNER.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL  
SEAL ON THE DAY AND YEAR ABOVE WRITTEN.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
MY COMMISSION EXPI.R.ES

## APPROVED FOR DESCRIPTION ONLY

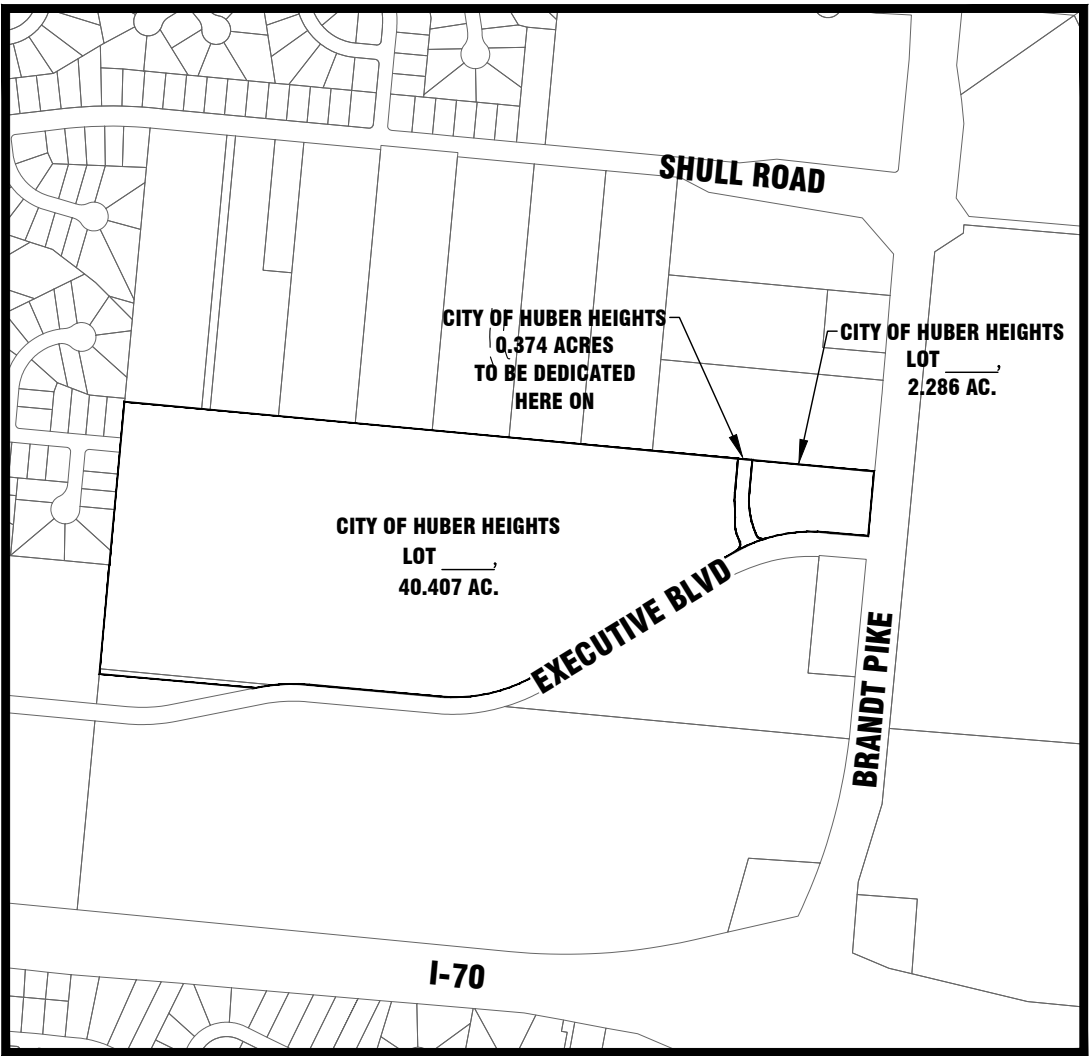
FILE # 2021-0332,

\_\_\_\_\_  
MONTGOMERY COUNTY ENGINEER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHECKED BY

\_\_\_\_\_  
DATE



## SUPERIMPOSED AREA NOTE:

ALL OF THE LANDS OF THE DEDICATOR  
ARE CONTAINED WITHIN SURVEY.

\_\_\_\_\_  
ALLEN J. BERTKE, P.S. #8629

\_\_\_\_\_  
DATE

PREPARED BY:

**ChoiceOne**  
Engineering

SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com

DATE:

11-5-2021

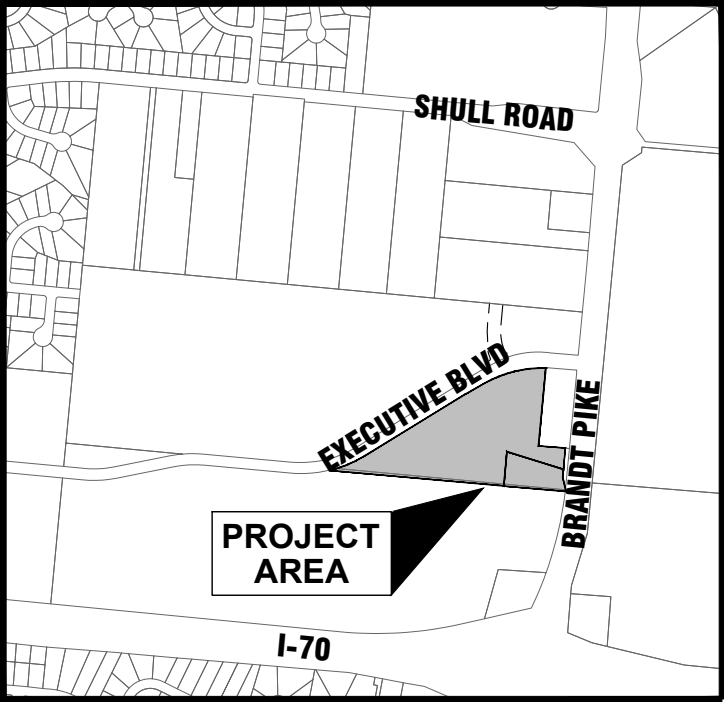
DRAWN BY:  
R.D.J.

JOB NUMBER:  
MOT-HHE-2107

SHEET NUMBER

2 OF 2

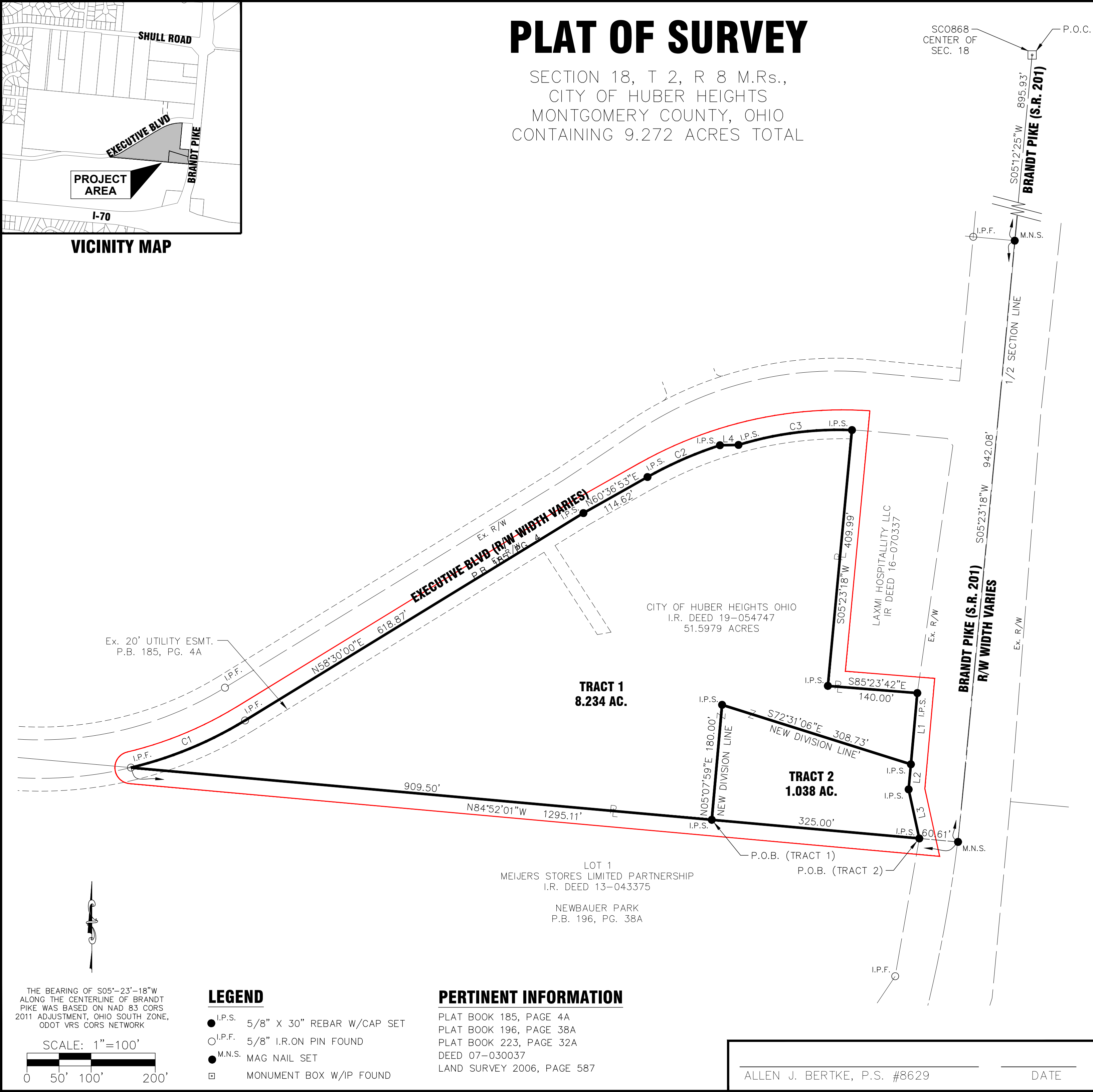




VICINITY MAP

PLAT OF SURVEY

SECTION 18, T 2, R 8 M.Rs.,  
CITY OF HUBER HEIGHTS  
MONTGOMERY COUNTY, OHIO  
CONTAINING 9.272 ACRES TOTAL



CITY OF HUBER HEIGHTS ADMINISTRATOR

THIS PLAT WAS INSPECTED AND ACCEPTED BY  
ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CITY MANAGER  
SCOTT FALKOWSKI

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CH DIST	CH BEARING
C1	612.67'	193.40'	18°05'09"	192.59'	N67°32'35"E
C2	533.67'	179.34'	19°15'15"	178.50'	N82°31'25"E
C3	620.00'	123.63'	11°25'30"	123.43'	N66°19'29"E

LINE TABLE		
LINE	LENGTH	BEARING
L1	111.54'	S05°09'13"W
L2	39.28'	S05°09'13"W
L3	78.28'	S12°17'02"E
L4	28.97'	N89°03'01"E

OCCUPATION STATEMENT

Lines of Occupation (where existing) in  
General Agree with Property Lines.

Property Lines Calculated from Existing  
Monumentation and Surveys of Record.

CERTIFICATION

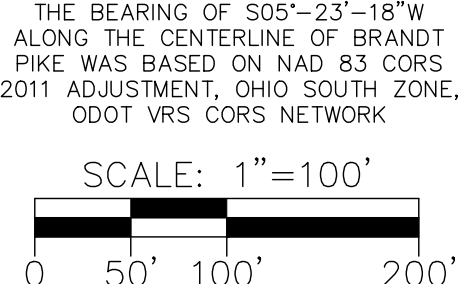
I CERTIFY THAT THE BOUNDARY SURVEY OF THIS SURVEY  
WAS PREPARED IN ACCORDANCE WITH O.A.C. 4733-37.  
ALL MONUMENTATION IS OR TO BE SET AS SHOWN.

PERTINENT INFORMATION

PLAT BOOK 185, PAGE 4A  
PLAT BOOK 196, PAGE 38A  
PLAT BOOK 223, PAGE 32A  
DEED 07-030037  
LAND SURVEY 2006, PAGE 587

LEGEND

- I.P.S. 5/8" X 30" REBAR W/CAP SET
- I.P.F. 5/8" I.R.ON PIN FOUND
- M.N.S. MAG NAIL SET
- ▣ MONUMENT BOX W/IP FOUND



ALLEN J. BERTKE, P.S. #8629

DATE

PREPARED BY:

**ChoiceOne**  
Engineering

SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com

DATE: 10-29-2021
DRAWN BY: R.D.J.
JOB NUMBER: MOT-HHE-2107
SHEET NUMBER 1 OF 1



# Huber Heights Fire Division

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

Occupancy Name:	The Hamptons at the Heights		
Occupancy Address:	7125 Executive Boulevard		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:		HHFD Plan:	22-051
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	3/25/2022

## **Fire Department Comments:**

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

**These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted. The proposed development will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.**

### **Requirements:**

- Hydrants in multi-family and commercial districts shall be placed not more than 300 feet apart, measured on the main and not more than 400 feet from any opening in any building. All new fire hydrants and any existing fire hydrants that are in need of replacement, shall meet the Huber Heights hydrant standard for this district of two (2), five (5) inch diameter steamer nozzles. These steamer nozzles shall have a five (5) inch STORTZ quick connection and one steamer shall have a four (4) inch STORTZ connection approved by the Code Official. Huber Heights Codified Ordinance 1521.06(c). **(Current layout does not appear to meet the 300 feet spacing.)**



- If buildings are required to be sprinklered at least one fire hydrant shall be provided within 75 feet of the fire department connection for each building. Huber Heights Codified Ordinance 1521.01(e).
- Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. Ohio Fire Code 507.5.4. *(See below.)*
- A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved. *(No trees, bushes, plantings, etc.)* Ohio Fire Code 507.5.5.
- The water supply shall be capable of providing required fire flows for fire protection. Ohio Fire Code 507.1 & 507.3. Calculations and findings will need to be determined and provided. *(Refer to Ohio Fire Code Appendix B for required flows.)*
- Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates and an unobstructed vertical height for fire apparatus access roads shall be 13 feet 6 inches, in accordance with Ohio Fire Code 503.2.1. *(Boulevard lanes may need to be widened depending on proposed size.)*
- Fire department access roads shall be capable of supporting the imposed load of fire apparatus weighing up to 75,000 lbs. Refer to Ohio Fire Code Appendix D102.1.
- If required, fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or otherwise approved by the fire code official. Ohio Fire Code 912.2.1.
- If required, immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official. Ohio Fire Code 912.4.

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

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in ALL respects to this code, as prescribed in SECTION (D) 104.1 of the 2017 Ohio Fire Code. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with ALL applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.



# *Huber Heights Fire Division*

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# Memorandum

Staff Report for Meeting of March 29, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner  
Community Planning Insights

Date: March 22, 2022

Subject: BDP 22-12 "Hamptons at the Heights"  
Rezoning and Basic Development Plan

Application dated March 15, 2022

Department of Planning and Zoning

City of Huber Heights

**APPLICANT/OWNER:** Horizon Line Development - Applicant  
City of Huber Heights - Owner

**DEVELOPMENT NAME:** Hamptons at the Heights

**ADDRESS/LOCATION:** 7125 Executive Boulevard

**ZONING/ACREAGE:** PEP - Planned Employment Park / ~43 Acres

**EXISTING LAND USE:** Vacant land / Agriculture

**ZONING**

**ADJACENT LAND:** A & PM – North; PM – South; A – East;  
R-7 & PEP - West

**REQUEST:** The applicant requests approval of a rezoning from  
Planned Employment Park to Planned Mixed Use;  
and approval of a Basic Development Plan containing  
a mix of residential and commercial uses.

**ORIGINAL APPROVAL:** N/A

**APPLICABLE HHCC:** Chapter 1171, 1179

**CORRESPONDENCE:** In Favor – None received  
In Opposition – None received

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Overview:**

The applicant is requesting approval for a rezoning of approximately 43 acres from Planned Employment Park to Planned Mixed Use, to facilitate the construction of 197 residential townhome apartments and five commercial out lots.

### **Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1179 Planned Mixed Use District, 1181 General Provisions, 1189 Signs. The relevant sections are cited and discussed below:

## Chapter 1171 General Provisions

### 1171.01 Purpose.

Planned Unit Developments Districts may be permitted as amendments to the zoning map, after application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. The provisions of this chapter are adopted to unify planning and development in such districts. Applications for rezoning of land into a Planned Unit Development District shall be granted only when the basic development plan for the project is such that the public health, safety and morals shall not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district. PUD rezonings may be approved only when a basic development plan for the area has been approved by Council. A detailed development plan shall then be approved for zoning permit to be approved for development in the District. Normally the detailed development plan shall be approved by the Planning Commission after the rezoning and basic development plan have been approved by Council. Owners shall have the option however, of submitting a combined basic and detailed development plan ("combined development plan") if they should so desire for some or all of the site.

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

### 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)

### **Development Standards Analysis:**

#### **1179.06 Development standards.**

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

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

The area proposed to be rezoned to PM is approximately 35 acres.

- (b) *Covenants. The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this chapter and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed-Use District.*

The applicant has proposed development and use standards that are generally consistent with the applicable zoning regulations. Staff would like to see the following revisions:

- Residential garage openings shall be set back at least 20-feet from the back of the sidewalk. (It appears this is the case in most instances; however, the drawings are not dimensioned and to the greatest extent possible staff desire to limit the overhang of vehicles into the sidewalk pathways).
- The following proposed permitted non-residential uses should be eliminated from permitted use list:
  - Filling stations
  - Sweepstakes cafes
  - Convenience store
  - Self-Storage – Indoor Climate Controlled
  - Car Wash

*(c) Required Mix of Land Uses. A developer shall be required to provide a mix of land uses in a PM Development. At a minimum, at least two of the following uses are required in a PM Development: residential, commercial, office, institutional, and/or industrial.*

The area contains a mixture of residential, commercial and office uses.

*(d) Site Planning.*

*(1) The combination of different uses, whether as part of one building or as part of the overall development, shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor or any other annoyances for any uses within the development or neighboring properties.*

This site is located along a well-traveled thoroughfare, surrounded by residential uses to the north and west, commercial uses to the south, and Carriage Hill MetroPark to the east. The vast majority of the proposed land uses are residential and are located adjacent to other residential uses. The proposed commercial out lots, which will likely have more intensive uses, are appropriated located to front Executive Boulevard.

*(2) A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.*

Commodity crop production is the current use of the site, and few natural features exist. There is a small drainage stream that bisects the site near the southwest corner, which crosses under Executive Boulevard and ultimately into Drylick Run Creek. The proposed development plan appears to limit the impact on the drainage stream.

In general, the site slopes west to east. Two onsite and one offsite stormwater basins will provide for stormwater management. The stormwater basins are designed to be wet basins, which will provide an attractive landscape amenity.

*(3) The number of ingress and egress points onto the public streets shall be limited in order to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.*

This development will have two entrances from Executive Boulevard that are aligned and spaced in a manner where little traffic conflict points should exist. Interior sidewalks and walking trails are proposed for pedestrian circulation. As the commercial spaces are developed sidewalks along the north side of Executive Boulevard should be constructed to provide pedestrian connections to the amenities near and along Executive Boulevard.



*(4) Parking systems shall be designed so as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Underground parking facilities are encouraged.*

Parking for the residential units is provided by what appears to be a mixture of one-and two-car garages, along with driveway space. The applicant is providing at least two spaces per unit for the residential development, including the driveway space. As previously stated, the setback from the garage face to the back of sidewalk for the residential units should be a minimum 20-feet.

*(5) The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bus stops, bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be required except, in the case of a golf course or specific open space development, the Planning Commission may determine them to be unnecessary.*

The proposal provides interior sidewalks and walking paths. Additional sidewalks should be constructed as the commercial lots are developed along Executive Boulevard to provide pedestrian access to the surrounding amenities.

*(6) Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces permitted, type size permitted, and permitted illumination. Compliance with the on-site comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.*

A sign package was not submitted with the application; however, two monument signs are indicated on the landscaping plan. Signs shall comply with Chapter 1189.

*(7) Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:*

*A. With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings.*

*B. With multiple buildings on a single property, nonresidential buildings or mixed-use buildings shall be at least 20 feet or one-half the height of the taller building apart, whichever is greater from another nonresidential or mixed-use building.*

*C. All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.*

The residential buildings are set back 15-feet from each residential building. While the commercial out lots illustrate generic building footprints, plenty of land area exists to meet these setback requirements.

*(8) No maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements.*

The residential buildings are approximately 20-feet tall.

*(9) Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.*

The plans and renderings indicate a mixture of decorative light poles and wall sconce lighting throughout the residential development. A lighting plan will be required at the detailed development plan phase.

*(10) Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.*

The site plan indicates the trash receptacles will be fully enclosed where provided.

*(11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.*

The architecture of the commercial structures is not indicated in the application, but will be reviewed at the time of the detailed development plan submission for each out building.

*(12) The distribution systems for utilities are required to be underground.*

All utilities will be placed underground.



(13) The use of privately owned open space and public dedicated park land is encouraged as part of a PM development. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.

The residential open space will be owned by the apartment development owner.

*(14) The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard, and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-of-way. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential property, fence height shall not exceed six feet.*

No on-site fencing is proposed

*(15) With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete.*

A phasing plan was not submitted.

#### **1179.07 Landscaping.**

*To protect and promote a harmonious development that ensures a functional and logical arrangement of mixed uses, the effective and efficient use of landscaping and buffering is required. Therefore, a PM development shall include the following landscaping and buffering:*

*(a) Development Landscaping. Within the PM development that is proposed, entirely residential buildings shall be screened from nonresidential and mixed-use buildings with a 20-foot-wide buffer strip that includes a six-foot-high earth mound, wooden or vinyl fence, wall, landscaping and/or mixture thereof that shall maintain an opaqueness of at least 80 percent year around. Parking areas, accessways, or any impervious surfaces are prohibited within this buffer strip. If planted materials are used, the screen must achieve the required height, width, and opaqueness within two years of planting. The use of pre-existing trees, natural features or amenities as part of this buffer is encouraged. The Planning Commission may approve some other arrangement of buffering if it determines that such an arrangement meets the intent of this requirement.*

*(b) Perimeter Landscaping. In a section of a PM development that contains nonresidential, mixed use, or multi-family buildings that abut a neighboring property with a single-family residential zoning designation or in a PM development section that contains an entirely residential section that abuts a neighboring property with a commercial, office, or multi-family zoning designation, the perimeter of the section of the PM development shall be screened with a 25 foot wide buffer strip that includes a six foot high earth mound, wooden or vinyl fence, wall, landscaping and/or mixture thereof that shall maintain an opaqueness of at least 80 percent year-round. Parking areas,*

*accessways or an impervious surfaces are prohibited within this buffer strip. If planted materials are used, the screen must achieve the required height, width, and opaqueness within two years of planting. The use of pre-existing trees, natural features or amenities as part of this buffer is encouraged. The Planning Commission may approve some other arrangement of buffering if it determines that such an arrangement meets the intent of this requirement.*

The applicant proposes to retain the existing trees along the north property line as a buffer, and the closest structure is approximately 80-feet from the property line. Staff does not feel a 6-foot-high landscaping mound is warranted and would require the removal of existing trees.

Along the west property line, the screening will be a mixture of evergreen and ornamental trees. No mounding or fencing is proposed or required.

*(c) Parking Lot Landscaping. All parking lots are required to have interior landscaped areas as outlined in Chapter 1185, "Parking and Loading".*

The commercial out lots will be reviewed at the detailed development plan phase; however, the covenants indicate the commercial developments will comply with Chapter 1185.

*(d) Street Tree Requirement. All frontage property within a PM development that abuts public rights-of-way and is developed with nonresidential, mixed use, and/or multi-family buildings is required to have one street tree per 40 feet of frontage planted just outside of the street right-of-way. Unless determined to be inappropriate by the City Engineer, street trees shall be planted at least four feet from the edge of the sidewalk on private property. All frontage property within a PM development along a major collector or better as defined by the Huber Heights Thoroughfare Plan, no matter what use, shall meet this requirement. The type of tree and size shall be proposed by the developer at the Detailed Development Plan application stage and approved by the Planning Commission. A list of appropriate trees with required caliper is available in the City Engineer's Office.*

Street trees are indicated throughout the development. Street trees will be required along Executive Boulevard as those sites are developed.

### **STAFF RECOMMENDATION**

Staff recommend approval of the rezoning and Basic Development Plan to construct 197 residential units and five commercial out lots. Staff recommend the following conditions for approval:

- 1) The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
- 2) The permitted uses shall exclude those recommended by staff.



- 3) The water mains and sanitary sewers shall be built to city standards and in easements.
- 4) The applicant shall submit a sign package consistent with Section 1189.
- 5) The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

### **Planning Commission Action**

Planning Commission may take the following actions with a motion:

- 1) Approve the rezoning and basic development plan with or without conditions;
- 2) Deny the rezoning and basic development plan (the Commission should state the specific reasons for denial); or
- 3) Table the application.



## Planning Commission Decision Record

WHEREAS, on March 04, 2022, the applicant, Horizon Line Development, requested approval of a Rezoning and Basic Development Plan to Planned Mixed (PM) for 35 acres at 7125 Executive Boulevard, Parcel Number P70-03910-0005 of the Montgomery County, Ohio Records (Case BDP 22-12); and

WHEREAS, on March 29, 2022, 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. Vargo moved to recommend approval of the request by the applicant, Horizon Line Development, of a Rezoning and Basic Development Plan to Planned Mixed (PM) for 35 acres at 7125 Executive Boulevard, Parcel Number P70-03910-0005 of the Montgomery County, Ohio Records (Case BDP 22-12) in accordance with the recommendation of Staff's Memorandum dated March 22, 2022, with the following conditions:

1. The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
2. The water mains and sanitary sewers shall be built to city standards and in easements.
3. The applicant shall submit a sign package consistent with Section 1189.
4. The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department;



BDP 22-12 – Decision Record

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

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Terry Walton, Chair  
Planning Commission

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Date

**Planning Commission  
March 29, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: None.

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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. **BASIC DEVELOPMENT PLAN - The applicant, AMARJIT TAKHAR, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

This case was tabled at the March 15, 2022, to allow time to review the revised development plan that was submitted shortly before the meeting. The crux of the revision reconfigures the western access point to allow for a future extension of Center Point 70 Boulevard and meet the development standards of the Planned Commercial District.

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-



trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The revised site plan illustrates 76 parking spaces, including 10 for semi-trucks. This is an increase from 62 automobile parking spaces.

The proposed uses are principally permitted in the PC district. The revised plan indicates a 15-foot perimeter buffer yard, which meets the standards for this chapter. All other standards for this Chapter are met.

The revision meets the requirements of Chapter 1181. The revised plans illustrate street trees placed every 40-feet. No exterior lighting plan was submitted at this time, but will be submitted at the time of detailed development review. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

The revised proposal meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The revised plan indicates 70 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. The applicant has adjusted the site plan by reconfiguring the parking and circulation plan. The revised configuration will likely improve vehicle stacking at the intersection along the proposed roadway, rather than internally as was originally illustrated.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the revised basic development plan with the following conditions:

- Applicant shall comply will all fire code requirements.

**Action**

Ms. Thomas moved to approve the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) on approximately nine (9) acres of a 35-acre parcel at property located on the East side of intersection of State Route 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Ohio Records (ZC BDP 22-08) and accordance with the recommendation of staff's memorandum dated March 22, 2022 and the Planning Commission's Decision Record attached thereto.

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

Move to City Council

**VII. New Business**

- 1. COMBINED BASIC AND DETAILED DEVELOPMENT PLAN - The applicant, CAMPBELL BERLING HUBER HEIGHTS, LLC, is requesting approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road (ZC CBDP 22-11).**

Mr. Sorrell stated that This case was originally ZC 21-47, which contemplated 132 units (66 2-family townhomes) on approximately 23 acres. The applicant withdrew the application and is now submitting approval for 97 units, comprised of 29 single-family lots and 34 two-family townhomes. The average density is approximately 4.33/units per acre.

The proposed one-family lots are slightly smaller and 20-feet shallower than what is prescribed by the code. The 64-foot-wide lots are significantly smaller in square footage than prescribed by the code, however this does provide a housing product for those households who do not want or need a larger yard. Overall, the average lot size in this development is 6,937 square feet. In staff's professional opinion the slightly smaller and shallower lots will have a negligible impact on surrounding properties and the character of the area.

Each unit, both detached and attached, will contain a two-car garage, along with driveway space for parking. The proposal complies with this standard.

All utilities will be placed below ground.

The applicant has submitted proposed elevations that that are consistent with this requirement.

While landscaping and screening is not required in the Planned Residential District, the applicant is proposing significant buffering and screening along Bellefontaine Road, and along the interior gas transmission easement.



## Planning Commission Meeting

March 29, 2022

The comprehensive plan indicates this area should be single-family with a maximum density of six (6) units per acre. The proposed development contains 29 single-family homes and 35 duplex townhomes. The overall density of the development is 4.33 units per acre, consistent with the comprehensive plan.

While no phasing plan was submitted with the application, this is a relatively small subdivision for Huber Heights.

The public roads are adequate for this development. Bellefontaine Road is classified as a Major Collector in the City Thoroughfare Plan

The site is served by adequate utilities.

The applicant is proposing significant landscaping and screening beyond the code requirements along Bellefontaine Road. Additional tree plantings are proposed throughout the development in the common areas.

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06 and the intent of 1171.09. Staff recommends approval of the rezoning to Planned Residential and the combined Basic and Detailed Development Plan to construct 97 homes. Staff recommends approval with the following conditions:

- 1) The dwellings shall meet the material requirements of Section 1181.20 Building Materials for Dwellings;
- 2) The applicant will comply with all stormwater requirements, per the City Engineer;
- 3) The applicant will comply with all Fire Code requirements, per the Huber Heights Fire Department.

Bob Krohngold was present.

Cindy Smith and Tracy Harman

Discussion on the Fire Assessment and percentage of masonry

### **Action**

Ms. Thomas moved to approve the request by the applicant Campbell Berling for approval of a Rezoning to Planned Residential (PR) and a Combined Basic and Detailed Development Plan for property located on the East side of Bellefontaine Road and South of Chambersburg Road, Parcel Number P70 03908 0126 of the Montgomery County, Ohio Recorder's Office (ZC CDBP 22-11) in accordance with the recommendation of Staff's Memorandum dated March 22, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**2. REZONING AND BASIC DEVELOPMENT PLAN - The applicant, HORIZON LINE DEVELOPMENT, is requesting approval of a Rezoning and Basic Development Plan to PM (Planned Mixed) for 197 unit Residential Town-Home Apartment Community, located at 7125 Executive Boulevard (ZC BDP 22-12).**

Mr. Sorrell stated that the applicant is requesting approval for a rezoning of approximately 43 acres from Planned Employment Park to Planned Mixed Use, to facilitate the construction of 197 residential townhome apartments and five commercial out lots.

The applicant has proposed development and use standards that are generally consistent with the applicable zoning regulations. Staff would like to see the following revisions:

- Residential garage openings shall be set back at least 20-feet from the back of the sidewalk. (It appears this is the case in most instances; however, the drawings are not dimensioned and to the greatest extent possible staff desire to limit the overhang of vehicles into the sidewalk pathways).
- The following proposed permitted non-residential uses should be eliminated from permitted use list:
  - Filling stations
  - Sweepstakes cafes
  - Convenience store
  - Self-Storage – Indoor Climate Controlled
  - Car Wash

The area contains a mixture of residential, commercial and office uses.

This site is located along a well-traveled thoroughfare, surrounded by residential uses to the north and west, commercial uses to the south, and Carriage Hill MetroPark to the east. The vast majority of the proposed land uses are residential and are located adjacent to other residential uses. The proposed commercial out lots, which will likely have more intensive uses, are appropriated located to front Executive Boulevard.

Commodity crop production is the current use of the site, and few natural features exist. There is a small drainage stream that bisects the site near the southwest corner, which crosses under Executive Boulevard and ultimately into Drylick Run Creek. The proposed development plan appears to limit the impact on the drainage stream.

In general, the site slopes west to east. Two onsite and one offsite stormwater basins will provide for stormwater management. The stormwater basins are designed to be wet basins, which will provide an attractive landscape amenity.

This development will have two entrances from Executive Boulevard that are aligned and spaced in a manner where little traffic conflict points should exist. Interior sidewalks and walking trails are proposed for pedestrian circulation. As the commercial spaces are developed sidewalks along the north side of Executive Boulevard should be constructed to provide pedestrian connections to the amenities near and along Executive Boulevard.



Parking for the residential units is provided by what appears to be a mixture of one-and two-car garages, along with driveway space. The applicant is providing at least two spaces per unit for the residential development, including the driveway space. As previously stated, the setback from the garage face to the back of sidewalk for the residential units should be a minimum 20-feet.

The proposal provides interior sidewalks and walking paths. Additional sidewalks should be constructed as the commercial lots are developed along Executive Boulevard to provide pedestrian access to the surrounding amenities.

A sign package was not submitted with the application; however, two monument signs are indicated on the landscaping plan. Signs shall comply with Chapter 1189.

The residential buildings are set back 15-feet from each residential building. While the commercial out lots illustrate generic building footprints, plenty of land area exists to meet these setback requirements.

The residential buildings are approximately 20-feet tall.

The plans and renderings indicate a mixture of decorative light poles and wall sconce lighting throughout the residential development. A lighting plan will be required at the detailed development plan phase.

The site plan indicates the trash receptacles will be fully enclosed where provided.

The architecture of the commercial structures is not indicated in the application, but will be reviewed at the time of the detailed development plan submission for each out building.

All utilities will be placed underground.

The residential open space will be owned by the apartment development owner.

The applicant proposes to retain the existing trees along the north property line as a buffer, and the closest structure is approximately 80-feet from the property line. Staff does not feel a 6-foot-high landscaping mound is warranted and would require the removal of existing trees.

Along the west property line, the screening will be a mixture of evergreen and ornamental trees. No mounding or fencing is proposed or required.

The commercial out lots will be reviewed at the detailed development plan phase; however, the covenants indicate the commercial developments will comply with Chapter 1185.

Street trees are indicated throughout the development. Street trees will be required along Executive Boulevard as those sites are developed.

March 29, 2022

**STAFF RECOMMENDATION**

Staff recommend approval of the rezoning and Basic Development Plan to construct 197 residential units and five commercial out lots. Staff recommend the following conditions for approval:

- 1) The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
- 2) The permitted uses shall exclude those recommended by staff.
- 3) The water mains and sanitary sewers shall be built to city standards and in easements.
- 4) The applicant shall submit a sign package consistent with Section 1189.
- 5) The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

Eric Allen  
Kevin Brolema  
Steve Massingill

Discussion on the entertainment area, traffic, widening Executive, adding turn lane.

**Action**

Ms. Vargo moved to approve the request by the applicant Horizon Line Development, for approval of a Rezoning and Basic Development Plan to Planned Mixed (PM) for 35 acres at 7125 Executive Boulevard, Parcel Number P70 03910 0005 of the Montgomery County Ohio Records (ZC BDP 22-12) in accordance with the recommendation of Staff's Memorandum dated March 29, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council

**VIII. Additional Business**

None.

**IX. Approval of the Minutes**

Without objection, the minutes of the March 15, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Rezoning and Basic Detailed Development Plan, Medical Facility  
Major change and Detailed Development Plan, Commercial Lot  
Major Change and Detailed Development Plan, Discount Tire



Planning Commission Meeting

March 29, 2022

**XI. Upcoming Meetings**

March 29, 2022

April 12, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:33 p.m.

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**Terry Walton, Chair**

---

**Date**

---

**Geri Hoskins, Administrative Secretary**

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**Date**

CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

TO APPROVE A BASIC DEVELOPMENT PLAN AND REZONING TO PLANNED MIXED USE (PM) FOR THE PROPERTY LOCATED AT 7125 EXECUTIVE BOULEVARD AND FURTHER IDENTIFIED AS PARCEL NUMBER P70-03910-0005 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION (ZONING CASE BDP 22-12).

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 Case BDP 22-12 and on March 29, 2020, recommended approval by a vote of 4-1 of the Basic Development Plan and Rezoning to Planned Mixed Use (PM); 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 Basic Development Plan and Rezoning to Planned Mixed Use (PM) (Zoning Case 22-12) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The setback for the residential units shall be a minimum of 20-feet between the garage face and the back of the sidewalk.
2. The water mains and sanitary sewers shall be built to city standards and in easements.
3. The applicant shall submit a sign package consistent with Section 1189.
4. The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department.

Section 2. The permissible uses and development standards are described in the attached Exhibit A and incorporated herein.

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 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



ORDINANCE XXXX.XX  
EXHIBIT A

PLANNED UNIT DEVELOPMENT  
PUD-PM XXXX.XX

HAMPTONS AT THE HEIGHTS  
PLANNED MIXED USE DISTRICT  
Huber Heights, Ohio

**SECTION 100.01 STATEMENT OF INTENT**

This land lies at the intersection of Brandt Pike and Executive Boulevard near the Rose Music Center at the Heights and represents a focal point of the district for visitors and residents alike. As such, there is interest in protecting and guiding the character of its development, including future uses, land planning, and design.

The objective of this Planned Unit Mixed district (PUD-PM) is to facilitate the creation of a successful, well-planned, visually appealing residential, commercial, and office mixed-use project that will complement surrounding development and provide an attractive destination to live, work and play for residents and visitors. The PUD-PM will also encourage imaginative and creative development design while providing flexibility to the developer beyond what traditional zoning would allow.

The PUD shall meet the requirements in the Planning and Zoning Code, with any exceptions listed hereafter in this Ordinance and Exhibits.

- a) Chapter 1111 Planned Development Requirements
- b) Chapter 1171 General Provisions Code
- c) Chapter 1179 (PM) Planned Mixed Use District

**SECTION 100.02 DISTRICT BOUNDARIES**

The PUD district boundaries and location of land uses are illustrated on Exhibit B, following property lines as displayed. All questions of PUD boundary interpretation shall be determined by the Planning Commission in accordance with the purpose and intent of these regulations.

## SECTION 100.03 REGULATIONS

### (A) District Development standards.

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

1. Minimum Land Area Requirement and Density.
  - a. A minimum of 20 acres shall be required.
  - b. Dwelling unit density for the entire district shall not exceed twenty four (24) dwelling units per acre of land on which dwellings are constructed.
2. Covenants.

The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this PUD ordinance and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed Use District.

#### 3. Required Mix of Land Uses.

The following uses are permitted in a PM Development: residential, commercial, and office.

#### 4. Site Planning.

- a. The combination of different uses whether as part of one building or as part of the overall development shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor or any other annoyances for any uses within the development or neighboring properties.
- b. A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.
- c. The number of ingress and egress points onto the public streets shall be limited in order to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize



truck traffic through residential areas of the development. The approximate proposed access points are indicated in Exhibit B and D.

- d. Parking systems shall be designed so as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system.
- e. The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be
- f. Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces permitted, type size permitted, and permitted illumination. Compliance with the on-site comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.
- g. Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:

With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings. Along the west property line, minimum rear building setback shall be 40 feet. Along the north property line, minimum rear building setback shall be 30 feet.

All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.

- h. For the nonresidential buildings, including commercial, office, and hotels, no maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements. No residential dwelling shall exceed 4 stories or 55 feet in height.

- i. The provisions of Chapter 1181.21 "Lighting Standards" shall apply. To create continuity in the PUD district, dark bronze or black ornamental poles and fixtures are to be used throughout. Coach lights placed on the building front are permitted to illuminate the sidewalks, driveways and streets. Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.
- j. Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.

The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM. The design standards of the residential units and clubhouse shall be of a similar character to the architectural details, fenestration, and color variation as shown in Exhibit C. Vinyl and cultured Stone materials are permitted for the residential structures.

- k. The distribution systems for utilities are required to be underground.
- l. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.
- m. The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-of-way. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential
- n. With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete.

#### **(B) Stormwater.**

The entire PUD-PM stormwater collection is to be handled by on-site and off-site detention/retention stormwater ponds. The on-site facilities are within the PUD district. The off-site facilities are located outside of the district in the area southeast area at Brandt Pike and Executive Boulevard and will serve as a regional stormwater pond for the district.



**(C) Landscaping.**

To protect and promote a harmonious development that ensures a functional and logical arrangement of the proposed mixed uses, the effective and efficient use of landscaping and buffering is required. The intent of the PUD-PM landscape development standards in Chapter 1179.07 shall be met. Exhibit D is attached and incorporated herein which illustrates the intent of landscape screening and buffering between various residential and non-residential land uses within the PUD-PM district.

**(D) Parking and loading.**

For commercial and office portion of district, the provisions of Chapter 1185, "Parking and Loading" shall apply, except that the off-street loading spaces and docks shall be provided with area, location and design appropriate to the needs of the development and specific uses within it, and the space designated for off-street loading shall not be used for off-street parking. Within the PM development, off-street loading areas shall be physically isolated and/or enclosed from residences in or adjacent to the PM Development. In all cases, off-street loading spaces and docks are prohibited in the front and side yards of any property.

For the residential portion of district, 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, and that a minimum of 20' distance is required between the residential garage face and the back of sidewalks, to allow a vehicle to park in the driveway without overhanging sidewalks.

**SECTION 100.04 Permitted uses.**

**(A) Residential Permitted Uses**

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

**(B) Commercial and Office Permitted Uses**

The following principal uses are permitted.

- Retail, office and commercial establishments;

- Stores and shops for the conducting of any retail business;

- Financial offices including banks, credit unions, savings, and loans;

- Professional offices, including medical and dental clinics and offices;

- Personal service commercial establishments;

- Hotels;

- Restaurants, cafes, tearooms and other eating places;

- Bars, breweries, and distilleries offering alcohol for on and off site consumption;

Fueling stations;

Car Wash

Fueling stations and Car Wash uses are not permitted in Area 3, as illustrated on the attached Exhibit B and incorporated herein. These specific uses are only permitted in the easternmost areas designated as Area 1 and 2, in addition to all the commercial and office permitted uses.

**(C) Accessory uses (Residential and Nonresidential)**

Only the following accessory uses shall be permitted in this District:

Uses customarily incident to all principal permitted uses; and

Temporary buildings and uses for construction purposes, not to exceed 12 months.

**(D) Special uses (nonresidential)**

The following shall be permitted as special uses:

Places of worship.

Fraternal organizations, service clubs and other nonprofit organizations in accordance with the provisions of Chapter 1135. In addition to the criteria set forth in Chapter 1135, the parking requirements may have to be reviewed yearly as determined by the Planning Commission.

Commercial printing and publishing.

Technical services and professional offices, including, data processing facilities, testing laboratories and technical schools.

(Any use the principal function of which is basic research, design and/or pilot or experimental product development or technical training.

Business and industrial service facilities.

Laboratories: experimental, film, testing, research or engineering.

Medical, dental and optical manufacturing.

**(E) Prohibited uses**

The following uses are specifically prohibited:

Bingo Establishments and Instant Bingo Facilities;

Kennels, unless as an accessory use to a veterinarian;

Cemeteries;

Blacksmith shops;



Machine shops, sheet metal and commercial painting shops;

Lumber yards;

Establishments for display, hire, sale and repair of farm implements, semi-tractors, and semi-trailers;

Truck stops or service stations servicing and/or repairing semis, semi-tractors and semi-trailers;

Parking of semis, semi-tractors and semi-trailers except for the purposes of loading or unloading and located in a designated loading space for a reasonable length of time necessary to load or unload;

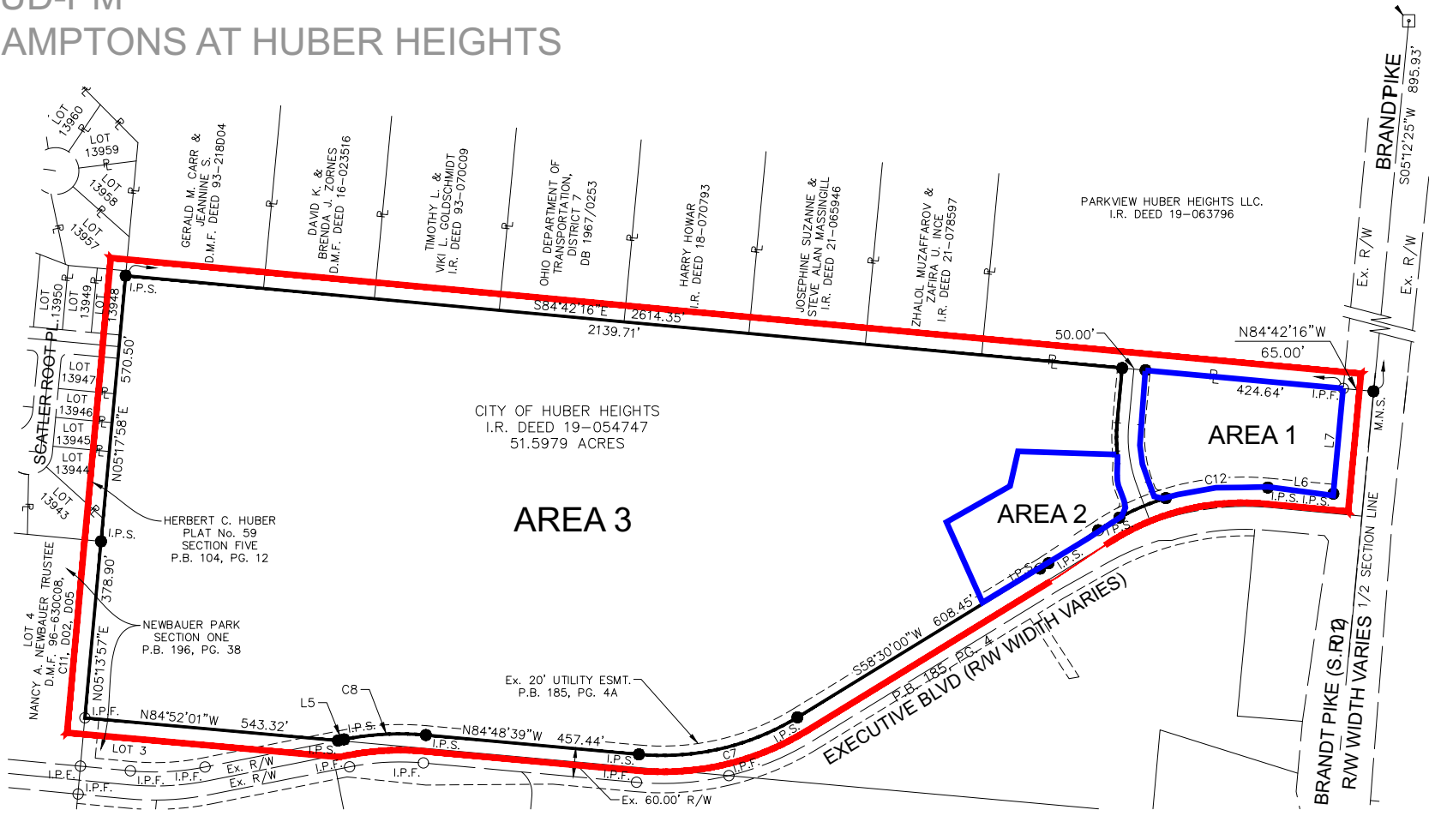
Sexually oriented businesses;

Outside storage except for trash containers or recycling containers that are screened as required by this chapter;

Above ground parking garage

# EXHIBIT B

## PUD-PM HAMPTONS AT HUBER HEIGHTS



THE BEARING OF S05°-12'-25"W  
ALONG THE 1/2 SECTION LINE WAS  
BASED ON NAD 83 CORS 2011  
ADJUSTMENT, OHIO SOUTH ZONE,  
ODOT VRS CORS NETWORK





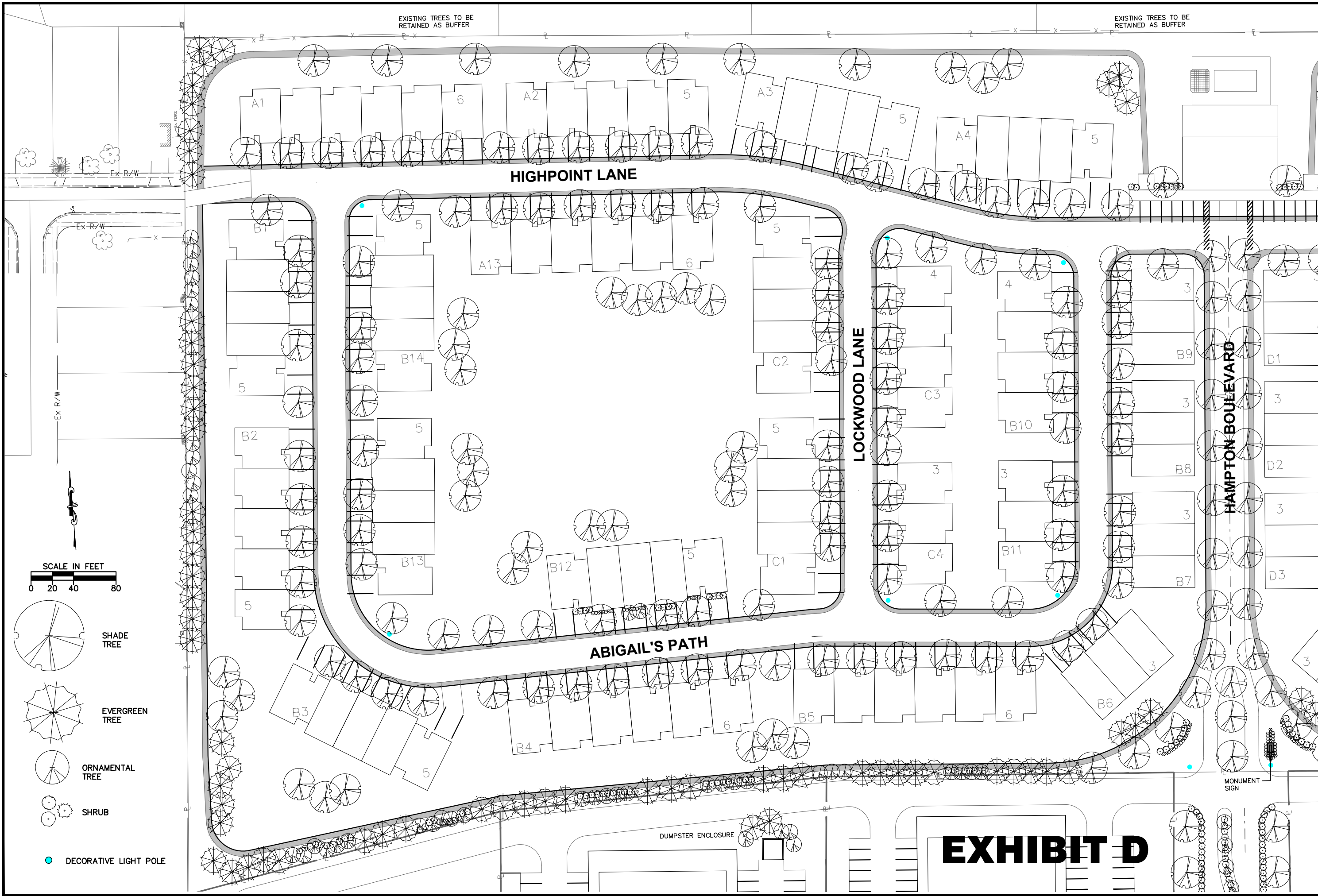


# EXHIBIT C

## PUD-PM HAMPTONS AT THE HEIGHTS







**EXHIBIT D**



Choice One  
Engineering

SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
www.CHOICEONEENGINEERING.com

**EXECUTIVE BOULEVARD-PRIDE ONE**  
**CITY OF HUBER HEIGHTS**  
**LANDSCAPE WEST**

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	02-09-2022

FILE NAME  
LANDSCAPE WEST

DRAWN BY  
KMM

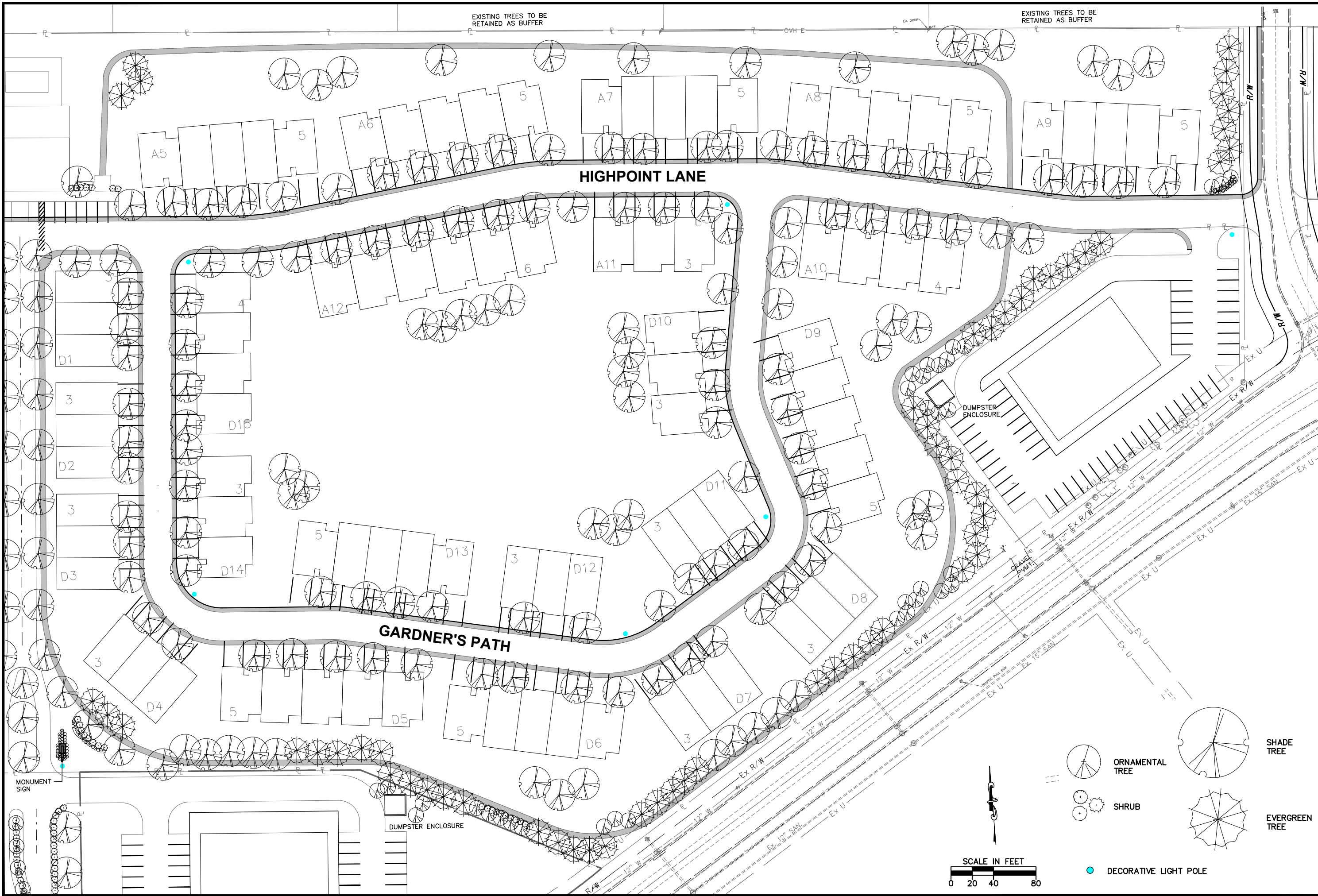
CHECKED BY  
MLS

PROJECT NO.  
MOT-HHE-2015

DATE  
02-09-2022

SHEET NUMBER  
5 OF 8







SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
WWW.CHOICEONEENGINEERING.COM

**EXECUTIVE BOULEVARD-PRIDE ONE**  
**CITY OF HUBER HEIGHTS**  
**LANDSCAPE EAST**

REVISIONS:

NO.	DATE	DESCRIPTION

FILE NAME  
LANDSCAPE EAST

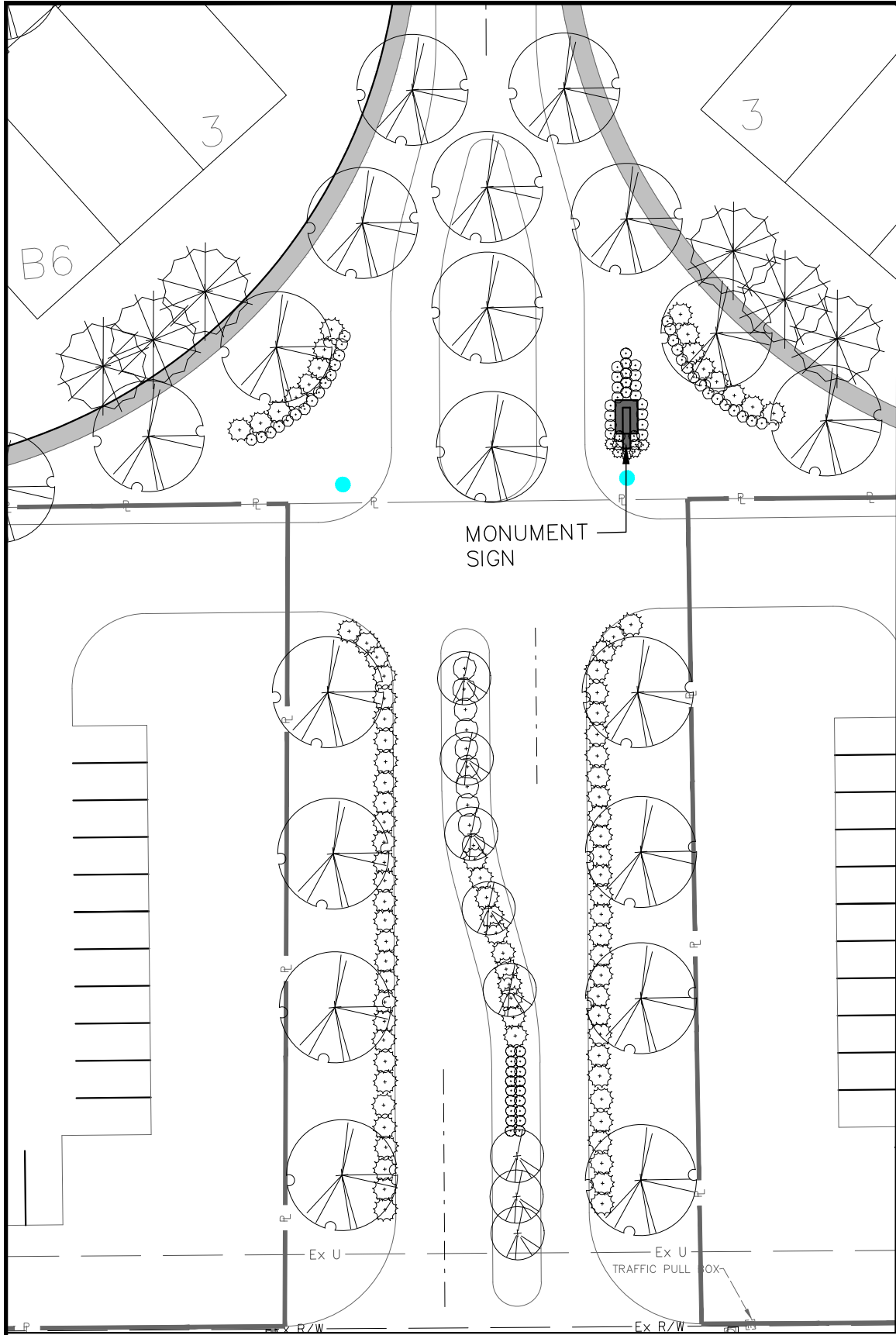
DRAWN BY  
KMM

CHECKED BY  
MLS

PROJECT No.  
MOT-HHE-2015

DATE  
02-09-2022

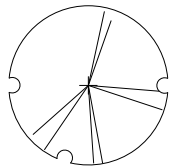
SHEET NUMBER  
6 OF 8



ORNAMENTAL TREE



SHRUB



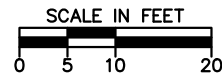
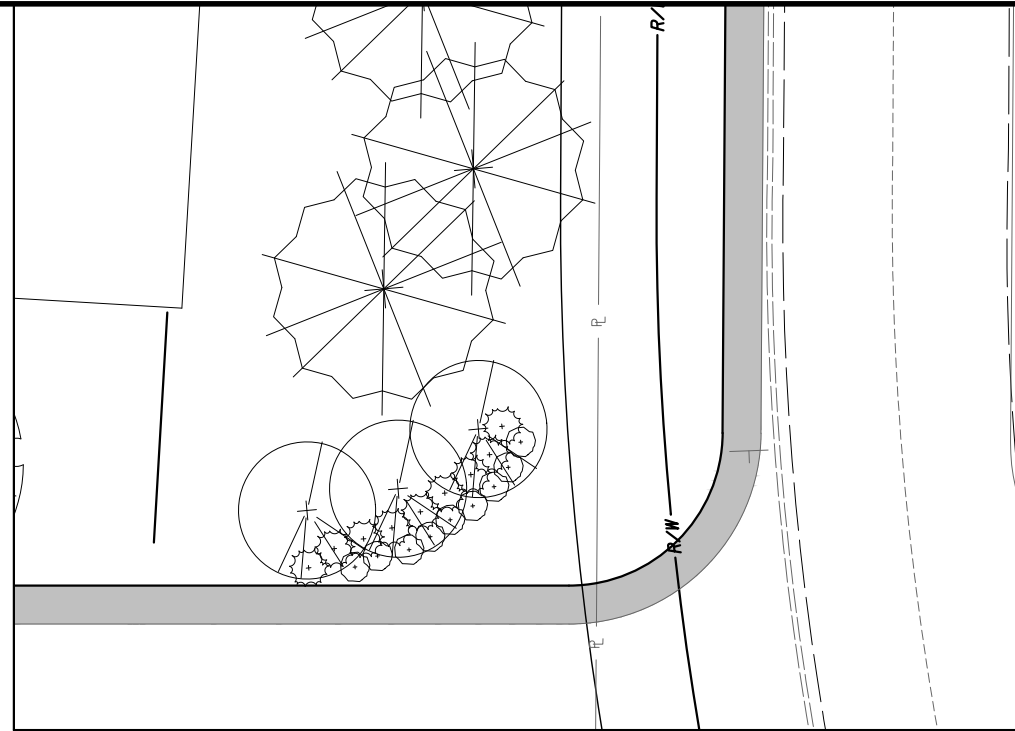
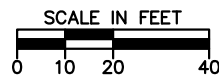
SHADE TREE



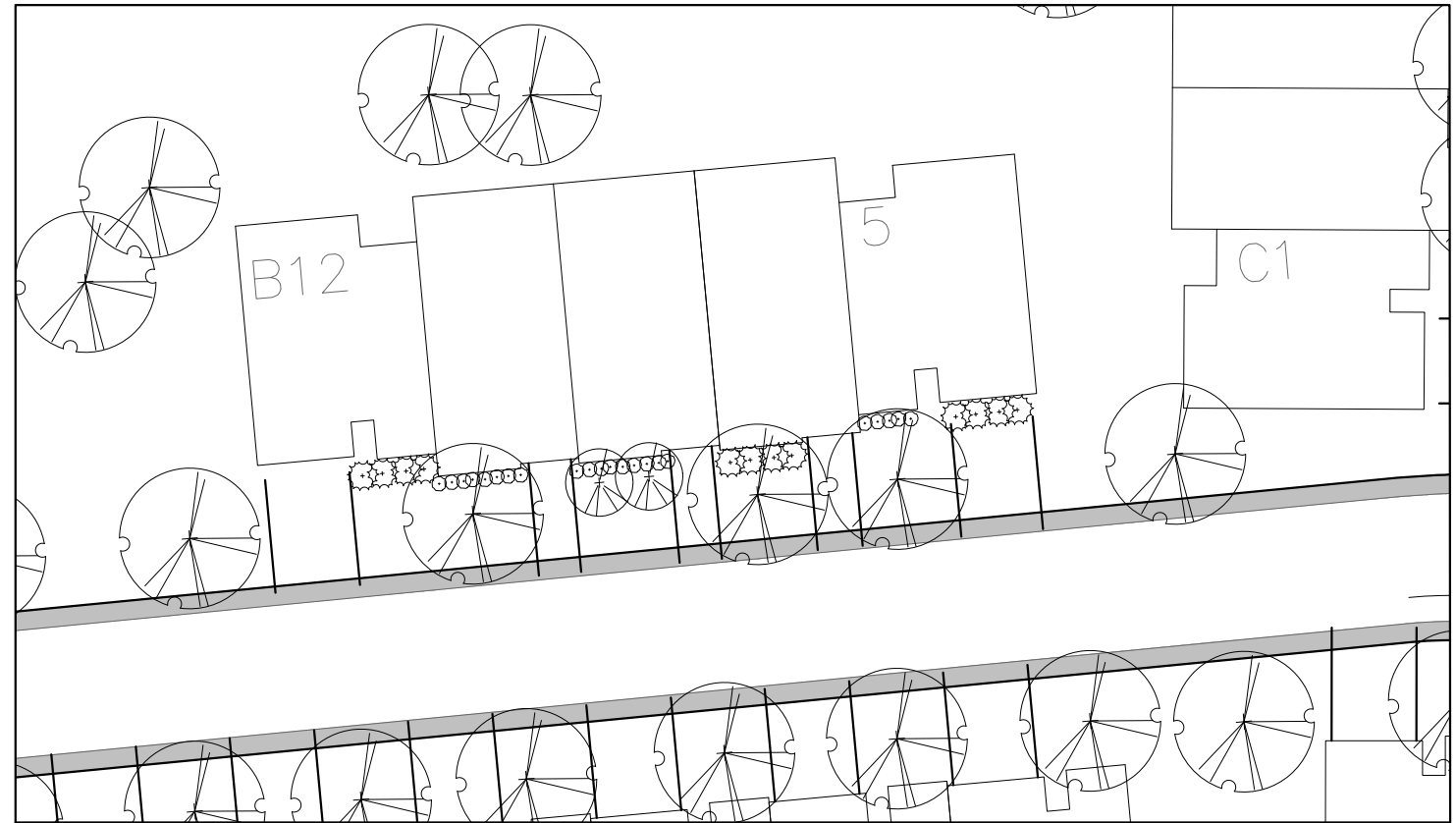
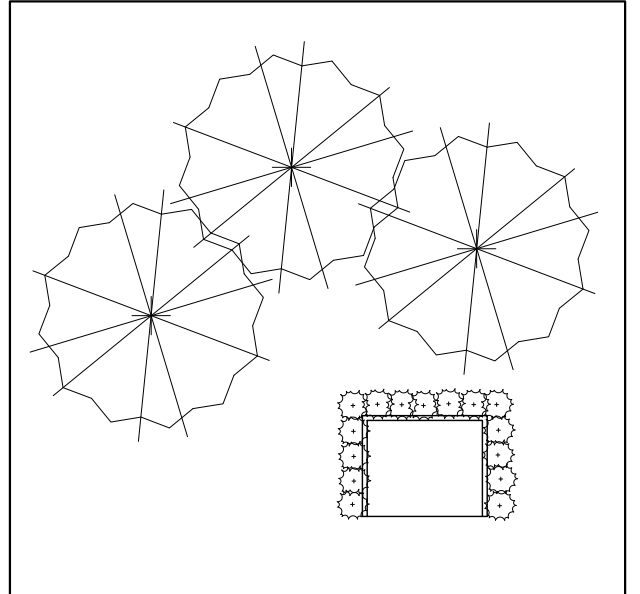
EVERGREEN TREE



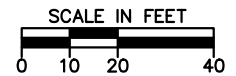
DECORATIVE LIGHT POLE



TYPICAL DUMPSTER LANDSCAPE SCREENING



TYPICAL BUILDING LANDSCAPE



**EXECUTIVE BOULEVARD-PRIDE ONE  
CITY OF HUBER HEIGHTS  
LANDSCAPE ENTRIES**

REVISIONS:

FILE NAME  
ENTRIES

DRAWN BY  
KMM

CHECKED BY  
MLS

PROJECT No.  
MOT-HHE-2015

DATE  
02-09-2022

SHEET NUMBER



AI-8338

**New Business**     **P.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

ZC ORD 22-16 - City Sidewalk Requirements

**Submitted By:** Geri Hoskins

**Department:** Planning

**Division:** Planning

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/05/2022

**Audio-Visual Needs:** SmartBoard     **Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** 2022-O-2526

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Part Eleven – Planning And Zoning Code, Title One – Subdivision Regulations; Chapter 1109 – Subdivision Design Standards; Section 1109.15 – Sidewalks; 1109.08 – Official Thoroughfare Design Standards; And Table 4 Of The Codified Ordinances Of The City Of Huber Heights (Zoning Case ORD 22-16).  
(first reading)

**Purpose and Background**

The applicant, the City of Huber Heights, is requesting a change to the City Code with the proposed ordinance for sidewalk requirements.

---

**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**

Decision Record

Minutes

Ordinance

---



## Planning Commission Decision Record

WHEREAS, on February 2022 the City of Huber Heights requested amendments to an Existing Ordinance for Sidewalks and Curb Associated with all New Development within the City (Zoning Case ORD 22-16), and;

WHEREAS, on March 15, 2022, 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. Vargo moved to recommend approval of the application by the City of Huber Heights requesting amendments to an Existing Ordinance for Sidewalks and Curb Associated with all New Development within the City (Zoning Case ORD 22-16) as follows:

Section 1. Chapter 1109, Section 1109.15 is hereby amended as follows:

1109.15 - Sidewalks.

(a) Sidewalks shall be required on both sides of a street in all subdivisions where all lots have either a width of less than 80 feet at the building line, or where the lot is less than 15,000 square feet. The City Planning Commission shall require that sidewalks be constructed where lot frontage is greater than 80 feet where they may be essential to pedestrian movement and safety. Sidewalks shall be required to be constructed along all arterial roads and collector roads as indicated in the Official Thoroughfare Plan for the City and these regulations.

(b) Public sidewalks shall be required for all commercial lots.

(c) Public sidewalks may be required for industrial lots, subject to the approval of the Planning Commission.

Section 2. Chapter 1109, Section 1109.08 is hereby amended as follows:

1109.08 - Official thoroughfare design standards.



(a) The design standards of and the required improvements to arterial streets and roads, as shown on the Official Thoroughfare Plan are contained in Table 4. Construction design criteria on these streets are not specified in these regulations but are to be determined by the City Director of Public Safety and Service, or his designee, when and if such a street abuts or crosses the proposed subdivision. Certain improvements may be waived after review and approval by the City Planning Commission. In all cases right-of-way dedications shall be required.

(b) The subdivider shall be responsible for all required improvements including sidewalk, curb, storm drainage and the required pavement width when the streets lie within the subdivision. On divided streets left turn lanes shall be provided at all median openings.

(c) When developing on property that abuts one side of an existing collector or any arterial street or roadway which is included in the Official Thoroughfare Plan, the subdivider shall be responsible for sidewalk, curb, and pavement widening to thoroughfare width of the side of the collector or arterial street or roadway adjacent to the subdivision. In addition, all necessary adjustments to existing pavement, and storm drainage for the street in accordance with an agreement with the City. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement.

(d) Where marginal access streets are used to provide access to arterials (82 to 120 feet right-of-way widths) street improvements on arterial streets may be waived but sidewalks shall be required.

Section 3. Table 4 of Chapter 1109 is hereby amended to read as follows:

Right of Way Width (feet)	Sidewalks (feet)	Planting Strip (feet)	Median (feet)	Pavement Width (feet)
70	5	7.5	none	45
82	5	4.5	14	** 63
90	5	7.5	16	** 65
120	5	11	16	**88

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

---

Terry Walton, Chair  
Planning Commission

---

Date

**Planning Commission  
March 15, 2022, Meeting  
City of Huber Heights**

- I. Chair Terry Walton called the meeting to order at approximately 6:01 p.m.
- II. Present at the meeting: Mr. Jeffries, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: Ms. Opp

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

**III. Opening Remarks by the Chairman and 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, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).**

Mr. Sorrell stated that this application was heard and tabled at the December 14, 2021, Planning Commission meeting. Based on the minutes, there was discussion about whether vehicles would be serviced on site, existing buffering between the adjacent funeral home, and moving the parking setback significantly closer to Old Troy Pike.

The applicant has submitted a revised plan which:

- Includes auto sales and service as the primary use;
- Added a masonry dumpster enclosure to the rear of the lot;
- Added a 42-inch hedge as screening between the front parking area and the funeral home parking area;
- Illustrates possible building expansion for garage bays and/or possible office; and
- Added three 25-foot light poles (two in front, one at the rear).

No other substantial changes were submitted.



**STAFF ANALYSIS AND RECOMMENDATION:**

This analysis will focus on the changes to the proposal since the application was tabled at the December 14, 2021, meeting:

**Vehicle Display and Landscaping**

The revised plan includes a 42" hedge, 60-feet long, between the display area and the property line. While this does help buffer the display area from the adjoining property, the proposed plan reduces the existing required yard buffer from 15-feet (required in the PC District) to approximately 7-feet.

The code states:

1176.03 (b)(1): All yards within the development plan except those abutting a Business or Industrial District shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15 feet along property lines.

Both the original and revised plan locate the vehicle display area 25-feet from the right-of-way. While this meets the zoning standards for a parking area, the proposed plan shows three tightly packed display rows. This will have a greater visual impact along Old Troy Pike than a traditional parking area with one row of parked vehicles, separated by a 20-foot drive aisle. Additionally, parking areas of this size would be required to have interior parking landscaping to break up the mass of the vehicles and reduce storm water runoff. There are little to no recently developed uses within the vicinity that have such concentrated vehicular display or parking areas.

**Conformance with Zoning Regulations**

The proposed vehicle sales and service uses are permitted uses within the Planned Commercial district, if the Planning Commission approves such uses. At this time, there are no vehicle sales uses in this area of Old Troy Pike.

The proposed site plan brings the site out of conformance with the yard standards set in 1176.03(b)(1), described above.

If the Planning Commission deems the vehicle display area as a parking area, the site plan is not in conformance with the parking requirements found in Chapter 1185.

**Staff Analysis**

As proposed, it is the staff's opinion that the site becomes less conforming to the zoning code than it currently exists. This includes yard standards, and parking layout and design.

#5 in the Decision Record would read the only use approved is the sale and service automobiles.

Strike # 7 from the Decision Record.

Revise to March 15, 2022.

Chad spoke on behalf of the applicant.

**Action**

Ms. Thomas moved to approve the request by the applicant Kirmon Khalilov, for approval of a Major Change to the Basic and Detailed Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).

Seconded by Ms. Vargo. Roll call showed: YEAS: Ms. Vargo. NAYS: Mr. Jeffries, Ms. Thomas, and Mr. Walton. Motion to approve denied 3-1.

All three Nays stated no similar uses in the area.  
Case moves to City Council

**VII. New Business**

- 1. MINOR CHANGE - The applicant, Atlantic Sign Company, is requesting approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09).**

Mr. Sorrell stated that the applicant requests approval to replace existing wall signs due to the acquisition of Gander Outdoors by Camping World. The net effect of the change is an overall reduction in wall sign area.

**Original Approval**

As you can see below, the amount of approved and/or installed wall sign area has changed over the years:

September 2004	962 SF
July 2012	666 SF
September 2018	562 SF

**Current Application**

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Two existing wall signs remain unchanged. The total wall sign area will be reduced from approximately 562 SF to approximately 429 SF.

The applicant seeks a minor change to replace one internally illumined wall sign and remove one existing internally illuminated wall sign. Total wall sign area will be reduced from approximately 562 SF to approximately 429 SF, a reduction of approximately 23%.

Brooke Alini from Atlantic Sign Company was there for any questions.

**Action**

Ms. Vargo moved to approve the request by the applicant Atlantic Sign Company for approval of a Minor Change for Signage at Camping World located at 8001 Old Troy Pike (MC 22-09) in accordance with the recommendation of Staff's



Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**2. BASIC DEVELOPMENT PLAN - The applicant, Charles V. Simms Development, is requesting approval of a Basic Development Plan for the Gables of Huber Heights, located on Brandt Pike North of the Reserves at the Fairways (BDP 22-07).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan to construct 74 condominiums in 11 buildings on 15.93 acres, which yields an average density of 4.64 units/acre. Approximately 64% of the site is open space (10.20 acres).

This land was originally approved as part of The Reserves at the Fairways, a similar condominium development immediately south of the project site.

**Conformance with Zoning Regulations**

The proposal largely conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District (PM):

- Residential uses are permitted in the district and the buildings meet the setback requirement of 15-feet between residential buildings.
- Buildings are clustered and a large, usable greenspace area is proposed in the development. Approximately 64% of the site is open space, including detention areas.
- Walking paths are included throughout the development.
- Site access is limited to one private drive from Brandt Pike. A secondary emergency exit is proposed at the cul-de-sac terminus and connects to an existing private street (Salon Circle).
- Parking will be provided through a mixture of garage and driveway spaces and various guest parking areas. A total of 334 spaces are provided, 222 are required.
- A six-foot high landscaping mound is provided to buffer the open space area from the existing development to the south.
- Lighting will be provided through a combination of exterior building lights and lamp posts along walking and parking areas.
- Proposed building elevations indicate substantial use of masonry products on the front elevations of the buildings.

**Other Considerations**

- The applicant has agreed to enlarge the private street width to 27 feet, as required by 1111.04 of the subdivision regulations.

**Staff Analysis**

As outlined above, this land was originally envisioned and approved as a condominium development and has sat fallow for nearly 20-years. Staff feels the proposed basic development plan meets the requirements of the PM District and the general standards for approval outlined in Section 1171.06.

**Additional Comments:**

**Fire:** See Attached. The applicant will comply will all fire code requirements.

**City Engineer:**

- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Recommendation**

Staff recommends approval of the basic development plan submitted on January 28, 2022, with the following conditions:

- Applicant shall comply will all fire code requirements.
- The minimum private street pavement width shall be 27 feet.
- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
- The entrance off of Brandt Pike should be a minimum 36' wide with one lane in and two lanes out.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.

Robert Simms  
John Moore  
Barry Payne  
James Moore  
Christine Olinsky

Amended Decision Record to add #5, Brandt Pike road improvements may be needed subject to approval by the City Engineer for changing stripping and painting of future left lane.

**Action**

Mr. Jeffries moved to approve the request by the applicant Charles V. Simms Development, for approval of a Basic Development Plan for the Gables of Huber Heights, P70 03910 0057 of the Montgomery County Records Map (BDP 22-07) in accordance with the recommendation of Staff's Memorandum dated March 7, 2022, and the Planning Commission Decision Record attached thereto.

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

Move to City Council



**3. BASIC DEVELOPMENT PLAN - The applicant, Amarjit Takhar, is requesting approval of a Basic Development Plan and Rezoning to (Planned Commercial) PC for 35 acres at State Route 35 for a Service Station (BDP 22-08).**

Mr. Sorrell stated that the applicant has provided some preliminary revised plans. The applicant requests approval of a basic development plan and rezoning to Planned Commercial District to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel. The site is adjacent to the I-70 / SR 235 interchange.

The land is currently zoned "I-1" Light Industrial and Mixed-Use District. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

The proposed service station and diesel repair facilities are Special Uses within the existing I-1 zoning district. The convenience store is not a principally permitted use in the existing I-1 zoning district.

There is an existing service station with convenience store adjacent to this site zoned Planned Commercial.

**On-Site Uses and Facilities**

The applicant is proposing two buildings, one 6,720 SF building containing a convenience store and restaurant, and the second 6,642 SF diesel truck repair facility. Both buildings are proposed to be clad with a mix of brick and stucco EFIS.

Fuel will be dispensed through one five-pump island in front of the convenience store, and a second five-pump island located at the rear of the property for semi-trucks and large oversized vehicles. Both fueling islands will be covered by large canopies.

Parking is provided throughout the site. The applicant is proposing 62 parking spaces, including 10 for semi-trucks.

**Applicable Zoning Regulations**

The applicable zoning chapters include: 1171 General Provisions, 1176 Planned Commercial District, 1181 General Provisions, 1182 Landscaping and Screening, 1185 Parking and Loading. The relevant sections are cited below:

**Staff Analysis**

The analysis below is based on the application and drawings originally submitted as a Planned Industrial District. Staff realized this application was in error, but not in time to enable the applicant to revise the drawings for this meeting. Additionally, staff has been in discussion with the applicant to reconfigure the site plan to allow for a future extension of Center Point 70 Blvd. The applicant has agreed to make these accommodations and is working on these revisions.

**Conformance with Zoning Regulations:**

1176 (PC) Planned Commercial District

The proposed uses are principally permitted in the PC district. The current plan indicates a 10-foot perimeter buffer yard, which must be 15-feet. All other standards for this Chapter are met.

Chapter 1181 General Provisions

The proposal meets the requirements of Chapter 1181, with the exception of the following items are not in compliance or not illustrated on the Basic Development Plan:

- Street trees shall be placed every 40-feet along the public street.
- No exterior lighting plan was submitted. Unless otherwise directed by the Planning Commission, parking light fixtures shall not exceed 25 feet in height.

Chapter 1182 Landscaping and Screening Standards

The Basic Development Plan indicates potential locations for landscape islands and trees within the parking areas. Additional detail shall be provided during the detailed development plan phase.

Chapter 1185 Parking and Loading

The proposal generally meets the requirements of Chapter 1185. The applicant is illustrating parking island landscaping. The maximum required number of parking spaces required is approximately 67 total spaces. The plan indicates 62 proposed spaces. The number of required parking spaces is likely to decrease once the final area of the convenience store (less storage) and restaurant are determined.

Chapter 1193 Trailers, Trucks, Recreational Vehicles, Boats, Farm or Construction Equipment

The proposal meets the requirements of this chapter which limits the number of semi parking spaces to no more than ten spaces. The plans indicate ten spaces that are correctly dimensioned.

**Other Considerations:**

The original submission illustrates a driveway that aligns with Center Point 70 Boulevard. This alignment would severely limit any future expansion of the roadway to the east. Staff has asked the applicant to redesign the site to allow a future extension of Center Point 70 by moving the gas pumps and store further south and/or changing their alignment. This will enable the roadway to be extended in the future with less disruption to the business. This extension would also provide hundreds of acres of potential development lands with better access to I-70. The applicant has agreed, and is currently working on these revisions.



**Additional Comments:**

**Fire:** See Attached. The applicant will comply with all fire code requirements.

**City Engineer:**

**Recommendation**

Staff recommends approval of the rezoning from I-1 to Planned Commercial and approval of the basic development plan with the following conditions:

- A 15-foot buffer yard shall be illustrated on the basic development plan
- Street trees shall be placed every 40-feet
- The applicant shall revise the alignment and location of the gas pumps and convenience store to allow for a future extension of Center Point 70 Boulevard.
- Applicant shall comply with all fire code requirements.
- Prior to submission to City Council for review and approval, applicant shall resubmit a basic development plan that conforms with the conditions above.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 4) Approve the rezoning and basic development plan application, with or without conditions.
- 5) Deny the basic development plan.
- 6) Table the application in order to gather additional information.

Chris Besecker

**Action**

Mr. Jeffries moved to table the request by the applicant Amarjit Takhar, for approval of a Basic Development Plan and Rezoning to Planned Commercial (PC) to construct a fueling center, convenience store, truck stop and diesel repair facility on approximately nine (9) acres of a 35-acre parcel located on the East side of intersection of SR 235 and Center Point 70 Blvd, Parcel Numbers P70-03903-0079 and P70-03903-0005 of the Montgomery County Records Map (BDP 22-08) in accordance with the recommendation of Staff's Memorandum dated March 10, 2022, and the Planning Commission Decision Record attached thereto.

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

4. **BASIC DEVELOPMENT PLAN - The applicant, DEC Land Co., I LLC, is requesting approval of a Detailed Development Plan and Final Plat for Section 7, Phase 5 of the Carriage Trails Development (DDP 22-10).**

Mr. Sorrell stated that the applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres.

**Conformance with Zoning Regulations**

The detailed development plan conforms to the regulations outlined in Chapter 1179, Planned Mixed Use District and the basic development plan approved by City Council.

The mixture of lot sizes (approximately) are:

60 feet x 130 feet: 53 lots  
66 feet x 130 feet: 3 lots  
70 feet x 130 feet: 3 lots  
77 feet x 130 feet: 6 lots

Minimum yard setbacks:

Front & Rear: 25 feet  
Side: 5 feet

The HOA covenants have the following applicable requirements and restrictions:

- Uses: Limited to a single-family residence
- Building material: The covenants require a minimum of 50% of the single-family homes within each subareas shall have front façade of no less than 25% masonry materials.
- Accessory Buildings: No larger than 10' x 10' shed.
- Fences: Limited to the rear yard, no higher than 4-feet. Chain link fencing is prohibited.

The HOA will be responsible for the care and maintenance of all common areas.

**Staff Analysis**

The applicant requests approval of the detailed development plan and final plat for section seven, phase five of the Carriage Trails subdivision. This phase contains 65 lots on approximately 17.34 acres, which is approximately 3.7 units per acre.

It is important to note that the current municipal boundary bisects lots 1 – 36 because the annexation has not yet been completed. The developer plans to build out the street infrastructure, but not fully plat lots 1 - 36 until the annexation is complete. Staff is supportive of this approach on the condition that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Additional Comments:**

**Fire:** See attached



**City Engineer:**

- The temporary cul-de-sac near the intersection of Arrowwood Street and Woodmint Drive is not required and can be removed if desired.

**Recommendation**

Staff recommends approval of the detailed development plan submitted on February 18, 2022, with the condition that that no zoning permit shall be issued for lots 1 – 36 until such time as these lots are fully platted and recorded within the City of Huber Heights.

**Planning Commission Action**

Planning Commission may take the following actions with a motion to:

- 7) Approve the Detailed Development Plan; or,
- 8) Deny the Detailed Development Plan.

Ken Conaway

**Action**

Mr. Jeffries moved to approve the request by the applicant DEC Land Co. I LLC, for approval of the Detailed Development Plan and Final Plat for section 7, Phase 5 of the Carriage Trails subdivision (DDP 22-10) in accordance with the recommendation of Staff's Memorandum dated March 8, 2022, and the Planning Commission Decision Record attached thereto.

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

**VIII. Additional Business**

1. **Proposed Change to an Existing Ordinance for Planning Commission Recommendation for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).**

**Action**

Ms. Vargo moved to approve the request by the applicant The City of Huber Heights, for a proposed change to an Existing Ordinance for Sidewalks and Curb Associated with all New Development within the City (ORD 22-16).

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

**IX. Approval of the Minutes**

Without objection, the minutes of the January 25, 2022, and February 15, 2022, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

Rezoning State Route 235  
Basic Development Plan Brandt Pike, North of the Reserves  
Comprehensive Plan Mid-April, Yard, Inc.

**XI. Upcoming Meetings**

March 15, 2022  
March 29, 2022

**XII. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:05 p.m.

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**Terry Walton, Chair**

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**Date**

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**Geri Hoskins, Administrative Secretary**

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**Date**



CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AMENDING PART ELEVEN – PLANNING AND ZONING CODE, TITLE ONE – SUBDIVISION REGULATIONS; CHAPTER 1109 – SUBDIVISION DESIGN STANDARDS; SECTION 1109.15 – SIDEWALKS; 1109.08 – OFFICIAL THOROUGHFARE DESIGN STANDARDS; AND TABLE 4 OF THE CODIFIED ORDINANCES OF THE CITY OF HUBER HEIGHTS (ZONING CASE ORD 22-16).

WHEREAS, City Council desires to require sidewalks and curb associated with all new developments within the City; and

WHEREAS, City Staff has recommended certain amendments to Chapter 1109 in order to meet City Council's desire; and

WHEREAS, pursuant to Section 1101.07, City Council may initiate a case to amend the subdivision regulations; and

WHEREAS, City Council has proposed this amendment to the Planning Commission for consideration and recommendation as required by Section 1101.07; and

WHEREAS, Planning Commission has reviewed Zoning Case ORD 22-16 and on March 15, 2022, recommended approval by a vote of 4-0 to City Council the proposed amendment.

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

Section 1. Chapter 1109, Section 1109.15 is hereby amended as follows:

1109.15 - Sidewalks.

(a) Sidewalks shall be required on both sides of a street in all subdivisions where all lots have either a width of less than 80 feet at the building line, or where the lot is less than 15,000 square feet. The City Planning Commission shall require that sidewalks be constructed where lot frontage is greater than 80 feet where they may be essential to pedestrian movement and safety. Sidewalks shall be required to be constructed along all arterial roads and collector roads as indicated in the Official Thoroughfare Plan for the City and these regulations.

(b) Public sidewalks shall be required for all commercial lots.

(c) Public sidewalks may be required for industrial lots, subject to the approval of the Planning Commission.

Section 2. Chapter 1109, Section 1109.08 is hereby amended as follows:

1109.08 - Official thoroughfare design standards.

(a) The design standards of and the required improvements to arterial streets and roads, as shown on the Official Thoroughfare Plan are contained in Table 4. Construction design criteria on these streets are not specified in these regulations but are to be determined by the City Director of Public Safety and Service, or his designee, when and if such a street abuts or crosses the proposed subdivision. Certain improvements may be waived after review and approval by the City Planning Commission. In all cases right-of-way dedications shall be required.

(b) The subdivider shall be responsible for all required improvements including sidewalk, curb, storm drainage and the required pavement width when the streets lie within the subdivision. On divided streets left turn lanes shall be provided at all median openings.

- (c) When developing on property that abuts one side of an existing collector or any arterial street or roadway which is included in the Official Thoroughfare Plan, the subdivider shall be responsible for sidewalk, curb, and pavement widening to thoroughfare width of the side of the collector or arterial street or roadway adjacent to the subdivision. In addition, the subdivider shall be responsible for all necessary adjustments to existing pavement and storm drainage for the street in accordance with an agreement with the City. Where sight distance or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement.
- (d) Where marginal access streets are used to provide access to arterials (82 to 120 feet right-of-way widths) street improvements on arterial streets may be waived but sidewalks shall be required.

Section 3. Table 4 of Chapter 1109 is hereby amended to read as follows:

Right of Way Width (feet)	Sidewalks (feet)	Planting Strip (feet)	Median (feet)	Pavement Width (feet)
70	5	7.5	none	45
82	5	4.5	14	** 63
90	5	7.5	16	** 65
120	5	11	16	**88

Section 4. 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 5. 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8368

**New Business     Q.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

City Staffing Levels/Table of Organization

**Submitted By:** Katie Knisley

**Department:** Human Resources

**Council Committee Review?:** Council Work Session  
**Date(s) of Committee Review:** 04/19/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7114

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**Agenda Item Description or Legislation Title**

A Resolution Establishing And/Or Amending The City Of Huber Heights Organizational Chart And Authorizing The New Personnel Staffing Levels As Detailed Below.  
(first reading)

**Purpose and Background**

This legislation authorizes the personnel staffing levels for all departments/divisions with the City of Huber Heights.

Amendments to this legislation include the following:

- Addition of four personnel to the Division of Fire; three Firefighter/Paramedics and one Fire Captain.

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**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:**

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**Attachments**

Resolution

Table of Organization

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

ESTABLISHING AND/OR AMENDING THE CITY OF HUBER HEIGHTS ORGANIZATIONAL CHART AND AUTHORIZING THE NEW PERSONNEL STAFFING LEVELS AS DETAILED BELOW.

WHEREAS, the citizens of Huber Heights require the efficient and effective delivery of municipal services.

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

Section 1. The attached organizational chart, personnel staffing levels, and position control numbers as established hereafter is hereby adopted and effective December 19, 2021.

Section 2. The authorized personnel staffing levels for the Clerk of Council are as follows.

<u>City Council</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Clerk of Council	1	504-101-2-2-01-F	50
Deputy Clerk of Council	1	504-202-1-2-01-F	25
Public Records Technician	1	504-213-1-2-01-P/H	20

Section 3. The authorized personnel staffing levels for the City Manager's Office are as follows:

<u>City Manager's Office</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
City Manager	1	505-100-2-2-01-F	80
Assistant City Manager of Public Services	1	505-117-2-2-01-F	75
Assistant City Manager of Administrative Services	1	505-117-2-2-01-F	75
Administrative Assistant III	1	505-209-2-2-01-F	25

Section 4. The authorized personnel staffing levels for the Department of Public Safety are as follows:

<u>Department of Public Safety</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Director of Public Safety	1	505-116-2-2-01-F	75

<u>Division of Fire</u>			
Fire Chief	1	102-401-2-2-01-F	70
Battalion Chief	4	102-403-1-1-01-- 04F	PS
Captain	1	102-402-1-1-01—01F	PS
Fire Lieutenant	10	102-404-1-1-01--10-F	Contract
Firefighter/Paramedic	42	102-405-1-1-01—42-F	Contract
Administrative Assistant III	2	102-200-1-2-01--02-F	25
Administrative Assistant I	1	102-200-1-2-01-P/H	10
Fire Inspector	1	102-501-1-2-01-F	30
Fire Inspector	3	102-501-1-2-01- 03-P/H	30
Fire-Prevention Manager/Plans Review	1	102-502-1-2-01-P/H	40
Fire Fleet/Facility Mgt. Clerk	1	102-503-1-2-01-P/H	10
Auxiliary \$1.00 per year	30	102-411-3-0-01--30-V	V
Chaplains – Fire	2	102-601-3-0-01--02-V	V
Medical Advisor	1	102-604-3-0-01-V	V

<u>Division of Police</u>			
Police Chief	1	101-406-2-2-01-F	70
Police Lieutenant	3	101-408-1-1-01--03-F	Contract
Police Sergeant	8	101-409-1-1-01--08-F	Contract



Police Officer	42	101-410-1-1-01--42-F	Contract
Administrative Assistant III	1	101-200-1-2-01-F	25
Police Accreditation Technician	1	101-515-1-1-01-F	30
Police Records Clerks	2	101-204-1-1-01--02-F	Contract
Police Evidence/Fleet Mgt. Clerk	2	101-205-1-2-02-P/H	25
Communications/Records Manager	1	101-611-2-1-01-F	45
Communications/Records Supervisor	1	101-613-1-1-01-F	35
Communications Officer	14	111-502-1-1-01-14-F	Contract
Chaplain – Police	3	101-601-3-0-01—03-V	V

#### Division of Code Enforcement

Code Enforcement Manager	1	310-621-2-1-01-F	45
Code Enforcement Officer II	1	310-513-1-1-01-01-F	35
Code Enforcement Officer I	4	310-513-1-2-01-04-P/H	25
Seasonal Laborer	2	310-305-1-2-01-02-S	S

Section 5. The authorized personnel staffing levels for the Department of Information Technology are as follows:

<u>Department of Information Technology</u>		<u>Position Control No.</u>	<u>Pay Grade</u>
Information Technology Director	1	509-105-2-2-01-F	60
Information Technology Systems Analyst	2	509-609-1-2-02-F	45
Information Technology Systems Analyst	1	509-609-1-2-01-P/H	45
GIS Technician	1	509-510-1-1-01-F	35

Section 6. The authorized personnel staffing levels for the Department of Finance are as follows:

<u>Department of Finance</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Director of Finance	1	506-102-2-2-01-F	65

#### Division of Accounting

Deputy Director of Finance	1	506-602-2-2-01-F	50
Accounting Generalist	2	506-603-2-2-02F	40
Accounts Payable Technician	1	506-504-1-1-01-F	25
Payroll Technician	1	506-505-1-1-01-F	30
Account Technician	1	506-206-1-1-01 F	25

#### Division of Taxation

Tax Administrator	1	507-104-2-2-01-F	50
Assistant Tax Administrator	2	507-612-2-2-02-F	45
Tax Analyst	2	507-506-1-1-01--02-F	30
Tax Technician	6	507-507-1-1-01 -06-F	20
Administrative Assistant I	3	507-212-1-2-01- 03P/H	10

Section 7. The authorized personnel staffing levels for the Department of Public Services are as follows:

<u>Department of Public Services</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Director of Public Services	1	505-114-2-2-01-F	75

#### Division of Engineering

City Engineer	1	320-106-2-2-01-F	65
Assistant City Engineer	1	320-119-2-2-01-F	55
Civil Engineer	1	320-605-2-2-01-01-F	50
Engineering Technician	2	320-509-1-1- 02-F	35
Administrative Assistant III	1	320-200-1-2-01-F	25

#### Division of Public Works

Public Works Manager	1	401-108-2-2-01-F	60
Public Works Supervisor	1	401-109-1-1-01-F	50

Public Works Crew Leader	2	401-302-1-1-02-F	Contract
Vehicle & Equipment Mechanic	3	401-300-1-1-03-F	Contract
Maintenance Technician	20	401-301-1-1-20-F	Contract
Administrative Assistant III	1	401-200-1-2-01-F	25
Custodian	1	401-305-1-2-01-F	10
Custodian	1	401-305-1-2-01-P/H	10

Section 8. The authorized personnel staffing levels for the Department of Economic Development are as follows:

<u>Department of Economic Development</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Economic Development Director	1	305-111-2-2-01-F	60
Economic Development Coordinator	1	305-614-2-1-01-F	40
Community Engagement Specialist	1	305-615-2-1-01-F	40

Section 9. The authorized personnel staffing levels for the Department of Planning and Zoning are as follows:

<u>Department of Planning</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
City Planner	1	310-118-2-2-01-F	55
Administrative Assistant III	1	310-200-1-2-01-F	25
Administrative Assistant I	1	310-207-1-1-01-F	10
Administrative Assistant I	1	310-207-1-2-01-P/H	10

Section 10. The authorized personnel staffing levels for the Department of Human Resources are as follows:

<u>Department of Human Resources</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Human Resources Director	1	510-120-2-2-01-F	60
Human Resources Specialist	1	510-514-1-1-01-F	40
Human Resources Assistant	1	510-617-1-2-01-P/H	30

Section 11. The authorized personnel staffing levels for the Department of Parks and Recreation Facilities are as follows:

<u>Department of Parks and Recreation Facilities</u>	<u>No.</u>	<u>Position Control No.</u>	<u>Pay Grade</u>
Parks Manager	1	216-616-2-2-01-F	45
Senior Center Program Coordinator	1	215-110-2 -2 -01-P/H	25
Seasonal Laborer – Music Center	125	219-306-1-2-01--125-S	S
Seasonal Laborer	4	216-303-1-2-01--04-S	S

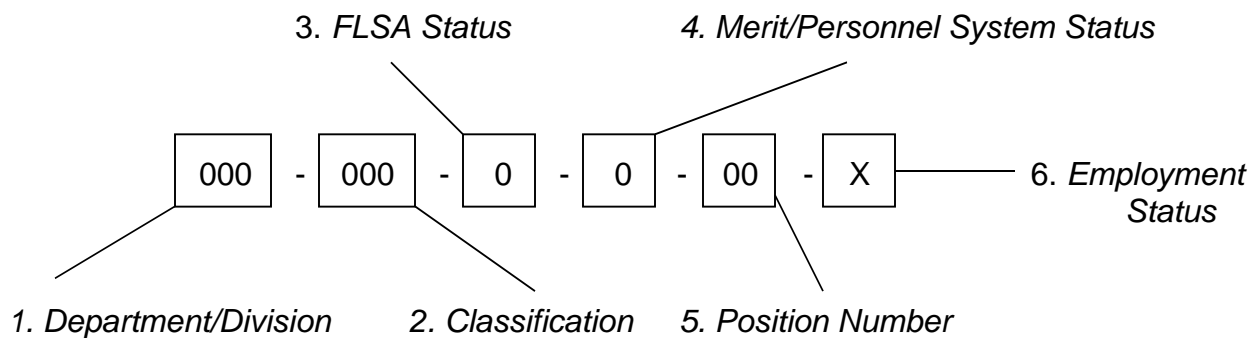
Section 12. Council further ratifies and affirms any and all previous legislation of Council that established, abolished or altered the functions and structures of any administrative department.

Section 13. 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 14. That this Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.



Section 15. Position Control Number Explanation:



1. Department/Division: Number represents Fund Number in General Ledger:

101-Police	305-Economic Dev.	401-Public Works	507-Tax
102-Fire	310 Planning & Zoning	505-City Mgr.	509-I. T.
215-Senior Center	320-Engineering	506-Accounting	510-H.R
219 Parks & Recreation			

2. Classification: Number for classification or rank to which position is assigned, divided into defined series as shown below:

100-Administrative	300-Labor	500-Technical
200-Clerical	400-Sworn Safety	600-Professional

3. FLSA Status:

- 01-Non-exempt from minimum wage/overtime rules of FLSA (hourly)
- 02-Exempt from minimum wage/overtime rules of FLSA (salaried)
- 03-Unpaid Volunteer

4. Merit & Personnel System Status:

- 01-Position is in Non-exempt service of city per Section 8.02 of Charter
- 02-Position is in Exempt service of city per Section 8.02 of Charter

5. Position Number:

Unique two-digit number for each employment position authorized by this Resolution.

6. Employment Status:

- F-Full-time Position
- P-Part-time Position
- H-Hourly Position
- T-Temporary (created for specific time)
- S-Seasonal Position
- V-Volunteer Position

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

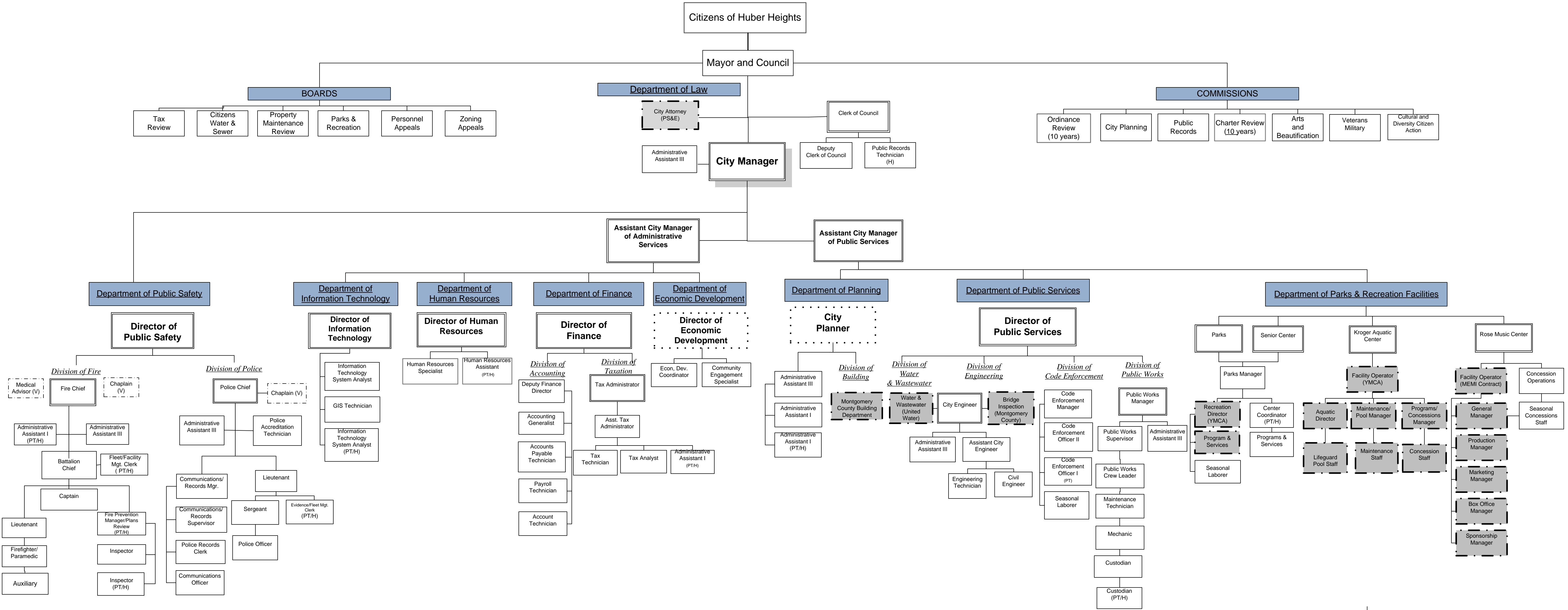
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



City of Huber Heights Organizational Chart



City of Huber Heights  
Revised April 2022

- All employees are permanent / full time unless specified otherwise.  
- (PT) = Part Time, (H) = Hourly Seasonal, (T) = Temporary, (V) = Volunteer, (S)=Seasonal  
Contractor Relationship      . . . . .  
Vacant Position                      . . . . .

Authorized Staffing Levels

City Council (FT):	2	Department of IT (FT):	4	Department of Finance (FT):	1	Department of Human Resources (FT):	2	Department of Parks & Recreation Facilities (S):	129
City Council (PT/H):	1	Department of IT (PT/H):	1	Division of Accounting (FT):	6	Department of Human Resources (PT):	1	Department of Parks & Recreation Facilities (FT):	1
City Manager (FT):	2	Division of Public Works (FT):	29	Division of Taxation (FT):	11	Department of Planning (FT):	3	Division of Code Enforcement (FT):	2
Fire Division (FT):	61	Division of Taxation (PT/H):	3	Department of Planning (PT/H):	1	Division of Code Enforcement (PT/H):	4	Division of Code Enforcement (S):	2
Fire Division (PT/H):	6	Director of Public Safety (FT):	1	Director of Public Services (FT):	1	Department of Economic Development (FT):	3		
Police Division (FT):	74	Assistant City Manager: (FT)	2	Division of Engineering (FT):	6	Department of Parks & Recreation Facilities (PT/H):	1		
Police Division (PT/H):	2								



AI-8371

**New Business**     **R.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

City Salaries/Wage Levels

**Submitted By:** Katie Knisley

**Department:** Human Resources

**Council Committee Review?:** Council     **Date(s) of Committee Review:** 04/19/2022  
Work  
Session

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7115

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**Agenda Item Description or Legislation Title**

A Resolution Establishing And/Or Amending The Salary Ranges And Wage Levels For Employees Of The City Of Huber Heights, Ohio.  
(first reading)

**Purpose and Background**

This legislation authorizes the salary ranges and wage levels for all non-bargaining employees of the City of Huber Heights. Amendments to this legislation include the additional Captain position with the Division of Fire.

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**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:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

ESTABLISHING AND/OR AMENDING THE SALARY RANGES AND WAGE LEVELS FOR  
EMPLOYEES OF THE CITY OF HUBER HEIGHTS, OHIO.

WHEREAS, the citizens of Huber Heights require efficient and effective delivery of municipal services.

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

Section 1. The pay ranges, compensation procedures, and administrative rules for non-bargaining employees as established hereafter shall be effective for the pay period beginning December 19, 2021 through the pay period ending December 17, 2022.

Section 2. City Council shall be responsible for establishing the actual salaries for the City Manager, the Clerk of Council, and the Deputy Clerk of Council. The salary ranges of the City Manager, the Clerk of Council, and the Deputy Clerk of Council are set forth in the following plan document.

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 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.

**THE CITY OF HUBER HEIGHTS**

**PERFORMANCE COMPENSATION PLAN FOR NON-BARGAINING EMPLOYEES**

**1. Compensation Philosophy**

It is the City's philosophy to support and enhance organizational performance through a fair, objective, and equitable merit-based pay plan which will attract, retain, and motivate high performing non-bargaining employees.

**2. General Administrative Responsibilities**

The Human Resources Director, under the direction of the City Manager is responsible for the administration of the Performance Compensation Plan, including the processing of pay rate increases, the adjustment of pay for promotions, re-employments and reassignments, and the initiation of necessary revisions in pay ranges. The Human Resources Director is responsible for interpreting the application of the program to all pay issues which are not specifically covered by this ordinance, using the principles expressed herein as a policy guide.

**3. Plan Administration**

- A. Market Surveys. The Human Resources Director shall conduct market surveys every three years or from time to time in order to collect updated comparable and competitive salary data, recommend revised pay structures and pay ranges as necessary, and recommend revised merit-based pay procedures. Such surveys and recommendations shall be conducted as positions become vacant, or upon request of a department/division head, or upon the initiation of the Human Resources Director when it is determined necessary for the effective administration of the Performance Compensation Plan.
- B. Structure Adjustments. Periodically, the Human Resources Director may recommend pay range adjustments to the City Manager in keeping with labor market trends, who in turn may make appropriate recommendations to City Council. Pay ranges (except



for seasonal positions) shall include a minimum and maximum amount stated either as an annual salary or hourly rate.

- C. Assignment of Positions to Pay Ranges. The Human Resources Director shall be responsible for assigning each city employment position to a pay range based on market data and the City Manager’s determination of the strategic value of positions and/or employees to the organization. Strategic value considerations may involve turnover, skill needs, attraction and retention issues, supply and demand for qualified applicants for particular positions, the impact of specific positions and employees on the organization’s mission, and/or other relevant factors.

4. **Applicability**

This resolution and Performance Compensation Plan shall apply to and is the sole authority for setting rates of pay for the following categories of positions and employees: All regular full-time, regular part-time, provisional full-time, provisional part-time, hourly, temporary, and seasonal employees of the City of Huber Heights, Ohio except: the Mayor; members of City Council, the City Law Director; and all employees who are members of a collective bargaining unit recognized by the State Employment Relations Board.

5. **Positions and Pay Ranges**

<i>Pay Grade</i>	<i>Minimum Pay</i>	<i>Maximum Pay</i>
10	\$13.8268	\$20.5800
Custodian Administrative Assistant I Fire Fleet/Facility Management Clerk	\$28,759.74	\$42,806.40
20	\$16.7304	\$24.9000
Administrative Assistant II Public Records Technician Tax Technician	\$34,799.23	\$51,792.00
25	\$16.7686	\$27.3900
Account Technician Accounts Payable Technician Administrative Assistant III Deputy Clerk of Council Police Evidence/Fleet Management Clerk Senior Center Program Coordinator Code Enforcement Officer I	\$34,878.69	\$56,971.20
30	\$18.4463	\$30.1300
Police Accreditation Technician Payroll Technician Tax Analyst Fire Inspector Human Resources Assistant	\$38,368.30	\$62,670.40
35	\$19.3719	\$31.6440
GIS Technician Engineering Technician Code Enforcement Officer II Communications/Records Supervisor	\$40,293.55	\$65,819.52
40	\$21.3058	\$36.0900
Accounting Generalist Community Engagement Specialist Economic Development Coordinator Human Resources Specialist Fire Prevention Manager/Plans Review	\$44,316.06	\$75,067.20

45		\$23.4381	\$39.7000
Code Enforcement Manager Assistant Tax Administrator IT Systems Analyst Parks Manager Communications/Records Manager		\$48,751.25	\$82,576.00
50		\$25.7852	\$43.6800
Deputy Director of Finance Tax Administrator Public Works Supervisor Clerk of Council Civil Engineer		\$53,633.22	\$90,854.40
55		\$30.9422	\$52.4200
Assistant City Engineer City Planner		\$64,359.78	\$109,033.60
60		\$34.0331	\$57.6500
Human Resources Director IT Director Public Works Manager Economic Development Director		\$70,788.85	\$119,912.00
65		\$37.4381	\$63.4200
City Engineer Director of Finance		\$77,871.25	\$131,913.60
70		\$43.0579	\$72.9400
Fire Chief Police Chief		\$89,560.43	\$151,715.20
75		\$47.3637	\$80.2300
Assistant City Manager of Administrative Services Assistant City Manager of Public Services Director of Public Safety		\$98,516.50	\$166,878.40
80		\$52.0992	\$85.1000
City Manager		\$108,366.34	\$177,008.00

<i>Position</i>	<i>Minimum Pay</i>	<i>Mid-point Pay</i>	<i>Maximum Pay</i>
Seasonal Laborer	N/A	N/A	\$14.00
Public Safety (PS)			
	Step 1	Step 2	
Battalion Chief	2% below Step 2	14% above top step Fire Lieutenant	
Fire Captain	2% below Step 2	6% above top step Fire Lieutenant	

Employees are paid bi-weekly on an hourly or salary basis. The bi-weekly pay rate for salaried employees is a calculation of the annual pay rate divided by 26 and the bi-weekly amount for hourly employees is a calculation of the annual pay rate divided by 2080 hours, to include those budget years with 27 pay periods. The bi-weekly amount for part-time/hourly employees, working less than a 40-hour week in a 2080 work year, is a calculation of the annual pay rate multiplied by the number of hours worked.



## 6. Compensation Adjustments

All of the following pay rate adjustments are subject to funding by City Council based upon the availability of funds and economic and budget projections and priorities.

- A. New Hires. Newly hired employees shall be hired at a rate of pay between the minimum and maximum of the applicable pay range. The exact pay rate shall be based on the employee's education, experience, knowledge, skills, and abilities. Prior to the making of a conditional offer of employment to a prospective new or newly promoted employee, the department/division head shall recommend a starting rate of pay which shall be forwarded to the Human Resources Manager for review and then to the City Manager for final action.
- B. Completion of Probation. Department/division heads may recommend a pay increase, not to exceed 2%, for newly hired or promoted employees upon the successful completion of probation or one year of employment. The department/division head should consider the employee's starting rate as related to their pay range, the pay of other employees in the position and in the employee's division, and the employee's performance in making this decision. Any such increase, upon approval by the City Manager, shall be paid from the division's regular payroll budget.
- C. Promotion. Employees who are promoted to positions with a higher level of duties and responsibilities shall be placed at a rate of pay between the minimum and maximum of the applicable pay range.
- D. Demotion. Employees who are demoted to positions with a lower level of duties and responsibilities because of less than satisfactory performance, failure to meet job requirements, or for disciplinary reasons shall be placed at the minimum of the new range, or receive a pay decrease not to exceed 10%, whichever results in the least loss of pay.
- E. Reassignment. Employees who are reassigned to positions with a lower pay grade through no fault of their own (i.e., reorganization, job abolishment, reduction-in-force, or market/technological factors, etc.), shall remain at their current rate of pay, or shall be placed at the maximum of the pay range, whichever is less. An employee who voluntarily requests and is granted a reassignment to a position with a lower pay grade will have their pay adjusted between the minimum and maximum of the lower pay grade.
- F. Temporary Upgrade to a Higher Position. Employees who are temporarily assigned (for a minimum of 7 consecutive calendar days) to perform all of the duties and assume all of the responsibilities of a position due to a position vacancy or an approved leave of absence of a position incumbent shall be receive a pay increase not to exceed 5%. Temporary upgrades shall be recommended to the Human Resources Manager and approved by the City Manager in advance.
- G. Modification of Pay Ranges. When a position's pay range is modified upward, based on market data and/or strategic value, and the position is occupied, the incumbent shall retain his/her existing pay rate or be placed at the minimum of the new pay range, whichever is greater. When a position's pay range is modified downward, and the position is occupied, the incumbent shall remain at his/her current rate of pay.
- H. Transfers. Employees who transfer to another job in an identical pay range or to an identical position in another division in the same pay range, there will be no change in the employee's rate of pay.
- I. Transitional and Paid Intern Positions: In cases deemed necessary and appropriate by the City Manager, an appointment to a position in the non-exempt service which is not yet vacated, but which position incumbent has provided the City Manager with a written notice of resignation or retirement on a date certain, which date is within 90 days following the date of such appointment. In cases deemed necessary and appropriate by the City Manager, an appointment of a student intern may be made based on skill, experience, and the scope of the project to be completed.

7. Compensation Increases

The compensation of each employee shall be reviewed annually by the department director/division manager, or Mayor and Council, for the purpose of determining which employees may be entitled to a performance-based increase. All personnel records, performance, and experience shall be considered in making recommendations with major emphasis placed on the evaluation. The City Manager or Mayor and Council is authorized to pay non-union employees a performance-based increase provided that said increase is within the approved salary range for the respective position. The performance-based increase may also be provided in the form of a bonus. The annual performance-based increase is determined upon the availability of funds and economic and budget projections and priorities.

Providing the Collective Bargaining Agreements receive an annual increase, the City shall adjust the compensation of all non-union employees, to include employees of the City Council, to reflect the same annual increase within the respective year.

To be eligible for a performance-based increase, an employee must be employed with at least six months of continuous service before the merit award date.

An employee whose pay is at the maximum of the compensation range may not be granted an increase that would cause the base compensation to exceed the maximum of the range for that position. The employee would continue to be eligible for an annual increase and performance bonus, with a lump sum increase based upon the percentage increase. The pay range, however, does not change until a new market study is conducted, every three years, and a recommendation is made to revise pay structures and pay ranges as necessary

Passed by Council on the \_\_\_\_ day of \_\_\_\_, 2022;  
\_\_\_\_ Yeas; \_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



AI-8370

**New Business S.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Supplemental Appropriations

**Submitted By:** Jim Bell

**Department:** Finance **Division:** Accounting

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 04/19/2022

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

**Motion/Ordinance/  
Resolution No.:** Passed to a  
Second  
Reading

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**Agenda Item Description or Legislation Title**

An Ordinance Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The Fire Division Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)

**Purpose and Background**

The supplemental appropriations are for the following purposes:

- \$217,000 for 4 new hires in the Fire Department, estimated to begin work on 7/1/22.
- \$20,000 for new uniforms and turnout gear for 4 new hires in Fire Department.

---

**Fiscal Impact**

**Source of Funds:** Fire Fund

**Cost:** \$237,000

**Recurring Cost? (Yes/No):** Yes

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

**Financial Implications:**

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE FIRE DIVISION OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2022 operating and project funding.

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

Section 1. Ordinance No. 2021-O-2511 is hereby amended as shown in Exhibit A of this Ordinance.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**EXHIBIT A**

AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE FIRE DIVISION OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

- 1) Section 6 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 210 Fire Fund, as follows:
  - a. Subsection a) Fire, Personnel of \$217,000.00
  - b. Subsection a) Fire, Operations and Capital of \$20,000.00.

Fire Fund	\$237,000.00
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AI-8357

**New Business**    **T.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Alcore/The Landings of Huber Heights - Land Use Restriction Agreement Termination

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** Council    **Date(s) of Committee Review:** 04/19/2022  
Work  
Session

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7116

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The Execution Of A Termination Of The Land Use Restriction Agreement In Connection With The City's Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A.  
(first reading)

**Purpose and Background**

In support of Alcore/The Landings of Huber Heights, the City issued bonds to fund construction on behalf of the owner in 2012. As a condition of that bond issuance, the City was partner to a Land Use Restriction Agreement to guarantee the bond proceeds would be used for the intended purpose. The bonds in question were paid off in 2018 and the facility is under new ownership. The new owners would like the Land Use Restriction Agreement terminated in an effort to clean up the title for the property.

---

**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:**

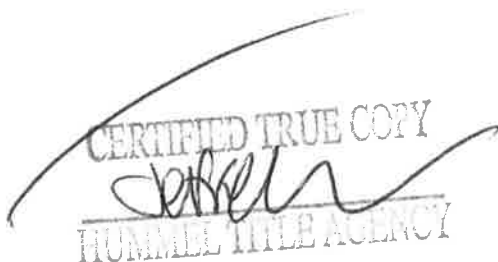
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**Attachments**

Land Use Restriction Agreement  
Assignment/Assumption Agreement  
Termination Of Land Use Restriction Agreement  
Resolution

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LAND USE RESTRICTION AGREEMENT

By and Among

**CITY OF HUBER HEIGHTS, OHIO,**  
as Issuer

**ALCORE HUBER LLC,**  
as Owner

**ALCORE SENIOR, LLC,**  
as Sole Member

Hummel Title Agency  
2154 E. Main St. Suite 301  
Columbus, Ohio 43209  
HTAC# 28700

and  
**BOKF, NA DBA BANK OF OKLAHOMA,**  
as Trustee

\$11,360,000  
City of Huber Heights, Ohio  
Multifamily Housing Mortgage Revenue Bonds  
(Alcore Huber LLC Project) Series 2012A

Dated as of October 1, 2012  
Effective as of October 31, 2012

---

This instrument prepared by:

Peck, Shaffer & Williams LLP  
201 East Fifth Street, Suite 900  
Cincinnati, Ohio 45202

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Exhibit A – Description of Project Site



## LAND USE RESTRICTION AGREEMENT

THIS LAND USE RESTRICTION AGREEMENT (the "Agreement") is made as of October 1, 2012 and effective as of October 31, 2012 by and among **Alcore Huber LLC**, its successors, and assigns (the "Owner"), **AlcoreSenior, LLC**, its successors, and assigns (the "Sole Member"), **City of Huber Heights, Ohio** (the "Issuer") and **BOKF, NA dba Bank of Oklahoma** (the "Trustee"), for the Issuer's \$11,360,000 Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A (the "Bonds"), to be issued pursuant to the Trust Indenture dated as of October 1, 2012 by and between the Issuer and the Trustee (the "Indenture").

### RECITALS

WHEREAS, the Owner will be the record owner of the parcel(s) of land (and the operator of the building to be constructed thereon), which is located at the intersection of Fishburg Road and Bellefontaine Road and is described in Exhibit A (the land together with the building to be constructed thereon referred to hereinafter as the "Real Estate"); and

WHEREAS, the Sole Member is intended to be or shall be treated by the parties as the owner of the Real Estate for federal tax purposes; and

WHEREAS, the Owner intends to operate the Real Estate as a multifamily residential rental housing project (to be referred to as the "Alcore Huber LLC Project") that will comprise seventy-eight (78) residential units to provide rental housing to low or moderate income individuals and families at low or moderate rental amounts (the "Project"); and

WHEREAS, all or a portion of the costs of the acquisition, construction, installation and equipping of the Real Estate will be financed by a loan to the Owner (the "Loan") made pursuant to a Loan Agreement dated as of October 1, 2012 among the Owner, the Trustee and the Issuer (the "Loan Agreement"); and

WHEREAS, the Loan will be funded from proceeds of the sale of the Bonds; and

WHEREAS, interest on the Bonds is and will remain excludible from gross income for federal income tax purposes, provided, among other things, that the Project is treated as a "qualified residential rental project" under, and continuously complies with the requirements of, Section 142(d) of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable Treasury Regulations ("Regulations" or "Treas. Reg."); and

WHEREAS, the Project's compliance with the requirements of Section 142(d) of the Code and the applicable Regulations and the Bonds' treatment as "exempt facility bonds" under Section 142(a)(7) of the Code is in large part within the control of the Owner; and

WHEREAS, the Issuer is unwilling to issue the Bonds unless the Owner shall, by agreeing to this Agreement, consent to be regulated by the Issuer to preserve the exclusion of interest on the Bonds from the gross income of their owners under Section 103(a) of the Code.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, and of other good and valuable consideration, the Owner, the Sole Member, the Issuer and the Trustee agree as follows:

**Section 1.1 Definitions.** In addition to words and terms defined elsewhere in this Agreement, the following words and terms used in this Agreement shall have the following meanings, unless some other meaning is plainly intended, and any terms not defined in this Agreement shall have the same meaning as such terms are defined in the Indenture or in Section 142(d) of the Code and the applicable Regulations:

“Area Median Gross Income” means the median income in the geographic area (as determined for purposes of Section 142(d) of the Code) in which the Residential Rental Property is located, as determined annually by the Secretary of the Treasury in a manner consistent with determinations of lower income families and area median gross income under Section 8 (or, if such program under Section 8 is terminated, under such program in effect immediately before such termination). Any determination of Area Median Gross Income shall be made in accordance with and subject to the requirements of Sections 142(d)(2)(B) and 142(d)(2)(E) of the Code.

“Assumption Agreement” means an agreement or undertaking by any transferee, pursuant to a Transfer, to assume the obligations and duties of the Owner described in this Agreement and the Loan Agreement.

“Available Units” means Residential Rental Units that are actually occupied or that are unoccupied and have been leased at least once after first becoming available for occupancy, provided that (a) in the case of an acquisition of an existing facility for the purpose of establishing or continuing a qualified residential rental project under Section 142(d) of the Code, a Residential Rental Unit that is unoccupied on the later of (i) the date such facility is acquired or (ii) the issue date of the first issue of Qualified 142(d) Bonds financing the acquisition of such facility is not an Available Unit and does not become an Available Unit until it has been leased for the first time after such date, and (b) a Residential Rental Unit that is not available for occupancy due to renovations is not an Available Unit and does not become an Available Unit until it has been leased for the first time after such renovations are completed.

“Bond Counsel” means Peck, Shaffer & Williams LLP or any other nationally recognized bond counsel experienced in municipal finance and, particularly, in the issuance of debt the interest on which is excludible from gross income for federal income tax purposes.

“Certification of Income” means a certification, including all necessary information and documentation, to substantiate the amount of income of all residents of a Residential Rental Unit, given by a prospective or current Qualified Tenant.

“Educational Organization” means an educational organization that normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of students in attendance at the place where its educational activities are regularly carried on, as described in Section 170(b)(1)(A)(ii) of the Code.

“Low and Moderate Income” means income that does not exceed 50% of the Area Median Gross Income, with appropriate adjustments to income level made for family size, as determined in a manner consistent with the determinations of lower income families and area



median gross income under Section 8 (or, if such program under Section 8 is terminated, under such program in effect immediately before such termination), all as made in accordance with and subject to the requirements of Section 142(d)(2)(B) of the Code. For these purposes, income shall be treated as not exceeding 50% of the Area Median Gross Income, with appropriate adjustments to income level made for family size, if the relevant individual's or family's adjusted income (computed in the manner described in Treas. Reg. § 1.167(k)-3(b)(3) prior to its removal by T.D. 8474, 1993-1 C.B. 242) does not exceed 50% of the applicable Area Median Gross Income.

"Occupancy Standards" means the requirement that at least 20% of the Available Units must be actually occupied by (or treated as occupied by, as provided herein) Qualified Tenants. An Available Unit shall be treated as "occupied" by a Qualified Tenant during the applicable tenancy for purposes of the Occupancy Standards if the tenant of such Unit was a Qualified Tenant at the commencement of his or her actual occupancy of the Available Unit, even though such tenant ceases to be a Qualified Tenant because he or she ceases to have Low and Moderate Income, provided that the second sentence of paragraph (p) of Section 4 below does not apply to such tenant. Moreover, if an Available Unit vacated by a Qualified Tenant was actually occupied by a Qualified Tenant at the commencement of such Qualified Tenant's occupancy of such Unit, such Available Unit shall be treated as occupied by a Qualified Tenant until reoccupied, excluding any reoccupation for a temporary period of not more than thirty-one (31) days. The character of any Available Unit described in the immediately preceding sentence shall be redetermined upon expiration of the thirty-one (31)-day period. In calculating the foregoing 20% requirement, if the resulting number of Available Units contains a fraction, it shall be rounded up to the next highest whole number.

"Purpose Investment" means an investment acquired to carry out the governmental purpose of the Bonds, as described in Treas. Reg. § 1.148-1(b).

"Qualified 142(d) Bonds" means obligations that satisfy the requirements of Sections 103 and 142(d) of the Code.

"Qualified Project Period" means the period commencing on the later of the first day on which at least 10% of the Residential Rental Units in the Residential Rental Property are occupied or the issue date of the Qualified 142(d) Bonds issued to acquire such facility and ending on the latest of the following: (A) the date that is fifteen years after the date on which at least 50% of the Residential Rental Units in the facility are first occupied; (B) the first day on which no tax-exempt private activity bond (as defined in Section 141(a) of the Code) issued with respect to the facility is outstanding; or (C) the date on which any assistance provided with respect to the facility under Section 8 terminates. If the proceeds of the Qualified 142(d) Bonds are financing the acquisition and rehabilitation (other than Substantial Rehabilitation) of an existing Residential Rental Property, the start of the Qualified Project Period shall be stayed during the Transition Period.

"Qualified Tenant" means any individual or family with Low and Moderate Income. However, if all the occupants of a Residential Rental Unit are Students, such individuals may not be treated as Qualified Tenants. Subject to the preceding two sentences, "Qualified Tenant" may include any individual who is (i) a student and receiving assistance under Title IV of the Social Security Act, (ii) a student who was previously under the care and placement responsibility of the Ohio agency responsible for administering a plan under part B or part E of Title IV of the Social Security Act or (iii) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, state or local laws.

“Related Person” means an individual or entity who, concerning the referenced party, is described in Section 147(a)(2) of the Code.

“Residential Rental Property” means the Real Estate or any other building or structure containing one or more similarly constructed Residential Rental Units used for the Project, including facilities functionally related and subordinate thereto, as provided in Treas. Reg. § 1.103-8(b).

“Residential Rental Unit” means a housing unit containing separate and complete living, sleeping, eating, cooking and sanitation facilities for a single person or a family. Such housing unit shall contain a kitchen that includes a stove, cooking range, full-size refrigerator and sink. A housing unit, however, shall not fail to be treated as a “Residential Rental Unit” merely because it is a single-room occupancy unit (within the meaning of Section 42 of the Code).

“Section 8” means Section 8 of the United States Housing Act of 1937, as amended.

“Student” means any full-time student (within the meaning of Section 42(i)(3)(D) of the Code) unless he or she is described in Section 42(i)(3)(D)(ii) of the Code.

“Substantial Rehabilitation” means the acquisition of an existing facility to be used as a Residential Rental Property where more than 90% of the Residential Rental Units in the facility are not Available Units at any time within 60 days after the later of (1) the date the facility is acquired or (2) the issue date of the first issue of Qualified 142(d) Bonds financing the acquisition of such facility.

“Transfer” means any conveyance, transfer, whether by sale, exchange, gift or assignment or other disposition of a facility.

“Transition Period” means the twelve months beginning on the date of issuance of the first Qualified 142(d) Bonds.

**Section 1.2 Number and Gender.** Unless the context clearly requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Agreement and all the terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity hereof.

**Section 1.3 Headings.** The titles and headings of the sections of this Agreement have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Agreement or any provision hereof or in ascertaining intent, if any question of intent shall arise.

**Section 1.4 Construction.** It is intended that this Agreement set forth the terms, conditions, limitations and restrictions applicable to the Project and that the Project be a “qualified residential rental project” under Sections 142(a)(7) and 142(d) of the Code. All provisions herein shall be construed in accordance with such intent.



**Section 2. Benefit.** The Owner, the Sole Member, the Issuer and the Trustee each acknowledges that a primary purpose for requiring compliance by the Owner with this Agreement is to preserve the excludibility from gross income for federal income tax purposes of interest on the Bonds, and that the Trustee, on behalf of the holders of the Bonds, who are declared to be third party beneficiaries of this Agreement, shall be entitled, for any breach of the provisions hereof, to all remedies, both at law and in equity, in the event of any default hereunder.

**Section 3. Covenant with Respect to Tax Status of the Bonds.** The Issuer, the Owner, the Sole Member and the Trustee each covenants that it will not knowingly take, or permit to be taken, any action that would adversely affect the excludibility from gross income for federal income tax purposes of interest on the Bonds.

**Section 4. Qualified Residential Rental Project Requirements.** The Owner and the Sole Member each represents, warrants and covenants that the Project shall, throughout the Qualified Project Period, unless this Agreement is earlier terminated pursuant to Section 14 of this Agreement, satisfy the following terms and conditions, limitations and restrictions:

- (a) *Satisfaction of Applicable Legal Requirements.* The Project is being acquired, constructed, and developed for the purpose of providing multifamily Residential Rental Units, and the Project shall be owned, managed and operated as multifamily Residential Rental Units, all in accordance with the qualified residential rental project requirements of Section 142(d) of the Code and the applicable residential rental project provisions of Treas. Reg. § 1.103-8(b) and the administrative guidance issued thereunder;
- (b) *Similarly Constructed Residential Rental Units.* All of the Residential Rental Units in the Project shall be similarly constructed;
- (c) *Transient Use.* During the term of this Agreement, (i) none of the Residential Rental Units in the Project shall at any time be utilized on a transient basis, (ii) none of the Residential Rental Units in the Project shall ever be leased or rented for a period of less than thirty (30) days and (iii) neither the Project nor any portion thereof shall ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home, rest home, trailer court or park or for any other use on a transient basis;
- (d) *General Public Availability.* During the term of this Agreement, (i) the Residential Rental Units in the Project shall be leased and rented or made available for rental on a continuous basis to members of the general public and (ii) the Owner shall not give preference in renting Residential Rental Units in the Project to any particular class or group of persons, other than Qualified Tenants as provided herein; provided, however, that Residential Rental Units in the Project may be occupied by maintenance, security or managerial employees of the Owner or its property manager who are reasonably required to maintain residences in the Project, but only to the extent such occupation does not cause the Project to cease to be a qualified residential rental project under Section 142(d) of the Code;
- (e) *Use of Related Facilities by Tenants.* Any functionally related and subordinate facilities (e.g., parking areas, laundry facilities, tenant offices, physical therapy

rooms, dining rooms, meeting rooms, common areas, swimming pools, tennis courts, etc.) (the "Related Facilities") for the Project will be made available to all tenants of the Project on an equal basis. Fees charged to residential tenants for use of the Related Facilities will be commensurate with fees charged for similar facilities at similar residential rental properties in the surrounding area and, in no event will any such fees charged to tenants of the Project be discriminatory or exclusionary as to the Low and Moderate Income tenants of the Project. No Related Facilities will be made available to persons other than tenants or their guests. Parking, if available, will be made available to all tenants on a first come, first served basis;

- (f) During the term of this Agreement, the Owner shall not: (1) except upon a sale or transfer of the Project in accordance with the terms of this Agreement, encumber any portion of the Project or grant commercial leases of any portion thereof or permit the conveyance, transfer or encumbrance of any portion of the Project (except for apartment leases), it being understood that the terms of the financing will be subordinate to this Agreement; or (2) demolish any part of the Project or substantially subtract from any real or personal property of the Project; provided, that nothing herein shall prohibit the Owner from granting operating leases and/or licenses of those facilities constituting part of the Project that are functionally related and subordinate to the Residential Rental Units, such as laundry or recreational facilities, for the purposes of providing for the operation of such facilities for the benefit of the Project;
- (g) *Noncooperative Housing Corporation Ownership.* During the term of this Agreement, no part of the Project will at any time be owned or used by a cooperative housing corporation;
- (h) *Ownership, Structure and Financing.* The Project will consist of one or more buildings or structures, all of which will be (i) owned by the same person for federal tax purposes, (ii) located on a single tract of land, consisting of any parcel of land or two or more parcels of land that are contiguous except for being separated only by a road, street, stream or similar property (parcels are contiguous if their boundaries meet at one or more points) and (iii) financed with proceeds of the Bonds or otherwise pursuant to a common plan of financing. Each such building or structure is a discrete edifice or other man-made construction consisting of an independent foundation, outer walls and roof and containing five or more similarly constructed units;
- (i) *Condominium Ownership.* During the term of this Agreement, the Owner will not convert the Project to condominium ownership;
- (j) *Owner Rentals.* During the term of this Agreement, no Residential Rental Unit in the Project shall be occupied by the Owner (or a Related Person) at any time unless the Owner (or a Related Person) resides in a Residential Rental Unit in a building or structure that contains at least five Residential Rental Units and unless the resident of such Residential Rental Unit is a resident manager or other necessary employee (e.g., maintenance and security personnel);
- (k) *Certificate of Project Commencement.* The Owner shall prepare and submit to the Issuer and the Trustee a certificate in recordable form in accordance with Issuer's



requirements to evidence the commencement of the Qualified Project Period and the Owner will be responsible for recording such certificate;

- (l) *No Discrimination.* During the term of this Agreement, the Owner shall not discriminate on the basis of age, race, color, creed, national origin, religion, sex or marital status in the lease, use or occupancy of the Project or in connection with the employment or application for employment of persons for the operation and management of the Project; and the Owner specifically agrees that the Owner will not refuse to lease units or deny occupancy in the Project to persons whose family includes minor dependents who will occupy such unit, unless such refusal is based upon factors not related to the presence of such minors in the family;
- (m) *Payment of Expenses.* During the term of this Agreement, the Owner shall make timely payment of the fees and expenses, if any, of the Trustee in accordance with the provisions of the Indenture;
- (n) *Certification of Income.* As a condition of occupancy, each Qualified Tenant shall be required to sign and deliver to the Owner a Certification of Income, in a form designed to establish compliance with the applicable provisions of the Code and the Treasury Regulations, or as otherwise required by the Internal Revenue Service. Such Qualified Tenant shall also be required to provide whatever other information, documents or certifications are deemed necessary by the Owner or the Issuer to substantiate the Certification. All Certifications of Income with respect to each Qualified Tenant who resides in a Residential Rental Unit in the Project or resided in a Residential Rental Unit during the immediately preceding calendar year shall be maintained on file at the main business office of the Project and shall be available for inspection by the Issuer and the Trustee;
- (o) *Annual Determinations.* The determination of whether a resident of the Project is a Qualified Tenant shall be made at least annually on the basis of the current income of all the residents of the Residential Rental Unit. Each lease to a Qualified Tenant entered into after the date hereof shall require the tenant to sign the Certification of Income annually, attesting to the combined income of all the occupants of each Residential Rental Unit and at any other time as the Owner may reasonably request;
- (p) *Subsequent Changes to Income.* If a tenant is a Qualified Tenant upon commencement of occupancy of a Residential Rental Unit, the income of such tenant shall be treated as Low or Moderate Income. The preceding sentence shall cease to apply to any tenant whose income as of the most recent annual determination under paragraph (o) of this Section exceeds 140% of Low and Moderate Income if, after such determination, but before the next annual determination, any Residential Rental Unit of comparable or smaller size in (i) the same building (within the meaning of Section 42 of the Code), provided that the Project is eligible for low-income housing tax credits under Section 42 of the Code or (ii) the Project, if the Project is not eligible for low-income housing tax credits under Section 42 of the Code, is *occupied by a new tenant who does not qualify as a Qualified Tenant*;
- (q) *Form of Lease.* Any lease used in renting any Residential Rental Unit in the Project to a Qualified Tenant shall provide for termination of the lease and

consent by such tenant to immediate eviction, subject to applicable provisions of Ohio law, for failure to qualify as a Qualified Tenant as a result of any material misrepresentation made by such person with respect to any Certification of Income. Each Qualified Tenant occupying a Residential Rental Unit shall be required to execute a written lease that shall be effective for a term of at least six (6) months. No meals or other services will be provided to tenants of the Project;

- (r) *Owner's Certification.* On the first day of each month after any Residential Unit in the Project is available for occupancy, the Owner shall prepare a record of the percentage of Residential Rental Units of the Project occupied (and treated as occupied) by Qualified Tenants during the preceding month. Such record shall be maintained on file at the main business office of the Project, shall be available for inspection by the Issuer and the Trustee and shall contain such other information and be in the form required by the Issuer and/or Trustee, as applicable;
- (s) *Occupancy Standards.* The Project shall satisfy the Occupancy Standards; and
- (t) *Records Maintenance and Inspection.* During the term of this Agreement, the Owner shall (i) maintain complete and accurate records pertaining to the Residential Rental Units occupied or to be occupied by Qualified Tenants, and (ii) permit any duly authorized representative of the Trustee, the Issuer, the Department of the Treasury or the Internal Revenue Service to inspect the books and records of the Owner pertaining to the income of and Certificate of Income of Qualified Tenants residing in the Project upon reasonable notice and at reasonable times.

**Section 5. Transfer Restrictions.** For the Qualified Project Period, except with respect to foreclosure or deed in lieu of foreclosure or other involuntary loss described in Treas. Reg. § 1.103-8(b)(6)(iii)(a) and not otherwise described in paragraph (b) thereof, the Owner shall not Transfer the Project or any interest therein, in whole or in part, except in accordance with the terms of the Loan Agreement and this Section 5. Any Transfer of the Project or any interest therein, in whole or in part, shall only be permitted if: (1) the Owner shall not be in default hereunder; (2) the purchaser or assignee shall assume in writing in a form acceptable to the Issuer, all duties and obligations of the Owner under this Agreement, including this Section 5, and execute any necessary or appropriate document reasonably requested by the Trustee with respect to assuming its obligations under this Agreement and the Loan Agreement in the form of an Assumption Agreement, which document shall be recorded in the Montgomery County, Ohio Recorder's Office; (3) the Trustee shall have received an opinion of Bond Counsel, which opinion is acceptable to the Trustee, to the effect that such transfer will not adversely affect the exclusion of the interest on the Bonds from gross income of the owners thereof for federal income tax purposes; (4) the Owner shall deliver to the Trustee a certificate, acceptable in form to the Trustee, to the effect that the Owner did not acquire the Project with the intention of sale upon completion of its construction; (5) the Owner shall deliver to the Trustee an opinion of counsel to the transferee that the transferee has duly assumed the obligations of the Owner under this Agreement and that such obligations and this Agreement are binding on the transferee; and (6) such other conditions are met as are set forth in or referred to in the Loan Agreement or as the Trustee may reasonably impose as part of the Assumption Agreement (i) to protect the exclusion of the interest on the Bonds from gross income of the owners thereof for federal income tax purposes, (ii) to ensure that the Project is not acquired by a person that has pending against it, or that has a history of, building code violations, as identified by municipal, county, state or federal



regulatory agencies, and (iii) to provide that indemnification of the Issuer and the Trustee under Section 16 of this Agreement and elsewhere is assumed by the purchaser or assignee. Once the Assumption Agreement has been delivered and all conditions of this Section 5 have been satisfied, the Trustee shall deliver a release to the Owner with respect to any future compliance with the provisions of this Agreement with respect to the Project, and the Issuer shall have delivered a release with respect to the Loan Agreement (subject to any further transfer restrictions in the Loan Agreement). The Owner shall deliver the Assumption Agreement to the Trustee at least ten (10) business days prior to a proposed Transfer.

**Section 6. Certification to Secretary.** The Owner represents, warrants and covenants that, if the Secretary of the Treasury so requires, the Owner shall annually submit to the Secretary of the Treasury (at such time and in such manner as the Secretary shall prescribe) a certification attesting that the Project continues to meet the requirements of Section 142(d) of the Code and shall simultaneously send copies of such certification to the Issuer and the Trustee. The Owner acknowledges that failure to file such certification with the Secretary of the Treasury when required would subject the Owner to penalty, as provided in Section 6652(j) of the Code.

**Section 7. Enforcement.** The Owner further represents, warrants and covenants that:

- (a) *Examination of Records.* The Owner shall permit, after two (2) business days prior notice, any duly authorized representative of the Issuer and the Trustee to inspect any books and records of the Owner regarding the Project, particularly with respect to the incomes of Qualifying Tenants that pertain to compliance with the provisions of this Agreement and Section 142(d) of the Code. Any certification, records or other documents deemed necessary by the Issuer or the Trustee to show the Project's compliance with Section 142(d) of the Code shall be maintained on file at the Project site so long as any of the Bonds (and any tax-exempt obligations used to refund any of the Bonds) remain outstanding and for six (6) years thereafter;
- (b) *Other Information.* The Owner shall provide such other information, documents or certifications requested by the Issuer or the Trustee that the Issuer or the Trustee, as applicable, deems reasonably necessary, to substantiate the Owner's continuing compliance with the provisions of this Agreement and Section 142(d) of the Code; and
- (c) *Reliance on Owner or Tenant Certification.* In the enforcement of the Agreement, the Issuer or the Trustee may rely on any certificate delivered by or on behalf of the Owner or any tenant concerning the Project.

**Section 8. Violations.**

- (a) *Notice.* The Owner further represents, warrants and covenants that it will inform the Issuer and the Trustee by written notice of any violation of the Owner's obligations under this Agreement or the occurrence or existence of any situation or event (an "adverse development") that would cause the interest of the Bonds to become includable in the gross income of their holders for federal income tax purposes within five (5) days after discovering any such adverse development, and the Issuer and the Trustee covenant and agree to inform the Owner by written notice of any adverse development that would cause the interest on the Bonds to

become includable in the gross income of their holders for federal income tax purposes within five (5) days after discovering such adverse development;

- (b) *Time to Correct.* The Owner covenants and agrees to correct or rectify any adverse development no later than thirty (30) days after such adverse development is first discovered or should have been discovered by the Owner's exercise of reasonable diligence. The Issuer and the Trustee covenant and agree to provide the Owner a period of time, which shall be at least thirty (30) days after the date any Issuer or Trustee notice under paragraph (a) above to the Owner is mailed, or if later, within such further time as the Issuer or the Trustee, as applicable, determines is necessary to correct or rectify the adverse development without loss of tax exemption of interest on the Bonds, not to exceed any limitations set by applicable laws, rules, regulations or administrative guidance, in which to correct any adverse development. The Owner represents, warrants and covenants that if any such adverse development is not corrected to the satisfaction of the Issuer and the Trustee within the period of time specified by the Issuer and the Trustee, without further notice, the Issuer or the Trustee, as applicable, may declare a default under this Agreement, effective on the date of such declaration of default, and upon such default, the Owner shall pay to the Issuer an amount equal to any rents or other amounts received by the Owner for any Residential Rental Units in the Project that were occupied in violation of this Agreement during the period such violation continued;
- (c) *Failure to Satisfy Following Transition Period.* If the Occupancy Standards are not met by the last day of the Transition Period, the Project will not be treated as a qualified residential rental project under Section 142(d) of the Code as of the issue date of the Bonds unless all the Bonds issued to finance the Project are redeemed as soon as possible, but in no event later than eighteen (18) months after the issue date of such Bonds; and
- (d) *Specific Performance.* The Owner acknowledges that the Issuer or the Trustee and, to the extent permitted in the Indenture, any Owner of a Bond, may also apply, individually or collectively, to any court, state or federal, for specific performance of this Agreement, or for an injunction against any violation of this Agreement, or for any other remedies at law or in equity or for any such other actions as shall be necessary or desirable so as to correct non-compliance with this Agreement.

**Section 9. Agent of the Issuer and Trustee.** The Owner further represents, warrants and covenants that the Issuer and the Trustee shall each have the right to appoint an agent to carry out any of its duties and obligations under this Agreement, and the Issuer and the Trustee shall inform the Owner and the other party of any such agency appointment by written notice.

**Section 10. Amendment.** This Agreement may be amended to reflect changes in Section 142(d) of the Code, the applicable Regulations and administrative guidance promulgated thereunder. The Issuer, the Owner and the Trustee each covenants to take any lawful action (including amendment of this Agreement) if, in the opinion of Bond Counsel, such action is necessary to comply fully with all applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed by the Department of the Treasury or the Internal Revenue Service from time to time pertaining to obligations issued under Section 142(d)



of the Code and affecting the Project. No amendment of this Agreement shall be made without the prior written approval of the Issuer, the Trustee and the Owner.

**Section 11. Severability.** The invalidity of any clause, part or provision of this Agreement shall not affect the validity of the remaining portions thereof.

**Section 12. Notices.** The Issuer, the Owner and the Trustee each agrees that all notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing:

The Owner: c/o AlcoreSenior, LLC, 445 Hutchinson Avenue, Suite 860, Columbus, Ohio 43235, Attention: Manager

The Sole Member: AlcoreSenior, LLC, 445 Hutchinson Avenue, Suite 860, Columbus, Ohio 43235, Attention: Manager

The Issuer: City of Huber Heights, Ohio, 6131 Taylorsville Road, Huber Heights, Ohio 45424, Attention: Director of Finance

The Trustee: BOKF, NA dba Bank of Oklahoma, 1 Williams Center, Tulsa, Oklahoma 74192, Attention: Corporate Trust Department

**Section 13. Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the State of Ohio and, where applicable, the laws of the United States of America.

**Section 14. Termination.** The Issuer, the Owner and the Trustee each agrees that this Agreement shall terminate:

- (a) *Completion.* Upon the termination of the Qualified Project Period;
- (b) *Involuntary Non-Compliance.* In the event of an involuntary non-compliance caused by unforeseen events, such as fire, seizure, requisition, change in a federal law or an action of a federal agency after the date of issuance of the Bonds that prevents the Issuer or the Trustee from enforcing the provisions of this Agreement or condemnation or similar event, provided that:
  - (i) the Bonds are retired at their first applicable available call date; or
  - (ii) any insurance proceeds or condemnation award or other amounts received as a result of such loss or destruction are used to provide a project that meets the requirements of Section 142(d) of the Code and Treas. Reg. § 1.103-8(b) as amended, or any successor law or regulation;
- (c) *Certain Transfers.* In the event of foreclosure, transfer of title by deed in lieu of foreclosure, or similar event, following which and within a reasonable period of time the Bonds are redeemed or the amounts received as a consequence of such event are used to provide a qualified residential rental project meeting the

applicable requirements of the Code and the Regulations, unless, at any time subsequent to such event and during the Qualified Project Period, the Owner or any direct successor in interest, or any transferee from the Owner or its successor subject to an Assumption Agreement, or any Related Person to such persons, or any other person who was, prior to the event of foreclosure or other such event, an obligor on any Purpose Investment issued in connection with any financing for the Project, obtains an ownership interest in the Project for tax purposes; or

- (d) *Opinion of Bond Counsel.* Upon the delivery of an opinion of Bond Counsel acceptable to the Issuer and the Trustee that continued compliance with the requirements of Section 4 hereof is not required in order for interest on the Bonds to be and continue to be excludible from gross income of the holders of the Bonds for federal income tax purposes.

**Section 15. Post-Defeasance.** The Owner represents, warrants and covenants that in the event that the Bonds are defeased and the lien of the Indenture released, but this Agreement remains in full force and effect, it shall contract, at Owner's expense, with a compliance monitoring agent, to review compliance by the Owner with the requirements of this Agreement.

**Section 16. Indemnification.** Provided that this indemnity shall not include the payment of principal and interest under the Loan Agreement (it being intended that the repayment of the Loan is a limited obligation of the Owner, as provided in the Loan Agreement), the Owner hereby covenants and agrees that it shall indemnify and hold harmless the Issuer, the Trustee and their officers, directors, officials, employees and agents from and against (a) any and all claims arising from any act or omission of the Owner or any of its agents, contractors, servants, employees or licensees, in connection with the Bonds, the Loan Agreement, the Indenture, any mortgage, this Agreement or the Project and (b) all costs, counsel fees, expenses or liabilities incurred in connection with any such claim or proceeding brought thereon. In the event that any action or proceeding is brought against the Issuer, the Trustee or any of its officers, directors, officials, employees or agents with respect to which indemnity may be sought hereunder, the Owner, upon written notice from the indemnified party, shall assume the investigation and defense thereof, including the employment of counsel and the payment of all expenses. The indemnified party shall have the right to participate in the investigation and defense thereof and in the event the indemnified party reasonably determines that a conflict of interest exists between such party and the Owner in connection therewith, the indemnified party may employ separate counsel with the consent and approval of the Owner, which consent shall not be unreasonably withheld, and in such event the Owner shall pay the reasonable fees and expenses of such separate counsel. Except for the payment of principal of and interest on the Loan, which is a limited obligation of the Owner as provided in the Loan Agreement, the obligations of the Owner hereunder are full recourse obligations. Notwithstanding the foregoing, no party shall be indemnified pursuant to this Section 16 against its own gross negligence or willful misconduct.

**Section 17. Recordation.** The Issuer, the Owner and the Trustee each agrees that the Owner shall cause this Agreement (and all amendments and supplements hereto) to be recorded and filed in the conveyance and real property records of Montgomery County, Ohio and in such other places as the Issuer or Trustee may reasonably request. This Agreement (and all amendments and supplements hereto) shall be recorded in the grantor-grantee index to the name of the Owner as grantor and to the name of the Trustee as grantee. The Owner should pay all fees and charges incurred in connection with any such recording(s). Upon delivery by the Owner



to the Trustee of an opinion of independent counsel acceptable to the Trustee that the conditions to termination of this Agreement have been made, the Trustee shall, upon request by the Owner, and at the Owner's expense, file any documentation necessary to remove this Agreement from the real estate records of Montgomery County, Ohio.


**Section 18. Covenants to Run with the Land; Successors Bound.** The Owner hereby subjects the Real Estate to the covenants, reservations and restrictions set forth in this Agreement. The Issuer, the Trustee and the Owner hereby declare their express intent that the covenants, reservations and restrictions set forth herein shall be deemed covenants, reservations and restrictions running with the land to the extent permitted by law and shall pass to and be binding upon the Owner's successors in title to the Real Estate throughout the term of this Agreement. Each and every contract, deed, mortgage, or other instrument hereafter executed covering or conveying the Real Estate or any portion thereof or interest therein shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed, mortgage or other instrument.

**Section 19. No Conflict with Other Documents.** The Owner warrants that it has not executed and will not execute any other agreement with provisions contradictory to, or in opposition to, the provisions hereof, and that, in any event, the requirements of this Agreement are paramount and controlling as to the rights and obligations herein set forth and supersede all other requirements in conflict herewith.

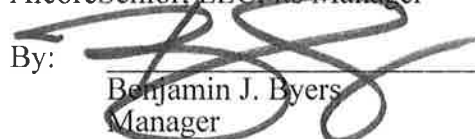
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and sealed by their respective, duly authorized representatives, as of this 1<sup>st</sup> day of Oct, 2012 and effective as of October 31, 2012.

**CITY OF HUBER HEIGHTS, OHIO**

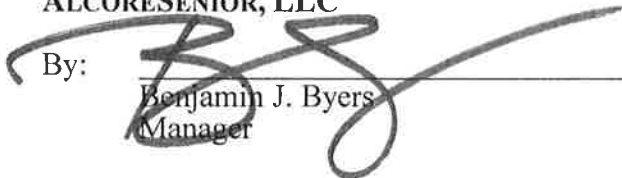
By:   
Name: James Borland  
Title: City Manager

By:   
Name: James Bell  
Title: Director of Finance

**ALCORE HUBER LLC**

By: AlcoreSenior, LLC, its Manager  
By:   
Benjamin J. Byers  
Manager

**ALCORESENIOR, LLC**

By:   
Benjamin J. Byers  
Manager

**BOKF, NA DBA BANK OF OKLAHOMA, as Trustee**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

220859

[Signature Page of Land Use Restriction Agreement]



IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and sealed by their respective, duly authorized representatives, as of this 1<sup>st</sup> day of October, 2012 and effective as of October 31, 2012.

**CITY OF HUBER HEIGHTS, OHIO**

By: \_\_\_\_\_  
Name: James Borland  
Title: City Manager

By: \_\_\_\_\_  
Name: James Bell  
Title: Director of Finance

**ALCORE HUBER LLC**


By: AlcoreSenior, LLC, its Manager

By: \_\_\_\_\_  
Benjamin J. Byers  
Manager

**ALCORESENIOR, LLC**

By: \_\_\_\_\_  
Benjamin J. Byers  
Manager

**BOKF, NA DBA BANK OF OKLAHOMA, as Trustee**

By:   
Name: Marrien Neilson  
Title: Senior Vice President & T.O.

220859

[Signature Page of Land Use Restriction Agreement]

STATE OF OHIO                                 )  
  )  
COUNTY OF MONTGOMERY                 )         SS:

Before me appeared James Borland, to me personally known, who being duly sworn, acknowledged himself to be the City Manager of the City of Huber Heights, Ohio and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the City of Huber Heights, Ohio by himself as such officer.

WITNESS my hand and seal, this 23<sup>RD</sup> day of OCTOBER, 2012.

Notary Public of  
(SEAL)

  
\_\_\_\_\_  
Signature of Notary Public

My Commission expires:



ANTHONY C. RODGERS, Notary Public  
In and for the State of Ohio  
My Commission Expires April 28, 2015

STATE OF OHIO                                 )  
  )  
COUNTY OF MONTGOMERY                 )         SS:

Before me appeared James Bell, to me personally known, who being duly sworn, acknowledged himself to be the Director of Finance of the City of Huber Heights, Ohio and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the City of Huber Heights, Ohio by himself as such officer.

WITNESS my hand and seal, this 23<sup>RD</sup> day of OCTOBER, 2012.

Notary Public of  
(SEAL)

  
\_\_\_\_\_  
Signature of Notary Public

My Commission expires:



ANTHONY C. RODGERS, Notary Public  
In and for the State of Ohio  
My Commission Expires April 28, 2015



STATE OF OKLAHOMA )

COUNTY OF TULSA )

SS:

Before me appeared Marrien Neilson, to me personally known, who being duly sworn, acknowledged herself to be a Senior Vice President of BOKF, NA dba Bank of Oklahoma and that s/he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of BOKF, NA dba Bank of Oklahoma by her/himself as such officer.

WITNESS my hand and seal, this 26<sup>th</sup> day of October, 2012.



Jennifer W. McLane  
Signature of Notary Public

My Commission expires: 04/09/2016

STATE OF OHIO )

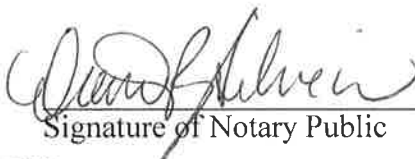
COUNTY OF FRANKLIN )

SS:

Before me appeared Benjamin J. Byers, to me personally known, who being duly sworn, acknowledged himself to be the Manager of AlcoreSenior, LLC, an Ohio limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of AlcoreSenior, LLC by himself as such officer.

WITNESS my hand and seal, this 30<sup>th</sup> day of October, 2012.

Notary Public of  
(SEAL)

  
Signature of Notary Public

My Commission expires:



Diana B. Silveira, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

STATE OF OHIO )

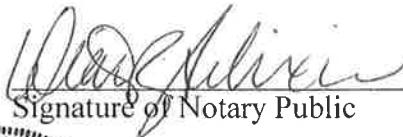
COUNTY OF FRANKLIN )

SS:

Before me appeared Benjamin J. Byers, to me personally known, who being duly sworn, acknowledged himself to be the Manager of AlcoreSenior, LLC, an Ohio limited liability company and the Manager of Alcore Huber LLC, an Ohio limited liability company, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of AlcoreSenior, LLC by himself as such officer for the benefit of Alcore Huber LLC.

WITNESS my hand and seal, this 30<sup>th</sup> day of October, 2012.

Notary Public of  
(SEAL)

  
Signature of Notary Public

My Commission expires:



Diana B. Silveira, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.



**LEGAL DESCRIPTION  
TRACT 1**

SITUATE IN THE SOUTHWEST QUARTER OF SECTION 16, TOWN 2, RANGE 8, M.Rs., CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO AND BEING PART OF A TRACT OF LAND OWNED BY RICHARD E. AND MARILYN A. STORCK, AS DESCRIBED IN IR DEED MF 95-776 C10 OF THE MONTGOMERY COUNTY DEED RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a monument box over a stone found at the southeast corner of the southwest quarter of Section 16 and also being on the centerline of Fishburg Road and being the southwest property corner of a 8.042-acre tract of land owned by Grover C. Allen, Trustee as described in IR Deed 05-121305 of the Montgomery County Deed Records;

thence, North 04°-47'-15" East, 35.00 feet, along the west property line of said Allen tract to an iron pin with cap set on the north right-of-way line of Fishburg Road and being the principal place of beginning of the tract herein conveyed;

thence, North 84°-40'-53" West, 1237.99 feet, along the north right-of-way line of Fishburg Road to an iron pin with cap set on the east right-of-way line of Bellefontaine Road;

thence, North 37°-44'-58" East, 1022.67 feet, along the east right-of-way line of Bellefontaine Road to an iron pin with cap set;

thence, with a new division line, South 74°-53'-45" East, 432.00 feet, to an iron pin with cap set;

thence, with a new division line, South 85°-26'-17" East, 256.51 feet, to an iron pin with cap set on the west property line of said Allen tract;

thence, South 04°-47'-15" West, 793.17 feet, along the west property line of said Allen tract to the principal place of beginning.

Containing 18.238 acres more or less and all being subject to any legal highway and easements of record.

The bearing of North 84°-40'-53" West along the centerline of Fishburg Road was based on NAD 83 CORS 96 adjustment, GEOID 2009, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a survey performed under his direction and dated September 21, 2012 and filed as Survey 2012, Page 0262, at the Montgomery County Engineer's office.

Prior Deed Reference: Deed MF 95-776C10

All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

  
Wesley D. Goubeaux PS #8254

PAUL W. GRUNER, P.E., P.S.  
MONTGOMERY COUNTY ENGINEER  
APPROVED FOR POINT OF BEGINNING,  
ACREAGE AND CLOSURE ONLY  
DATE 10-04-12 FILE NO. 2012-0262

By 

NO PLAT REQUIRED  
Approved by Huber Heights  
  
City Official/ Date

10/3/12



KARL KEITH  
COUNTY AUDITOR  
MONTGOMERY COUNTY, DAYTON, OHIO  
DIVISION

BY S. Keith DATE 10/25/2012  
GIS MAPPING DEPARTMENT

## **ASSIGNMENT AND ASSUMPTION AGREEMENT**

This **ASSIGNMENT AND ASSUMPTION AGREEMENT** (the "Agreement") is made as of March 19, 2018, by and between Alcore Huber LLC ("Seller"), AlcoreSenior, LLC ("Sole Member" and together with Seller, "Assignor"), and MH Huber Heights Holdings LLC ("Assignee").

A. Seller is the record owner of the parcel(s) of land and the buildings constructed thereon located in the County of Montgomery, Ohio (the "Issuer"), as more particularly described in Exhibit A of the Land Use Restriction Agreement as defined herein (the "Project"), which was financed with the proceeds of the Issuer's \$12,810,000 Multifamily Housing Mortgage Revenue Bonds, Series 2012 (Alcore Huber LLC Project) (the "Bonds").

B. The Sole Member is treated as the owner or the Project for federal tax purposes.

C. Seller and Assignee have entered into a Purchase Agreement with Joint Escrow Instructions (the "Purchase Agreement") with respect to the Project pursuant to which Seller will sell, and Assignee will purchase, the Project (the "Transfer") on a date set forth in the Purchase Agreement (the "Transfer Date").

D. In connection with the Transfer, Assignor desires to assign, and Assignee desires to assume, in full from and after the Transfer Date all the duties and obligations of Assignor which arise on and after the Transfer Date under the Land Use Restriction Agreement, dated as of October 1, 2012, among the Issuer, the Seller, the Sole Member and BOKF, NA, as bond trustee for the Bonds, recorded as Instrument Number 2012-00071792 in the Montgomery County, Ohio Recorder's Office (the "Land Use Restriction Agreement").

E. In connection with the Transfer, the Bonds will be redeemed and retired.

## **AGREEMENT**

**NOW THEREFORE**, for the premises contained herein, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:



1. **Assignment.** As of the Transfer Date, Assignor hereby assigns all of its right, title, duties, obligations and interest in and to the Land Use Restriction Agreement to Assignee, arising from and after the Transfer Date, and Assignee hereby accepts such assignment.

2. **Assumption.** Assignee hereby assumes the obligations arising under the Land Use Restriction Agreement in accordance with the terms thereof and agrees to pay, perform and observe all of Assignor's obligations arising on and after the Transfer Date contained in and in accordance with the provisions of the Land Use Restriction Agreement (for purposes of clarification, the parties hereto acknowledge and agree that Assignee is not assuming any duties or obligations related to the Loan other than those arising under the Land Use Restriction Agreement on and after the Transfer Date).

3. **Reaffirmation.** All terms and conditions of the Land Use Restriction Agreement not expressly modified by this Agreement are expressly reaffirmed as if set forth in their entirety herein and shall remain unaffected, unchanged and unimpaired by any reason of this Agreement.

4. **Notices.** From and after the date hereof, all notices required or permitted to be sent to the "Owner" or "Sole Member" and all other designations which had previously referred to Assignor in the Land Use Restriction Agreement shall be sent to Assignee at the following address, in the manner required under the respective document:

MH Huber Heights Holdings LLC  
1300 Spring Street, Suite 205  
Silver Spring, MD 20910

5. **Representations and Warranties.** Each of Assignor and Assignee represents and warrants, as of the Transfer Date, as follows:

(a) It is duly organized and existing under the laws of the jurisdiction of its organization and is authorized to transact business in any jurisdiction in which such party owns property, with full power and authority to execute and deliver this Agreement, to enter into the transactions contemplated hereby and to perform all the duties and obligations to be performed by it hereunder;

(b) It has duly authorized this Agreement and the transactions contemplated hereby and the performance of all the duties and obligations to be performed hereunder by all necessary action;

(c) It has duly executed and delivered this Agreement and this Agreement constitutes its valid, legal and binding obligation enforceable in accordance with its terms, except as may be limited by bankruptcy, insolvency, reorganization or similar laws or equitable principles relating to or limited creditors' rights generally;

(d) The execution and delivery of this Agreement and the performance of the transactions contemplated hereby will not violate any agreement by which such party is bound or to which such party or any of its assets are affected, or its organization

documents or any statute, regulation, rule, order or judgment applicable to such party;  
and

(e) The Land Use Restriction Agreement will be in full force and effect as of the Transfer Date, and constitutes a valid and binding agreement of each party thereto.

6. **Costs, Expenses and Reimbursements.** Assignor and Assignee each agree to pay all costs incurred in connection with the execution, delivery and consummation of this Agreement, including, but not limited to, all recording costs, fees and expenses of legal counsel, in accordance with the provisions of the Purchase Agreement.

7. **Successors and Assigns.** This Agreement shall be binding upon, and shall insure to the benefit of, the parties hereto and their respective successors and permitted assigns.

8. **Counterparts.** This Agreement may be executed in counterparts, and all counterparts together shall be construed as one document.

9. **Severability.** If any covenant, condition, term or provision contained in this Agreement is held to be invalid by final judgment of any court of competent jurisdiction, the invalidity of such covenant, condition, term or provisions shall not in any way affect any other covenant, condition, term or provisions contained in this Agreement.

10. **Governing Law.** This Agreement shall be governed by all the laws of the State of Ohio.

[Signatures to follow]



Executed as of the date and year first above recited.

**ASSIGNOR:**

**ALCORE HUBER LLC**

By: AlcoreSenior, LLC, its Manager

By: \_\_\_\_\_

Benjamin J. Byers  
Manager

**ALCORESENIOR, LLC**

By: \_\_\_\_\_

Benjamin J. Byers  
Manager

STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018, by Benjamin J. Byers, as the Manager of AlcoreSenior, LLC, an Ohio limited liability company, on behalf of AlcoreSenior, LLC and Alcore Huber LLC.

Notary Public

My commission expires:

Executed as of the date and year first above recited.

**ASSIGNEE:**

**MH Huber Heights Holdings LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, as the \_\_\_\_\_ of MH Huber Heights Holdings LLC, a Delaware limited liability company, on behalf of MH Huber Heights Holdings LLC.

Notary Public

My commission expires:

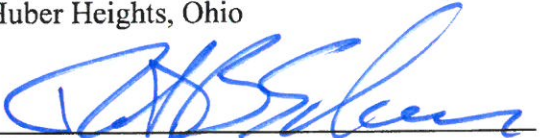


**APPROVAL OF ASSIGNMENT AND ASSUMPTION AGREEMENT**


The City of Huber Heights, Ohio hereby approves the form of the foregoing Assignment and Assumption Agreement among Alcore Huber LLC, AlcoreSenior, LLC and MH Huber Heights Holdings LLC.

City of Huber Heights, Ohio

By:

  
City Manager

By:

  
Director of Finance

This instrument prepared by:  
Diana B. Vicen, Esq.  
DINSMORE & SHOHL LLP  
191 West Nationwide Boulevard, Suite 300  
Columbus, Ohio 43215

**TERMINATION OF LAND USE RESTRICTION AGREEMENT  
(MH Huber Heights Holdings LLC)**

**THIS TERMINATION OF LAND USE RESTRICTION AGREEMENT** is made as of \_\_\_\_\_, 2022, by and among MH HUBER HEIGHTS HOLDINGS LLC, a Delaware limited liability company (the "Owner"), the CITY OF HUBER HEIGHTS, OHIO, a municipal corporation duly organized and existing under the laws of the State of Ohio (the "Issuer"), and BOKF, NA DBA BANK OF OKLAHOMA, a national banking association (the "Trustee").

**WHEREAS**, the Issuer issued its Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A, on October 31, 2012 (the "2012 Bonds") for the purpose of funding a loan to Alcore Huber LLC, an Ohio limited liability company (the "Prior Owner"), for the purpose of acquiring a multifamily housing facility (the "Project"); and

**WHEREAS**, in connection with the issuance of the 2012 Bonds, the Prior Owner entered into a Land Use Restriction Agreement (the "Original Land Use Restriction Agreement"), dated as of October 1, 2012, with the Issuer and the Trustee, which Original Land Use Restriction Agreement was recorded on November 2, 2012 as File No. 2012-00071792 in the Montgomery County Recorder's Office; and

**WHEREAS**, on April 5, 2018, the obligations of the Prior Owner under the Original Land Use Restriction Agreement were assumed by the Owner pursuant to an Assignment and Assumption Agreement dated as of April 5, 2018 (the "Assumption" and together with the Original Land Use Restriction Agreement, the "Land Use Restriction Agreement"), which Assumption was recorded on April 9, 2018 as File No. 2018-00019746 in the Montgomery County Recorder's Office; and



**WHEREAS**, pursuant to the Land Use Restriction Agreement, the Owner is required to operate the project in accordance with certain rental restrictions during the term of the Qualified Project Period (as defined in the Land Use Restriction Agreement) and the term of the Bonds until the Land Use Restriction Agreement is terminated in accordance with its terms; and

**WHEREAS**, pursuant to Section 14(c) of the Land Use Restriction Agreement, the Land Use Restriction Agreement shall terminate in the event of transfer of title of the Project by deed in lieu of foreclosure following which and within a reasonable period of time the Bonds are redeemed, unless, at any time subsequent to such event and during the Qualified Project Period, the Owner or any direct successor in interest, or any transferee from the Owner or its successor subject to an Assumption Agreement (as defined in the Land Use Restriction Agreement), or any Related Person (as defined in the Land Use Restriction Agreement) to such persons, or any other person who was, prior to the event, an obligor on any Purpose Investment (as defined in the Land Use Restriction Agreement) issued in connection with any financing for the Project, obtains an ownership interest in the Project for tax purposes; and

**WHEREAS**, the Owner has entered into a Deed in Lieu Agreement, dated as of \_\_\_\_\_, 2022 (the "Deed in Lieu Agreement") with Huber Heights Holdings, LLC, a Delaware limited liability company ("Huber Heights Holdings"), pursuant to which the Project was conveyed by the Owner to Huber Heights Holdings in lieu of foreclosure, and the Owner acknowledges that all conditions necessary for the termination of the Land Use Restriction Agreement pursuant to Section 14(c) thereof have occurred or will be satisfied in connection with the conveyance of the Project pursuant to the Deed in Lieu Agreement, as set forth in the Certification Regarding Termination of the Land Use Restriction Agreement, attached hereto and made a part hereof as *Exhibit A*; and

**WHEREAS**, the 2012 Bonds have been satisfied and paid in full; and

**WHEREAS**, based solely on the request and representations of the Owner, the Owner, the Trustee, and the Issuer, at the, and, desire to cancel and terminate the Land Use Restriction Agreement.

**NOW, THEREFORE, THIS INSTRUMENT WITNESSETH:**

The Land Use Restriction Agreement as described in the preambles hereto, and the terms thereof, are hereby agreed and determined to be cancelled and terminated and the Owner, the Issuer and the Trustee are hereby released and discharged from any and all obligations thereunder.

**IN WITNESS WHEREOF**, each of the parties has caused this Instrument to be executed in its name and on its behalf by its duly authorized officers, all as of the date first mentioned above.

**MH HUBER HEIGHTS HOLDINGS LLC**  
a Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, the \_\_\_\_\_ of MH Huber Heights Holdings LLC, a Delaware limited liability company, on behalf of the company. No oath or affirmation was administered to the signer.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires:\_\_\_\_\_

[Signatures continue on the following page]





**BOKF, NA dba, BANK OF OKLAHOMA,**  
as Trustee

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, the \_\_\_\_\_ of BOKF, NA dba Bank of Oklahoma, a national banking association, on behalf of the association. No oath or affirmation was administered to the signer.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



## **EXHIBIT A**

### **CERTIFICATION REGARDING TERMINATION OF THE LAND USE RESTRICTION AGREEMENT**

MH Huber Heights Holdings LLC, a Delaware limited liability company (the "Owner"), as owner of the Alcore Huber LLC Project (the "Project") hereby represents and warrants, to the best of its knowledge, based upon due inquiry and investigation, as follows:

1. All of the City of Huber Heights, Ohio Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A, dated October 31, 2012 (the "2012 Bonds"), have been satisfied and paid in full prior to the date hereof.
2. The Owner has continuously complied with the terms of the Land Use Restriction Agreement dated as of October 1, 2012 (the "Original Land Use Restriction Agreement"), between Alcore Huber LLC (the "Prior Owner"), the City of Huber Heights, Ohio (the "Issuer"), and BOKF, NA dba Bank of Oklahoma, as trustee for the 2012 Bonds, which Original Land Use Restriction was recorded on November 2, 2012 as File No. 2012-00071792 in the Montgomery County Recorder's Office, since the date it entered into the Assignment and Assumption Agreement dated as of April 5, 2018 (the "Assumption" and, together with the Original Land Use Restriction Agreement, the "Land Use Restriction Agreement"), which Assumption was recorded on April 9, 2018 as File No. 2018-00019746 in the Montgomery County Recorder's Office, and the Owner is not in default or in violation of the terms of the Land Use Restriction Agreement.
3. No assistance with respect to the Project under Section 8 of the United States Housing Act has been provided.
4. No tax-exempt private activity bonds, other than the 2012 Bonds, exist with respect to the Project.
5. The Owner has entered into a Deed in Lieu Agreement, dated as of \_\_\_\_\_, 2022 (the "Deed in Lieu Agreement") with Huber Heights Holdings, LLC, a Delaware limited liability company ("Huber Heights Holdings"), pursuant to which the Project was conveyed by the Owner to Huber Heights Holdings in lieu of foreclosure.
6. Pursuant to the terms of the Land Use Restriction Agreement, all conditions necessary for the termination of the Land Use Restriction Agreement pursuant to Section 14(c) thereof have occurred or will be satisfied in connection with the conveyance of the Project pursuant to the Deed in Lieu Agreement, and the termination of the Land Use Restriction Agreement is thereby required in accordance with Section 14(c) of the Land Use Restriction Agreement. The Owner hereby requests that the Termination of Land

Use Restriction Agreement be executed by the Issuer and the Trustee and recorded in the real estate records of the Montgomery County, Ohio recorder to remove the Land Use Restriction Agreement from the real estate records of such recorder.

This Certification is hereby delivered this \_\_\_\_ day of \_\_\_\_\_, 2022.



[Signature Page to Certification Regarding Termination of the Land Use Restriction Agreement]

**MH HUBER HEIGHTS HOLDINGS LLC,**  
a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

24695230

CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE EXECUTION OF A TERMINATION OF THE LAND USE RESTRICTION AGREEMENT IN CONNECTION WITH THE CITY’S MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS (ALCORE HUBER LLC PROJECT) SERIES 2012A.

WHEREAS, the City issued its Multifamily Housing Mortgage Revenue Bonds (Alcore Huber LLC Project) Series 2012A, on October 31, 2012 (the "2012 Bonds") for the purpose of funding a loan to Alcore Huber LLC, an Ohio limited liability company, for the purpose of acquiring a multifamily housing facility (the "Project"); and

WHEREAS, in connection with the issuance of the 2012 Bonds, the City entered into a Land Use Restriction Agreement (the " Land Use Restriction Agreement"), dated as of October 1, 2012, together with other parties; and

WHEREAS, the current owner of the Project has acknowledged to the City that all conditions necessary for the termination of the Land Use Restriction Agreement pursuant to Section 14(c) thereof have occurred or will occur upon the execution of the hereinafter described Termination of Land Use Restriction Agreement; and

WHEREAS, the current owner of the Project has also acknowledged that the 2012 Bonds have been satisfied and paid in full.

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

Section 1. The Termination of Land Use Restriction Agreement, in the form presently on file with the Clerk of Council, providing for, among other things, the termination of certain land use restrictions related to the 2012 Bonds, is hereby approved and authorized with changes therein not inconsistent with this Resolution and not substantially adverse to this City and which shall be approved by the City Manager and Director of Finance. The City Manager and the Director of Finance, for and in the name of this City, are hereby authorized to execute that Termination of Land Use Restriction Agreement, provided further that the approval of changes thereto by those officials, and their character as not being substantially adverse to the City, shall be evidenced conclusively by the execution thereof.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



## **CERTIFICATE**

The undersigned, Clerk of Council of the City of Huber Heights, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution No. 2022-R-\_\_\_\_\_ adopted by the City Council of the City of Huber Heights, on \_\_\_\_\_, 2022.

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Clerk of Council

AI-8358

**New Business     U.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

CRA Agreement - Flyer Red Properties II, LLC Operated As Warped Wing - 6602 Executive Boulevard

**Submitted By:** Bryan Chodkowski

**Department:** Economic Development

**Council Committee Review?:** Council     **Date(s) of Committee Review:** 04/19/2022  
Work  
Session

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7117

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into A Community Reinvestment Area Agreement With Flyer Red Properties II, LLC Under Certain Terms And Conditions.  
(first reading)

**Purpose and Background**

Flyer Red Properties II, LLC would like to acquire the property at 6602 Executive Boulevard and reconstruct the existing TruckPro facility into a restaurant/taproom/smokery to be operated by Warped Wing Brewing Company, similar to existing facilities in Springboro and Mason. Additional improvements are planned, including a biergarten, pilot brewing system, and warehouse space for storing raw materials, food, and beer. The project involves a total investment of \$1,000,000 (plus or minus) and will create and sustain 42 full-time equivalent jobs resulting in approximately \$1,200,000 in new payroll.

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**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:**

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**Attachments**

Resolution

Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH FLYER RED PROPERTIES II, LLC UNDER CERTAIN TERMS AND CONDITIONS.

WHEREAS, the City of Huber Heights (the “City”) created Community Reinvestment Area Number 7 (“CRA #7”) by Resolution No. 94-R-1453 on June 20, 1994 for the purpose of encouraging economic development activity; and

WHEREAS, 6602 Executive Boulevard (the “Property”), currently known as TruckPro, is located within CRA #7; and

WHEREAS, Flyer Red Properties II, LLC has a desire to acquire the Property for the purposes of establishing a restaurant/taproom/smokery (the “Project”); and

WHEREAS, the Project will require an initial investment of \$1,000,000.00, creating 42 full-time equivalent jobs with a total payroll of approximately \$1,200,000.00; and

WHEREAS, Flyer Red Properties II, LLC seeks to enter into an agreement with the City to ensure the full tax incentive available in CRA #7 is provided in support of the Project prior to its acquisition of the Property.

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

Section 1. The City Manager is hereby authorized and directed to execute an agreement with Flyer Red Properties II, LLC, attached hereto as Exhibit A, to provide tax incentives for the purposes noted above and detailed therein; approved as to final form and content by the Law Director.

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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

EXHIBIT A  
SYNERGY & MILLS DEVELOPMENT  
PRE JULY 1994  
COMMUNITY REINVESTMENT AREA  
AND DEVELOPMENT AGREEMENT

This Agreement made and entered into by and between the CITY OF HUBER HEIGHTS, OHIO, Charter City, with its main offices located at 6131 Taylorsville Road, Huber Heights, Ohio ("City"); and FLYER RED PROPERTIES II, LLC an Ohio limited liability company, or its assignee with its main offices located at 3500 Pentagon Blvd, Suite 500, Beavercreek, Ohio ("Property Owner").

WHEREAS, the City has encouraged the development of real property located in the area designated as a Community Reinvestment Area; and

WHEREAS, on June 20, 1994 the City Council of Huber Heights, Ohio by Resolution No. 94-R-1453, designated the Area known as "Community Reinvestment Area Number 7" pursuant Chapter 3735 of the Ohio Revised Code and the Charter of Huber Heights; and

WHEREAS, the Property Owner intends to constructed certain improvements within the boundaries of the Community Reinvestment Area Number 7 in the City of Huber Heights, provided that the appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, the City, having the appropriate authority pursuant to the Ohio Constitution, Charter of the City of Huber Heights and laws of the State of Ohio, desires to provide the Property Owner with incentives available for the development of the Project in said Community Reinvestment Area; and

NOW, Therefore, in consideration of the mutual covenants contained in this agreement, and of the benefit to be derived by the parties from the execution of it, the parties herein agree as follow:

1. The Property Owner shall, at 6602 Executive Blvd. ("Project Site) in Huber Heights Community Reinvestment Area Number 7 shall reconstruct the existing TruckPro facility into a restaurant/taproom/smokery to be operated by Warped Wing Brewing Company similar to their existing facilities in Springboro and Mason. Additional improvements are planned; including a biergarten, pilot brewing system, and warehouse space for storing raw materials, food, and beer("Project") The Project involves a total investment by the Property Owner of \$1,000,000.00, plus or minus, at the Project Site.

2. The Project will create and sustain 42 full-time equivalent jobs resulting in approximately \$1,200,000.00 in new payroll.

3. The Property Owner shall provide to the proper Tax Incentive Review Council any information reasonably required by the Tax Incentive Review Council to evaluate the Property Owner compliance with this Agreement.



4. Upon conclusion of the Project the City shall grant the Property Owner a tax exemption for real property improvements made to the Project Site pursuant to applicable law; and shall be in the following amounts: One Hundred Percent (100%) for Fifteen (15) years. The exemption commences the first year for which real property would first be taxable were that property not exempted from taxation. Property Owner must file the appropriate tax forms with the Montgomery County Auditor to effect and maintain the exemptions covered in this Agreement.

5. This Agreement is transferable and/or assignable without the express written approval of the City.

6. The Property Owner shall pay such real estate taxes as are not exempted under this Agreement, and are charged against such property, and shall file all tax reports and returns as required by law. If Property Owner fails to pay such taxes or file such returns and reports, all incentives granted under this Agreement are rescinded, beginning with the year for which such taxes are charged or such reports returns are required to be filed, and thereafter.

7. The City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

8. If for any reason the Community Reinvestment Area designation expires or the Director of the Ohio Department of Development revokes certification of the Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement; provided however, if Property Owner materially fails to fulfill its obligation under this Agreement the City may terminate or modify the exemptions from taxation granted under this Agreement.

9. If the Property Owner materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the City may unilaterally terminate or modify the exemptions from taxation granted under this Agreement; and may require that the Property Owner pay to the City the amount of taxes that were exempted under this Agreement, (i.e. the taxes that would have been payable had the property not been exempted from taxation under this Agreement). The City is authorized to record the necessary documentation to perfect its lien rights set forth herein including but not limited to this Agreement. Any lien created herein shall run with the land.

10. The Property Owner covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or political subdivision of the State; or (2) any other monies to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.

11. The Property Owner and the City acknowledge that this Agreement must be approved by formal action of the City Council of Huber Heights, Ohio, as a condition for the Agreement to take effect.

12. By executing this Agreement, the Property Owner is committing to following non-discriminatory hiring practices, acknowledging that no individual may be denied employment solely on the basis of race, religion, gender, disability, color, national origin, or ancestry.

13. The Property Owner agrees to construct the Project in a manner similar to the existing facility and in accordance with the requirements of Huber Heights Codified Ordinances.

14. The failure by any party to exercise any of its rights hereunder or to enforce any of the terms or conditions of this Agreement on any occasion shall not constitute or be deemed a waiver of that party's rights thereafter to exercise any rights hereunder or to enforce each and every term and condition of this Agreement. This Agreement may not be modified except by a writing specifically referring to this Agreement, and executed by duly authorized representatives of both parties. The parties have had the opportunity to have this Agreement reviewed by legal counsel of their choosing. This Agreement was the product of negotiations between the parties and the parties agree that no provision or provisions herein shall be construed against any one party by virtue of the authorship of such provision.

15. The Parties agree to execute and deliver such additional documents and to perform such additional acts as may become reasonably necessary to effectuate the transfers contemplated by this Agreement.

16. A determination that any portion of this Agreement is unenforceable or invalid shall not affect the enforceability or validity of any of the remaining portions of this Agreement as a whole. In the event that any part of any of the covenants, Sections, or provisions herein may be determined by a court of law or equity to be invalid or unenforceable, the parties shall attempt to reach agreement with respect to valid and enforceable substitutes for deleted provision(s), which shall be as close in intent and effect as possible to the deleted portions.

17. The Property Owner hereby consents to the Huber Heights Tax Division providing to, the Huber Heights City Manager, or his designee, any and all tax information if necessary to evaluate Property Owner's compliance with this Agreement and such disclosure shall not be a violation of any federal state or local confidentiality laws or requirements associated with tax and payroll returns. To the fullest extent permitted by law, the City Manager, or his designee, will treat any such information as confidential.



IN WITNESS WHEREOF, the parties execute this Agreement

OWNER

PROPERTY OWNER

THE CITY OF HUBER HEIGHTS

FLYER RED PROPERTIES II, LLC

\_\_\_\_\_  
Its: City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Its:

Date: \_\_\_\_\_

STATE OF OHIO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, City Manager of Huber Heights, Ohio, on behalf of the City of Huber Heights, Ohio.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary

STATE OF OHIO                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, an Ohio \_\_\_\_\_, on behalf of the company

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary

AI-8354

**New Business     V.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Supplemental Appropriations

**Submitted By:** Jim Bell

**Department:** Finance                      **Division:** Accounting

**Council Committee Review?:** Council Work Session

**Date(s) of Committee Review:** 04/19/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-O-2527

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**Agenda Item Description or Legislation Title**

An Ordinance Authorizing Advances And Transfers Between Various Funds Of The City Of Huber Heights, Ohio And Amending Ordinance No. 2021-O-2511 By Making Supplemental Appropriations For Expenses Of The City Of Huber Heights, Ohio For The Period Beginning January 1, 2022 And Ending December 31, 2022.  
(first reading)

**Purpose and Background**

The supplemental appropriations are for the following purposes:

- \$24,326.04 transfer from Law Enforcement Assistance Grant Fund to Police Fund to reimburse salaries for time at training (grant requirement so moving monies from training line item to transfer expense).
- \$534,900 transfer from Water R & I Fund to Water Fund for debt payments (2022 Budget approved listed this amount under operations portion of budget).
- \$4,800 in Motor Vehicle Fund moved from personnel expense to operations.
- \$17,208.13 to cover final invoices for construction of the Veterans Memorial.

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**Fiscal Impact**

**Source of Funds:** Various Funds

**Cost:** \$17,208.13

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

Three of the budget changes involve moving funds from one section of that Fund's budget to another section.

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**Attachments**

Ordinance

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

AUTHORIZING ADVANCES AND TRANSFERS BETWEEN VARIOUS FUNDS OF THE CITY OF HUBER HEIGHTS, OHIO AND AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

WHEREAS, supplemental appropriations for expenses of the City of Huber Heights must be made for appropriations of funds for various 2022 operating and project funding.

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

Section 1. Authorization is hereby given to advance and transfer certain monies up to amounts not exceeding those shown and for the purposes cited in Exhibit A, and such authorization applies to any and all such advances and transfers necessary and effected after January 1, 2022.

Section 2. Ordinance No. 2021-O-2511 is hereby amended as shown in Exhibit B of this Ordinance.

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 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

EXHIBIT A

<i>Advance:</i>			
<u>Amount</u>	<u>Fund From</u>	<u>Fund To</u>	<u>Purpose</u>
\$24,326.04	242 Law Enf Asst Grant	209 Police	Reimburse police salaries
\$534,900.00	503 Water R & I	501 Water	Budget correction



**EXHIBIT B**

AMENDING ORDINANCE NO. 2021-O-2511 BY MAKING APPROPRIATIONS FOR EXPENSES OF THE CITY OF HUBER HEIGHTS, OHIO FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

- 1) Section 2 of Ordinance No. 2021-O-2511 is hereby amended to reflect changes in the appropriations of the 202 Motor Vehicle Fund, as follows:
  - a. Subsection a) Streets, Personnel decrease of \$4,800.00
  - b. Subsection a) Streets, Operations and Capital increase of \$4,800.00.
- 2) Section 18 of Ordinance No. 2021-O-2511 is hereby amended to reflect changes in the appropriations of the 242 Law Enforcement Assistance Grant Fund, as follows:
  - a. Operations and Capital decrease of \$24,326.04
  - b. Transfers increase of \$24,326.04.
- 3) Section 30 of Ordinance No. 2021-O-2511 is hereby amended to reflect an increase in the appropriations of the 406 Capital Improvement Fund, as follows:
  - a. Subsection c) Capital, Operations and Capital of \$17,208.13.
- 4) Section 41 of Ordinance No. 2021-O-2511 is hereby amended to reflect changes in the appropriations of the 503 Water Renewal & Improvement Fund, as follows:
  - a. Operations and Capital decrease of \$534,900.00
  - b. Transfers increase of \$534,900.

Motor Vehicle Fund	\$0.00
Law Enforcement Assist. Grant Fund	\$0.00
Capital Improvements Fund	\$17,208.13
Water Renewal & Improvement Fund	\$0.00

AI-8355

**New Business     W.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

County Assessments Authorization

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** Yes

**Motion/Ordinance/  
Resolution No.:** 2022-O-2528

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**Agenda Item Description or Legislation Title**

An Ordinance Approving Individual Assessments Amounts And Directing The Director Of Finance Or His/Her Designee To Certify The Amounts To The Applicable County Auditor For Collection, And Declaring An Emergency.  
(first reading)

**Purpose and Background**

Montgomery County requires all communities to pass separate legislation for assessments that are to be added to the tax duplicate. Before the City can assess property for such things as grass/weed charges, property maintenance abatement, unpaid water and sewer, etc., the City must pass legislation specifically identifying the property and the amount of the assessment. Details of each assessment can be found in Exhibit A, which is attached to this legislation. The assessments requested in this legislation are only for delinquent water, sewer and storm water accounts. Assessments are based on collection for City services previously provided; therefore, City Staff are asking that this item be passed as emergency legislation.

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**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**

Ordinance

Exhibit A

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

ORDINANCE NO. 2022-O-

APPROVING INDIVIDUAL ASSESSMENTS AMOUNTS AND DIRECTING THE DIRECTOR OF FINANCE OR HIS/HER DESIGNEE TO CERTIFY THE AMOUNTS TO THE APPLICABLE COUNTY AUDITOR FOR COLLECTION, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, these laws include Ohio Revised Code Sections 727.01, 727.011, 727.012, 727.013, 729.06, 729.11, 1710.01(h) and others, which authorize the City to levy and collect special assessments upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, for among other things, any part of the cost connected with the improvement of any street, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation; sidewalk construction; sewers; sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefore; drains, storm-water retention basins, watercourses, water mains, or laying of water pipe; lighting; any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; and

WHEREAS, for such approved assessments, the County Auditor is to act at the direction, or on behalf, of a municipality with respect to collection of such assessments R.C. 727.30; (R.C. 727.33); and

WHEREAS, the General Assembly has also enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Huber Heights has passed, and will in the future pass, laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No. 97-O-997 codified as Huber Heights Code Section 175.04 Assessments for Capital Improvement Projects (for sanitary sewer, water, sidewalks and drive aprons, roadways and storm sewers); Ordinance No. 90-O-419 codified as Huber Heights Code Section 919.01 (street lighting); Ordinance No. 2009-O-1771 codified as Huber Heights Code Section 929.16 (unpaid water service); Ordinance No. 1996-O-856 codified as Huber Heights Code Section 923.08 (unpaid sanitary sewer); Ordinance No. 2002-O-1325 codified as Huber Heights Code Section 922.32 (stormwater); Ordinance No. 2014-O-2096 codified as Huber Heights Code Section 521.11 (nuisance in the right of way); Huber Heights Code Section 911.02 (sidewalk repair); Ordinance No. 2002-O-1324 and No. 2011-O-1897 (weed cutting assessment); Huber Heights Code Sections 925.05 (lower Rip Rap Road sewer district assessment), 952.04 (nuisance abatement for false alarms), 521.081, (littering and deposit of garbage) and such other ordinances or resolution that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Huber Heights and are required by law to be assessed and collected by the County on behalf of the City.

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

Section 1. The properties set forth on the attached Exhibit A, which is incorporated herein by this reference, are to be assessed in the amount also set forth on the applicable section of Exhibit A unless payment is made within the time frame set forth in the applicable section of Exhibit A.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit A is received by the City prior to final assessment date set forth in Exhibit A, which is the same date set forth in the notice sent to such property owner, the Director of Finance, or his/her designee is authorized to remove or revise such assessment from Exhibit A prior to certification to the County Auditor.

Section 3. The Director of Finance or his/her designee is instructed to certify this Ordinance, including the final assessed properties in Exhibit A, to the applicable County Auditor for collection.

Section 4. 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 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety of the City, and for the further reasons that finalizing and certifying assessment at the earliest time is necessary to timely establish a lien and protect the City's interest in payment of amounts owed to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage

Passed by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



EXHIBIT A

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31102	Delq. Water	P70 00601 0027	8458 Schoolgate Dr	\$43.62	2022	February 2023
31102	Delq. Water	P70 00619 0063	8278 Sun Prairie Pl	\$50.13	2022	February 2023
31102	Delq. Water	P70 01006 0026	4691 Powell Rd	\$50.42	2022	February 2023
31102	Delq. Water	P70 01515 0013	4877 Fishburg Rd	\$46.51	2022	February 2023
31102	Delq. Water	P70 01616 0007	6001 Corsica Dr	\$48.59	2022	February 2023
31102	Delq. Water	P70 01709 0051	6336 Kingsbury Dr	\$10.41	2022	February 2023
31102	Delq. Water	P70 01714 0009	7035 Hubbard Dr	\$4.27	2022	February 2023
31102	Delq. Water	P70 01801 0019	7613 Harshmanville	\$43.41	2022	February 2023
31102	Delq. Water	P70 01905 0024	5068 Nebraska Ave	\$0.76	2022	February 2023
31102	Delq. Water	P70 01923 0002	5836 Old Troy Pk	\$1.20	2022	February 2023
31102	Delq. Water	P70 50217 0047	5801 Troy Villa Blvd	\$73.63	2022	February 2023
			TOTAL DELQ. WATER	\$372.95		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31103	Delq. Storm Water	P70 00202 0712	6352 Apache St	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 00409 0009	4864 Trailside Ct	\$37.80	2022	February 2023
31103	Delq. Storm Water	P70 00512 0037	5919 Timbergate Tr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 00601 0027	8458 Schoolgate Dr	\$6.37	2022	February 2023
31103	Delq. Storm Water	P70 00603 0034	6372 Rolling Glen Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 00619 0063	8278 Sun Prairie Pl	\$6.20	2022	February 2023
31103	Delq. Storm Water	P70 00705 0002	6750 Brandt Pk	\$86.76	2022	February 2023
31103	Delq. Storm Water	P70 00801 0019	7209 Summerdale Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 00908 0008	5230 Monitor Dr	\$37.80	2022	February 2023
31103	Delq. Storm Water	P70 00911 0007	4351 Kitridge Rd	\$21.53	2022	February 2023
31103	Delq. Storm Water	P70 00913 0010	4457 Kitridge Rd	\$35.70	2022	February 2023
31103	Delq. Storm Water	P70 00914 0030	4541 Kapp Dr	\$21.53	2022	February 2023
31103	Delq. Storm Water	P70 01005 0040	4773 Rittenhouse Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01006 0026	4691 Powell Rd	\$7.33	2022	February 2023
31103	Delq. Storm Water	P70 01012 0005	5759 Resik Dr	\$19.30	2022	February 2023
31103	Delq. Storm Water	P70 01013 0052	5724 Rousseau Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01106 0005	7350 Brandt Pk	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01114 0034	7129 Troy Manor Rd	\$15.43	2022	February 2023
31103	Delq. Storm Water	P70 01206 0027	6771 Pablo Dr	\$24.63	2022	February 2023
31103	Delq. Storm Water	P70 01404 0012	4842 Nebraska Ave	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01408 0042	5701 Belmar Dr	\$14.70	2022	February 2023
31103	Delq. Storm Water	P70 01515 0013	4877 Fishburg Rd	\$6.40	2022	February 2023
31103	Delq. Storm Water	P70 01610 0033	7017 Harshmanville	\$25.06	2022	February 2023
31103	Delq. Storm Water	P70 01616 0007	6001 Corsica Dr	\$7.07	2022	February 2023
31103	Delq. Storm Water	P70 01616 0028	5956 Corsica Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01702 0019	6905 Morley La	\$37.80	2022	February 2023
31103	Delq. Storm Water	P70 01709 0051	6336 Kingsbury Dr	\$3.17	2022	February 2023
31103	Delq. Storm Water	P70 01709 0059	7031 Klyemore Dr	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01712 0021	6420 Luton Ct	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 01714 0009	7035 Hubbard Dr	\$35.00	2022	February 2023
31103	Delq. Storm Water	P70 01801 0019	7613 Harshmanville	\$6.60	2022	February 2023
31103	Delq. Storm Water	P70 01801 0034	5901 Lancer Ct	\$37.80	2022	February 2023
31103	Delq. Storm Water	P70 01905 0024	5068 Nebraska Ave	\$15.70	2022	February 2023
31103	Delq. Storm Water	P70 01917 0022	7272 Charlesworth Dr	\$21.53	2022	February 2023
31103	Delq. Storm Water	P70 01923 0002	5836 Old Troy Pk	\$29.73	2022	February 2023
31103	Delq. Storm Water	P70 02006 0032	8935 Emeraldgate Dr	\$31.50	2022	February 2023
31103	Delq. Storm Water	P70 02021 0009	5985 Fox Trace Ct	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 03903 0095	8040 Center Point 70 Blvd	\$257.99	2022	February 2023
31103	Delq. Storm Water	P70 03904 0085	8701 Adams Rd	\$19.90	2022	February 2023
31103	Delq. Storm Water	P70 03911 0038	5730 Brandt Pk	\$25.20	2022	February 2023
31103	Delq. Storm Water	P70 03912 0079	5363 Tilbury Rd	\$176.34	2022	February 2023
31103	Delq. Storm Water	P70 04005 0100	7650 Waynetowne Blvd	\$640.50	2022	February 2023
31103	Delq. Storm Water	P70 04006 0071	8169 Old Troy Pk	\$158.04	2022	February 2023
31103	Delq. Storm Water	P70 50217 0047	5801 Troy Villa Blvd	\$25.47	2022	February 2023
			TOTAL DELQ. STORM WATER	\$2,198.28		

Project No	Project Desc	Parcel ID	Address	Total to be Assessed	Tax Year	Begin Collection
31324	Delq. Sewer	P70 00601 0027	8458 Schoolgate Dr	\$36.90	2022	February 2023
31324	Delq. Sewer	P70 00619 0063	8278 Sun Prairie Pl	\$34.48	2022	February 2023
31324	Delq. Sewer	P70 01006 0026	4691 Powell Rd	\$35.06	2022	February 2023
31324	Delq. Sewer	P70 01515 0013	4877 Fishburg Rd	\$32.22	2022	February 2023
31324	Delq. Sewer	P70 01616 0007	6001 Corsica Dr	\$33.78	2022	February 2023
31324	Delq. Sewer	P70 01709 0051	6336 Kingsbury Dr	\$19.90	2022	February 2023
31324	Delq. Sewer	P70 01801 0019	7613 Harshmanville	\$31.55	2022	February 2023
31324	Delq. Sewer	P70 50217 0047	5801 Troy Villa Blvd	\$37.29	2022	February 2023

			TOTAL DELQ. SEWER	\$261.18		
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Parcel ID	Address	Amount
P70 00601 0027	8458 Schoolgate Dr	\$43.62
P70 00619 0063	8278 Sun Prairie Pl	\$50.13
P70 01006 0026	4691 Powell Rd	\$50.42
P70 01515 0013	4877 Fishburg Rd	\$46.51
P70 01616 0007	6001 Corsica Dr	\$48.59
P70 01709 0051	6336 Kingsbury Dr	\$10.41
P70 01714 0009	7035 Hubbard Dr	\$4.27
P70 01801 0019	7613 Harshmanville	\$43.41
P70 01905 0024	5068 Nebraska Ave	\$0.76
P70 01923 0002	5836 Old Troy Pk	\$1.20
P70 50217 0047	5801 Troy Villa Blvd	\$73.63
		\$372.95

Parcel ID	Address	Amount
P70 00202 0712	6352 Apache St	\$25.20
P70 00409 0009	4864 Trailside Ct	\$37.80
P70 00512 0037	5919 Timbergate Tr	\$25.20
P70 00601 0027	8458 Schoolgate Dr	\$6.37
P70 00603 0034	6372 Rolling Glen Dr	\$25.20
P70 00619 0063	8278 Sun Prairie Pl	\$6.20
P70 00705 0002	6750 Brandt Pk	\$86.76
P70 00801 0019	7209 Summerdale Dr	\$25.20
P70 00908 0008	5230 Monitor Dr	\$37.80
P70 00911 0007	4351 Kitridge Rd	\$21.53
P70 00913 0010	4457 Kitridge Rd	\$35.70
P70 00914 0030	4541 Kapp Dr	\$21.53
P70 01005 0040	4773 Rittenhouse Dr	\$25.20
P70 01006 0026	4691 Powell Rd	\$7.33
P70 01012 0005	5759 Resik Dr	\$19.30
P70 01013 0052	5724 Rousseau Dr	\$25.20
P70 01106 0005	7350 Brandt Pk	\$25.20
P70 01114 0034	7129 Troy Manor Rd	\$15.43
P70 01206 0027	6771 Pablo Dr	\$24.63
P70 01404 0012	4842 Nebraska Ave	\$25.20
P70 01408 0042	5701 Belmar Dr	\$14.70
P70 01515 0013	4877 Fishburg Rd	\$6.40
P70 01610 0033	7017 Harshmanville	\$25.06
P70 01616 0007	6001 Corsica Dr	\$7.07
P70 01616 0028	5956 Corsica Dr	\$25.20
P70 01702 0019	6905 Morley La	\$37.80
P70 01709 0051	6336 Kingsbury Dr	\$3.17
P70 01709 0059	7031 Klyemore Dr	\$25.20
P70 01712 0021	6420 Luton Ct	\$25.20
P70 01714 0009	7035 Hubbard Dr	\$35.00
P70 01801 0019	7613 Harshmanville	\$6.60
P70 01801 0034	5901 Lancer Ct	\$37.80
P70 01905 0024	5068 Nebraska Ave	\$15.70
P70 01917 0022	7272 Charlesworth Dr	\$21.53
P70 01923 0002	5836 Old Troy Pk	\$29.73
P70 02006 0032	8935 Emeraldgate Dr	\$31.50
P70 02021 0009	5985 Fox Trace Ct	\$25.20
P70 03903 0095	8040 Center Point 70 Blvd	\$257.99
P70 03904 0085	8701 Adams Rd	\$19.90
P70 03911 0038	5730 Brandt Pk	\$25.20
P70 03912 0079	5363 Tilbury Rd	\$176.34
P70 04005 0100	7650 Waynetowne Blvd	\$640.50
P70 04006 0071	8169 Old Troy Pk	\$158.04
P70 50217 0047	5801 Troy Villa Blvd	\$25.47
		\$2,198.28



Parcel ID	Address	Amount
P70 00601 0027	8458 Schoolgate Dr	\$36.90
P70 00619 0063	8278 Sun Prairie Pl	\$34.48
P70 01006 0026	4691 Powell Rd	\$35.06
P70 01515 0013	4877 Fishburg Rd	\$32.22
P70 01616 0007	6001 Corsica Dr	\$33.78
P70 01709 0051	6336 Kingsbury Dr	\$19.90
P70 01801 0019	7613 Harshmanville	\$31.55
P70 50217 0047	5801 Troy Villa Blvd	\$37.29
		\$261.18

AI-8356

**New Business**    **X.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

Establishment Of New Budgetary Fund - Opioid Settlement Disbursement

**Submitted By:** Jim Bell

**Department:** Finance

**Division:** Accounting

**Council Committee Review?:** Council  
Work  
Session

**Date(s) of Committee Review:** 04/19/2022

**Audio-Visual Needs:** None

**Emergency Legislation?:** No

**Motion/Ordinance/  
Resolution No.:** 2022-R-7118

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The Acceptance Of State Of Ohio Funding And Establishing The OneOhio Opioid Settlement Fund.  
(first reading)

**Purpose and Background**

This legislation will authorize the acceptance of state funding and also establish the OneOhio Opioid Settlement Fund to track all revenue and expenditures for approved purposes as stated in the OneOhio memorandum of understanding (MOU). The City of Huber Heights is expected to receive funding in the next month.

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**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:**

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**Attachments**

Resolution

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CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE ACCEPTANCE OF STATE OF OHIO FUNDING AND ESTABLISHING  
THE ONEOHIO OPIOID SETTLEMENT FUND.

WHEREAS, Auditor of State Bulletin 2022-003, issued on March 10, 2022, and Ohio Revised Code Section 5705.09(F) require that the City's share of the OneOhio Funds shall be placed in a separate special revenue fund and used only for the approved purposes as required by the OneOhio memorandum of understanding (MOU); and

WHEREAS, Auditor of State Bulletin 2022-003 requires the local government to pass an ordinance or resolution to identify any expenditures previously made that are eligible for reimbursement with monies from the OneOhio Funds which identifies the prior expenditures and explains the determination that such expenditures are for approved purposes consistent with the OneOhio MOU; and

WHEREAS, the people of the State of Ohio and the City of Huber Heights have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the City Council of Huber Heights, Ohio understands that any OneOhio Funds received by the City will be used to promote an effective and meaningful method in abating the opioid epidemic effects in the City of Huber Heights, Ohio.

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

Section 1. There is hereby created and established the new OneOhio Opioid Settlement Fund which shall be maintained separately from all other City funds to account for the revenue and expenditures as described in Section 2.

Section 2. Expenditures in this new fund can only be used for the approved purposes as required by the OneOhio MOU.

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 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.

Passed by Council on the \_\_\_\_ day of \_\_\_\_\_, 2022;  
\_\_\_\_ Yeas; \_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8339

**New Business** Y.

**City Council Meeting**

**City Manager**

**Meeting Date:** 04/25/2022

2022 Rehabilitation of Sewer Lines Project - Award Contract

**Submitted By:** Hanane Eisentraut

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 04/05/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7119

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Enter Into A Contract For The 2022 Rehabilitation Of Sewer Lines Project.  
(first reading)

**Purpose and Background**

This legislation will authorize the City Manager to enter into a contract with Insight Pipe Contracting, as the lowest and best bidder, for the 2022 Rehabilitation of Sewer Lines Project at a cost not to exceed \$300,000. The Sewer Fund will be utilized for the costs of this project.

---

**Fiscal Impact**

**Source of Funds:** Sewer Fund

**Cost:** \$300,000

**Recurring Cost? (Yes/No):** No

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

**Financial Implications:**

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**Attachments**

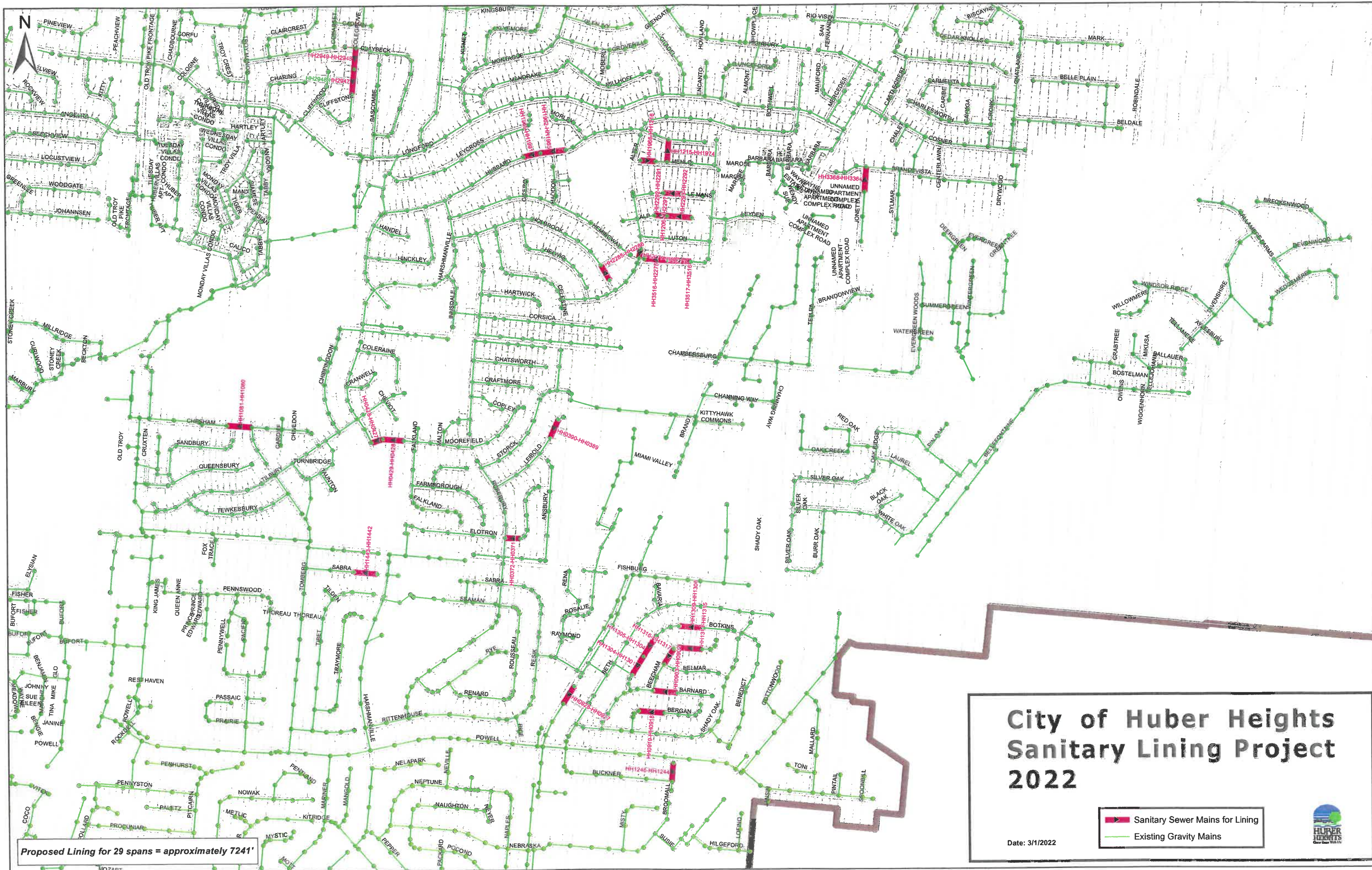
Map

Bid Results

Resolution

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Date: 3/1/2022

- Sanitary Sewer Mains for Lining
- Existing Gravity Mains







**CITY OF HUBER HEIGHTS**  
**2022 REHABILITATION OF SEWER LINES**  
**BID RESULT**  
**BID DATE: March 25, 2022**

CONTRACTOR'S NAME	BID AMOUNT	
Miller Pipeline	\$ 309,583.00	120 Calendar Days
	Bid Bond - Yes	
Granite Inliner	\$ 324,317.00	100 Calendar Days
	Bid Bond - Yes	
Insite Pipe Contracting	\$ 280,324 .00	120 Calendar Days
	Bid Bond - Yes	
Insituform Technology	\$ 284,134.00	90 Calendar Days
	Bid Bond - Yes	



CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE 2022 REHABILITATION OF SEWER LINES PROJECT.

WHEREAS, City Council under Resolution No. 2022-R-7093 has previously authorized the securing of bids for the 2022 Rehabilitation of Sewer Lines Project; and

WHEREAS, construction bids were received by the City on March 25, 2022; and

WHEREAS, funds are available to cover the cost of this work.

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

Section 1. The City Manager is hereby authorized to enter into a contract for the 2022 Rehabilitation of Sewer Lines Project with Insight Pipe Contracting, LLC, as the lowest and best bidder, at a cost not to exceed \$300,000.00 on the terms and conditions as substantially set forth in the bid documents.

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 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

AI-8340

**New Business     Z.**  
**City Manager**

**City Council Meeting**

**Meeting Date:** 04/25/2022

2022 Water Main Replacement Program - Solicit Bids

**Submitted By:** Hanane Eisentraut

**Department:** Engineering **Division:** Engineering

**Council Committee Review?:** Council Work Session **Date(s) of Committee Review:** 04/05/2022

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

**Motion/Ordinance/  
Resolution No.:** 2022-R-7120

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**Agenda Item Description or Legislation Title**

A Resolution Authorizing The City Manager To Solicit, Advertise, And Receive Bids From Qualified Firms For The 2022 Water Main Replacement Program.  
(first reading)

**Purpose and Background**

This legislation will allow the City Manager to solicit bids for 2022 Water Main Replacement Program. The design of this project is still being finalized. The Water Fund will be utilized to construct this project.

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**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:**

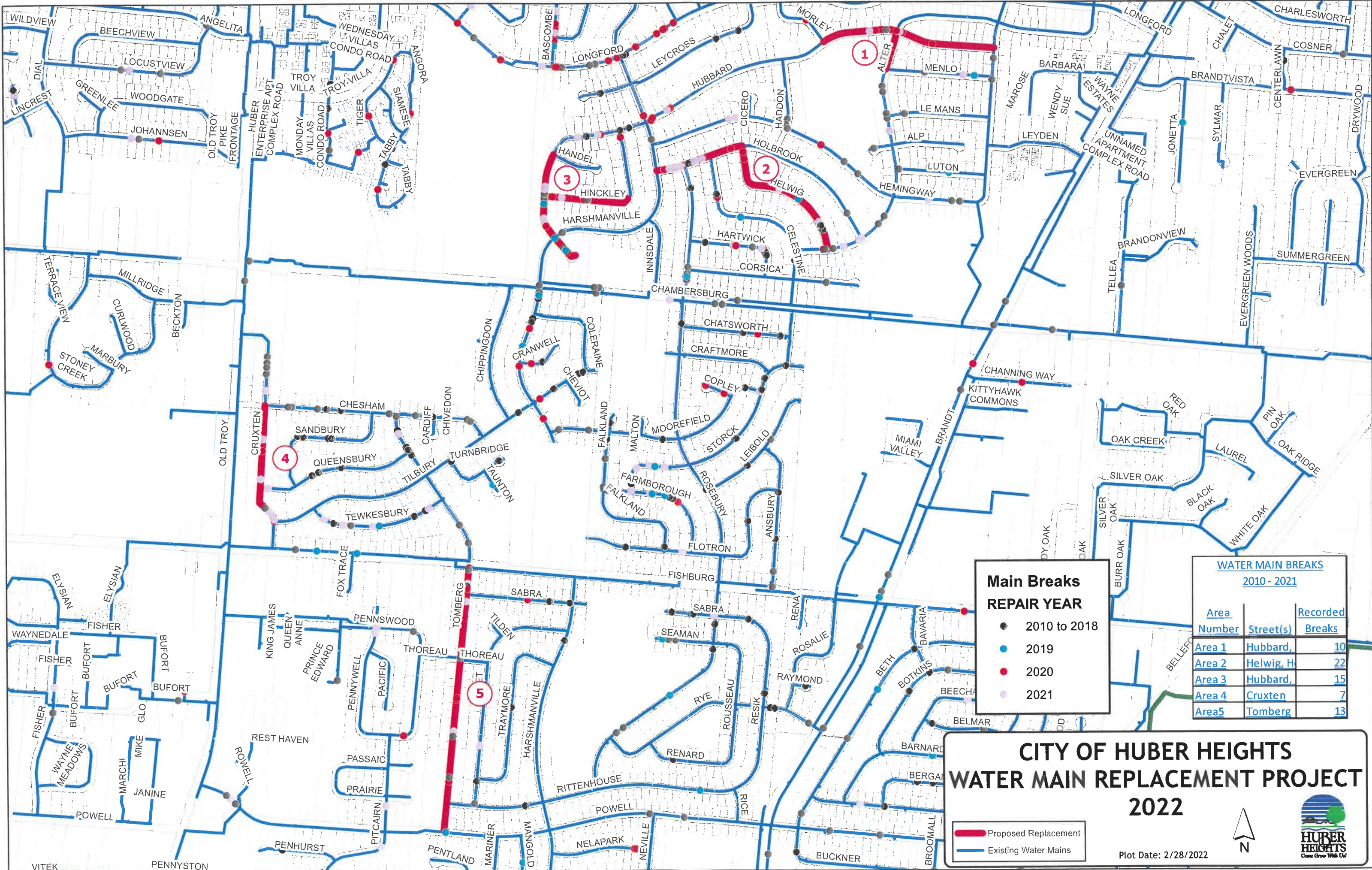
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**Attachments**

Map  
Resolution

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**Main Breaks  
REPAIR YEAR**

- 2010 to 2018
- 2019
- 2020
- 2021

WATER MAIN BREAKS 2010 - 2021		
Area Number	Street(s)	Recorded Breaks
Area 1	Hubbard	10
Area 2	Helwig, H	22
Area 3	Hubbard	15
Area 4	Cruxten	7
Area 5	Tomberg	13

# CITY OF HUBER HEIGHTS WATER MAIN REPLACEMENT PROJECT 2022

Proposed Replacement

Existing Water Mains

Plot Date: 2/28/2022



CITY OF HUBER HEIGHTS  
STATE OF OHIO

RESOLUTION NO. 2022-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE, AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE 2022 WATER MAIN REPLACEMENT PROGRAM.

WHEREAS, City Staff have identified water lines within the City which are in urgent need of replacement; and

WHEREAS, engineering plans, specifications and cost estimates are being finalized; and

WHEREAS, the Water Fund is available to cover the cost of this work.

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 firms for the construction of the 2022 Water Main Replacement Program at a cost not to exceed \$1,500,000.00

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 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 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 \_\_\_\_\_, 2022;  
\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

Effective Date:

AUTHENTICATION:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date