

**Planning Commission
January 25, 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 Jamie Frey, Administrative Secretary.

III. Opening Remarks by the Chairman and Commissioners

Introduced Aaron K. Sorrell.

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

Mr. Sorrell stated that this proposal develops an indoor storage facility at the southeast corner of Senna Street and West National Road (S.R. 40).

The original rezoning to establish the PUD in 2005 limited the commercial uses at this site to those permitted in the B-1 and B-2 Business District. At the same time, the following variances were granted for the commercial property:

- Deferral of the requirements of Section 1179.07 A & B regarding a buffer strip until such time that the commercial development begins.
- Deferral of Section 1179.07 (d) which requires street trees in the commercial area until such time that the commercial portion was initiated.

The applicant proposes access to the storage facility from Senna Street, approximately 110 feet south of the intersection. During the September 28, 2021, Planning Commission meeting, relocating the entrance to S.R. 40 was discussed and the case was tabled. At the December 14, 2021, meeting, the Planning Commission tabled the matter to gather additional information regarding an entrance to S.R. 40.

ODOT has since informed the City that the decision to grant or deny access to the site from S.R. 40 lies solely within the purview of the City of Huber Heights.

STAFF ANALYSIS:

The applicant has submitted no revisions to the Development Plan since the case was last heard by the Planning Commission.

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)

Excerpts From the Previous Staff Report:

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

Building Elevations:

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

Development Standards:

The parking requirement for the office is one space for every 300 square feet of gross floor area, which calculates to 4 parking spaces, with 1 of those being designated accessible spaces. Five total parking spaces are proposed at 9 feet by 19 feet. City standard is 10 feet by 18 feet. Staff recommends the 10-foot-wide space requirement. Paved drive aisles access each building with no dead-end drives. Six-foot wrought iron fencing is proposed at the north and west perimeter of the site with a gate at the front and an emergency gate at the rear and six-foot wood privacy fence is proposed at the south and east perimeters. The interior aisles are 25 and 30 feet in width and exterior aisles vary to allow for emergency vehicle turning movements.

Utilities:

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

Signage:

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

Landscaping:

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

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

STAFF RECOMMENDATION

The staff's professional opinion is that residents along Senna Street will be impacted by traffic from this use regardless of site access from S.R. 40 or Senna Street. If Planning Commission deems the proposed development meets the development standards set forth in the code, staff recommend the following conditions:

1. Extend the sidewalk along Senna Street to the intersection of S.R. 40 and terminate the sidewalk with an approved ADA curb per the City Engineer's requirements.
2. All signs shall be constructed according to city code.
3. All parking stalls shall be dimensioned according to city code.

Planning Commission Action

Planning Commission may take the following actions with a motion:

- 1) Approve the detailed development plan;
- 2) Deny the detailed development plan (the Commission should state the specific reasons for denial); or
- 3) Table the application.

Lengthy discussion on use, letter from city showing access on Senna, original assessment for traffic, rezoning of property, property line to building.

Action

Ms. Thomas moved to approve the request by the applicant RJK, ASSOCIATES, INC., for approval of a Detailed Plan in for 8.755 acres at 5060 US Route 40 (ZC 21-46) with the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Ms. Vargo, and Mr. Walton. NAYS: Mr. Jeffries, Ms. Thomas, and Ms. Opp. Motion to approved denied 3-2.

VII. New Business

1. **LOT SPLIT - The applicant, Thomas E Dusa, is requesting approval of a Replat of 6.501 acres at 7621 Progress Court into two lots of 3.0861 acres and 3.4142 acres (ZC 22-02).**

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Mr. Sorrell stated that the applicant requests a lot split and replat of a 6.501-acre parcel to split off a 3.0861-acre tract (Lot 1) and a 3.4142-acre tract (Lot 2). The intent is that the current owner will retain Lot 1 and sell Lot 2 to a buyer wishing to build and use the land consistent with the current zoning code.

The property's zoning is I-1, Light Industrial and Mixed Use. Lot 1, which is currently developed, will have 511.37 feet of frontage along Progress Court. Lot 2 will have 67.41 feet of frontage along Progress Court. The minimum lot frontage in the I-1 district is 100 feet (or such lessor frontage as shall permit compliance with the side yard off-street parking requirements). No additional right of way dedication is recommended at this location.

The applicant desires to subdivide a 6.501 acres lot into two lots. The first (Lot 1) being 3.0861 acres is currently developed and will be retained by the owner. The proposed Lot 1 meets all frontage, and lot area requirements of the zoning code. No additional right of way is being dedicated, and all setbacks and easements are delineated on the record plan.

Lot 2 is 3.4142 acres and is being sold for development that the applicant maintains is consistent with the zoning code. Lot 2 meets the lot area of the zoning code. The frontage requirements of the zoning code are met since the frontage can accommodate a minimum 25-foot driveway, and the lot allows compliance with the side yard and off-street parking requirements.

The proposed replat meets all requirements of the subdivision regulations.

Additional Comments:

Fire: Approves of the replat as submitted.

City Engineer: Approves of the replat as submitted.

Recommendation

After review of the applicant's proposal, staff recommends approval of the replat of 6.501 acres at 7621 Progress Court into two lots of 3.0861 acres (Lot #1) and 3.4142 acres (Lot#2) as submitted on the Record Plan stamped "Received December 30, 2021".

Planning Commission Action

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

- 1) Approve the Record Plan as submitted (staff recommendation);
- 2) Approve the Record Plan with conditions; or,
- 3) Deny the Record Plan.

Action

Ms. Thomas moved to approve the request by the applicant THOMAS E. DUSA for approval of a Replat of 6.501 acres at 7621 Progress Court into two lots of

3.0861 acres and 3.4142 acres (ZC 22-02) in accordance with the recommendation of Staff's Memorandum dated January 10, 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.

2. **LOT SPLIT - The applicant, Scott Allen Biehl, Jr., is requesting approval to consolidate an existing 1.872 acre lot with a 0.4322 acre tract to the rear to create a consolidated 2.2932 acre lot at 6890 Chambersburg Road (ZC 22-03).**

Mr. Sorrell stated that the applicant requests approval of a record plan to consolidate an existing 1.872 acre lot with a 0.4322 acre tract to the rear to create a consolidated 2.2932 acre lot. The replat has no impact on the Chambersburg Road frontage and is effectively the enlargement of a rear yard area.

No additional right of way or easement dedication is recommended at this location.

Zoning Regulations

CHAPTER 1172 – (PR) PLANNED RESIDENTIAL DISTRICT

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)

1172.01 Principal permitted uses.

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

- (a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family

dwelling, including garden apartments, row houses, quadraminiums and condominiums;

- (b) Churches and other places of worship;
- (c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;
- (d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and
- (e) Uses designed solely to serve in a complimentary way the needs of this District above.

1172.03 Development standards.

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

- (a) *Minimum "PR" Land Area Requirement.*
 - (1) A minimum of one acre shall be required.

(Staff note: The existing drainage easements make future redevelopment of this parcel difficult and probably unlikely.)

Staff Analysis

The applicant requests approval of a record plan to consolidate an existing 1.872 acre lot with a 0.4322 acre tract to the rear to create a consolidated 2.2932 acre lot.

The proposed replat meets all requirements of the subdivision regulations.

Additional Comments:

Fire: Approves of the record plan as submitted.

City Engineer: Approves of the record plan as submitted.

Recommendation

After review of the applicant's proposal, staff recommends approval of the record plan to consolidate an existing 1.872 acre lot with a 0.4322 acre tract to create a consolidated 2.2932 acre lot as submitted on the Record Plan stamped "Received January 7, 2022".

Planning Commission Action

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

- 1) Approve the Record Plan as submitted (staff recommendation);

- 2) Approve the Record Plan with conditions; or,
- 3) Deny the Record Plan.

Action

Ms. Vargo moved to approve the request by the applicant Scott Allen Biehl, Jr., for approval to consolidate an existing 1.872 acre lot with a 0.4322 acre tract to the rear to create a consolidated 2.2932 acre lot at 6890 Chambersburg Road (ZC 22-03) in accordance with the recommendation of Staff's Memorandum dated January 25, 2022, and the Planning Commission Decision Record attached thereto.

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

- 3. SPECIAL USE - The applicant, Darin Schmidt, is requesting approval of a Special Use of the Agricultural Code to allow an Airsoft and Paintball facility for property located at 7860 Bellefontaine Road (ZC 22-01).**

Mr. Sorrell stated that As A Note: The applicant initially applied for a Basic Development Plan and heard at the October 26, 2021, Planning Commission meeting. The Planning Commission tabled the case. The applicant has withdrawn the Basic Development Plan application and applied for Special Use approval.

The applicant proposes an airsoft and paintball recreational facility on 19.097 acres at 7860 Bellefontaine Road. The land is zoned "Agricultural," as are the surrounding properties, except for I-70 directly north of the site. No public water utilities currently serve this site; however, a water main extension is planned for late 2022.

Current Site Conditions

The site is currently used for agricultural purposes. The ROW depth from the roadway varies from approximately 60-feet on the south end of the site, to 125-feet on the north end. The perimeter of the site is tree-lined that varies in depth from approximately 10- to 20-feet on the south side to as deep as approximately 140-feet on the east side of the site.

Drylick Run Creek bisects the southwest edge of the site and is approximately 300-feet from the proposed playfields, at its closest point. The National Wetlands Inventory does not indicate any wetlands on the site.

On-Site Facilities

The proposed facility will include one airsoft field, two paintball fields, a gravel parking lot and a "shop." The size and height of the shop structure are not indicated on the site plan or in the application. The applicant has indicated that the shop will only be open during on-site activities.

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The applicant has indicated restroom facilities will be available. A well will provide water, and waste will be removed through a waste disposal service.

While not illustrated on the site plan, the applicant intends to construct various obstacle structures throughout the airsoft and paintball areas. The size and height of the structures are not indicated in the application materials.

The applicant proposes a gravel parking area on the northwestern portion of the site.

Facility Operations

The applicant intends the facility to be open on Saturdays from 9 am – 5 pm for simultaneous airsoft and paintball activities. The applicant indicates the paintballs and airsoft projectiles are biodegradable. There will be approximately 4 – 5 rounds of play per day, per field. While not stated in the Special Use application, the minutes of the October 31st meeting indicate the applicant anticipates approximately 80 people at peak times.

Staff Analysis

The applicant requests Special Use approval for a recreational airsoft and paintball facility on approximately 19-acres zoned Agricultural (A). Since the site is in an Agricultural District, the relevant sections of the zoning code are the Zoning District standards, Parking and Loading standards, General Provisions, and the General Requirements for Special Use.

Zoning District Standards

Airsoft and paintball games are generally considered recreational uses, and thus the request for Special Use approval is appropriate. The proposed site meets the area standards of the Agricultural District. The site is larger than the minimum 2 acres, and the lot frontage exceeds 200 feet.

While the site plan is not dimensioned, the proposed building appears behind the 60-foot front yard requirement. It is unclear from the application or site plan if the proposed building is below the maximum height standard of 35 feet.

Parking and Loading

Section 1185 requires all parking to be graded and have a continuous hard surface of asphalt or concrete, with a driveway width between 25 and 35 feet wide. The applicant is seeking to construct a gravel parking lot. In the staff's opinion, a gravel parking lot is appropriate for this use and location at this time. The applicant is initially proposing a temporary building. The Planning Commission could revisit the parking lot construction standards when the applicant seeks to construct a permanent structure. However, the drive apron and driveway should meet city standards determined by the City Engineer.

It is unclear from the site plan if the proposed gravel parking is located behind the front and side yards as required in Section 1185.10(b). The distance between the Bellefontaine Road pavement and the property line in the general vicinity of the proposed parking area is between approximately 90-feet on the southern end and 140-feet on the northern end. Staff recommends a parking lot setback of 25-feet, rather than the required 60-feet. Staff feels dedicated loading spaces are unnecessary for this use.

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The site has ample land available for off-street parking. Staff recommends the minimum parking requirements should be the park use requirements of one space for every five users at maximum capacity, plus the number of staff anticipated to be on-site during peak activity. Based upon 80 – 100 users at peak periods, a minimum of 16 – 20 spaces should be required for guests, plus the number of staff on-site during peak activity.

General Provisions

1181.18 Screening of Service Structures: No details were submitted regarding the placement and screening of service structures. At this time, the applicant is proposing a temporary building. Given the distance between adjacent properties, and the natural screening of the tree lines, staff does not feel screening is warranted at this time. However, staff recommends the Planning Commission revisit this issue when the applicant proposes a permanent retail or restroom facility.

1181.21 Lighting Standards: No exterior lighting plan was submitted with the application. If outdoor lighting is proposed, staff recommends that the plans be consistent with this code section.

Special Uses

Approval of a special use requires the Planning Commission to make findings of fact that the proposed special use meets ten specific and general requirements. The staff analysis of each paraphrased requirement is presented below.

- 1) *The proposed use is in fact a special use as established under the provisions of this chapter, for the zoning district involved.*

The staff's opinion is that the proposed airsoft and paintball activities use is recreational and thus would be considered a Special Use under 1142.03.

- 2) *The special use shall be harmonious with and in accordance with the general objectives, or with any specific objectives of the City and/or the Zoning Ordinance.*

The zoning code does not explicitly define paintball or airsoft activities as a use. However, these facilities are customarily considered recreational, and a similar facility exists with the City.

The proposed site is approximately 19 acres with substantial natural screening and buffering along the perimeter of the property line. It is staff's opinion that the proposed special use can be operated in a manner that complies with city codes' general and specific objectives, subject to the conditions outlined in the staff recommendation.

- 3) *The special use shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity that such uses shall not change the essential character of the same area.*

Structures to be constructed, reconstructed or altered pursuant to special uses in residential districts shall, whenever practicable, have the exterior appearance of residential buildings of a type otherwise permitted and have suitable landscaping, screen planting and fencing wherever deemed necessary by the Commission.

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The site is rural in nature. The existing frontage vegetation will likely screen most, if not all, activities.

- 4) *The special use shall not be hazardous or disturbing to existing or future neighboring uses.*

The applicant indicates the substances in the paintballs and airsoft projectiles are non-toxic. The Planning Commission may wish to put conditions on the hours of operation to limit activities during the evening or night.

- 5) *The special use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*

The site is not served by public water, though a water main extension is planned for late 2022. The applicant indicates they plan to have on-site sanitation facilities with an on-site well for water, and the applicant will contract for sanitary waste disposal services.

The Fire Department has outlined its conditions for approval in a memo dated 10/25/2021.

- 6) *The special use shall not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the community.*

Staff does not anticipate excessive service requests associated with this use at this site.

- 7) *The special use 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;*

The applicant has indicated that small pyrotechnic devices can be used during play activities. The material data sheet supplied with the application shows these devices have a max impact noise level of 150 decibels at 30 feet, similar to a small firecracker. Additionally, smoke devices may also be used during gameplay.

Given the rural nature and large site size, and limited hours of operation, staff anticipates the noise generated by this activity to have minimal impact on surrounding residents. The Planning Commission may place conditions on the approval of the special use to limit the effects to surrounding neighbors.

- 8) *The special use shall have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*

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Staff anticipates little interference from this proposed use with traffic along Bellefontaine Road. Staff recommends constructing the drive apron and driveways according to the standards outlined in City codes or an alternative acceptable to the City Engineer.

- 9) *The special use shall not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

The site is currently used for agricultural purposes and has natural tree lines providing screening and buffering along the property line. Staff recommends preservation of the tree line buffer in the following manner:

- a. In the front yard, a preservation setback distance of no less than 25 feet from the property line.
- b. On the south property line, preservation setback distance of no less than 30 feet from the property line to provide a natural buffer between the proposed activities and adjacent properties.
- c. On the east property line, a preservation setback of no less than 25 feet from the property line.
- d. On the north property line, a preservation setback of no less than 15 feet from the property line.

All preservation areas should be delineated on the revised site plan.

- 10) *The special use shall substantially conform to all zoning regulations in the district where located upon a finding that approval shall not adversely affect the public peace, health, morals, safety or welfare. Only uses which are principal permitted uses, accessory uses or special uses of the subject zoning district shall be allowed.*

With reasonable conditions, the staff's opinion is the proposed special use can conform to all zoning regulations and minimally impact surrounding properties.

Additional Comments:

Fire: See comments dated 10/25/2021. The comments have not changed since the previous application. The applicant must provide additional details regarding fire access, hydrant locations, parking configuration, use of buildings, and obstacle structures before the Fire Department will approve the plans.

City Engineer: TBD

Recommendation

Staff recommends approval of the Special Use with the following conditions:

- 1) The construction and placement of all buildings, structures and obstacles shall conform to the height and yard requirements of the Agricultural District.
- 2) A 25-foot parking lot setback shall be provided and indicated on the site plan.

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- 3) The minimum parking requirements shall be calculated according to Section 1185.12(c)(3)(K)(3), plus the number of anticipated staff at the expected peak capacity. No loading spaces shall be required. The applicant shall indicate the number of expected staff at peak capacity.
- 4) A temporary gravel parking area shall be permitted until a permanent building is proposed and constructed. The Planning Commission shall review proposals for permanent buildings and review the continued appropriateness of a temporary gravel parking area at such time.
- 5) The applicant shall construct all exterior lighting according to the Lighting Standards of the code. The applicant shall submit a lighting plan for review by the City.
- 6) The existing tree line buffer shall be preserved and delineated on the revised site plan:
 - a. In the front yard, a preservation setback distance of no less than 25 feet from the property line.
 - b. On the south property line, a preservation setback distance of no less than 30 feet from the property line.
 - c. On the east property line, a preservation setback of no less than 25 feet from the property line.
 - d. On the north property line, a preservation setback of no less than 15 feet from the property line.
- 7) All signage shall conform to the regulations outlined in Chapter 1189. Permitted signs shall include only those outlined in Section 1189.07; however, no signs shall be internally illuminated, and only downcast illumination is permitted. Billboards shall be prohibited.
- 8) The applicant shall submit revised site plans illustrating the approved conditions of the Planning Commission, along with any additional information required by the City.

Planning Commission Action

The Planning Commission shall review the proposed special use as presented in the application in terms of the standards established in this Zoning Ordinance. The Planning Commission may also impose such additional conditions, guarantees, and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Zoning Code will be observed.

Planning Commission may take the following actions with a motion:

- 4) Approve the Special Use with conditions (state the conditions) based upon the preponderance of the evidence the proposed use meets the General Requirements of the Special Use. (Staff recommendation);
- 5) Approve the Special Use as submitted, based upon the preponderance of the evidence the proposed use meets the General Requirements of the Special Use.;
- 6) Table the application to gather additional information; or,

- 7) Deny the Special Use based upon the preponderance of the evidence the proposed use does not meet the General Requirements of the Special Use. (The Planning Commission should explicitly state which requirement is not met.)

Action

Ms. Thomas moved to approve the request by the applicant DARIN SCHMIDT, for approval of a Special Use of the Agricultural Code to all an Airsoft and Paintball facility for property located at 7860 Bellefontaine Road (ZC 22-01) in accordance with the recommendation of Staff's Memorandum dated January 25, 2022, and the Planning Commission Decision Record attached thereto.

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

4. **COMBINED BASIC AND DETAILED DEVELOPMENT PLAN – The applicant, LWC, INC., is requesting approval of a Combined Basic and Detailed Development Plan for 4.0 acres for property located at 6243 Brandt Pike for construction of a new Library (ZC 22-05).**

Mr. Sorrell stated that The City of Huber Heights and the Dayton Metro Library (DML) have been working together for quite some time to develop a new branch library at this targeted redevelopment area. This branch is one of the last to be constructed as part of the DML's ambitious system-wide library expansion/replacement program that started with a voter-approved \$187 million bond issue in 2012.

STAFF ANALYSIS:

The applicant has submitted approval for a combined Basic and Detailed Development Plan for a 26,617SF library on a site currently zoned PM. At its highest point, the building is approximately 34 feet tall. The exterior facade is a mixture of 40% standing seam metal panel, 35% storefront and curtain wall, 22% brick, 2% ACM panel. Access to the site will be from Miami Valley Way, which eliminates a curb cut on Brandt Pike and provides a safer means of ingress and egress.

As the cover letter indicates, minor site development concessions are included in this proposal including a minor encroachment into the building setback and provision for seventeen off-site parking. The building setback encroachment brings the pedestrian entrance closer to the sidewalk and breaks up the front building wall facade, which is nearly 270 feet long. Planning staff is very supportive of this minor encroachment and design element.

The proposal contains 143 parking spaces including seven (7) ADA and eight (8) LEED (fuel-efficient cars) spaces. The parking spaces meet city standards. The 17 off-site parking spaces are located on adjacent land owned by the City and integrated into the site. These parking spaces will be indistinguishable to library patrons. The parking lot lights are full cut-off, with flat lenses on poles

with a height up to 20 feet. The photometric calculations supplied by the applicant indicate little to no off-site light trespass.

1171.09 Detailed development plan.

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(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:

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 zoned PM is approximately 40 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.*

N/A

- (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 institutional and retail 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 institutional and retail uses. All lighting fixtures are full cut-off and should produce little to no light trespass to adjacent properties. The parking is located to the rear of the building and site access is moved from Brandt Pike to Miami Valley Way.

- (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.

This is an urban redevelopment site with little to no existing natural features. The proposed development will reduce the amount of impervious surface from 2.72 acres to

2.32 acres, a reduction of 17%. Approximately 56.5% of the site is will be developed, and 43.5% is undeveloped or green space.

(3) The number of ingress and egress points onto the public streets shall be limited in order to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.

This development will have one vehicular access from Miami Valley Way and will eliminate site access and a curb cut on Brandt Pike. The parking lot is well designed with sidewalks at the end of the four main parking isles. A separate pedestrian entrance is available along Brandt Pike for those patrons who may walk or utilize the RTA.

(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.

The parking lot is broken up by landscaped islands throughout the parking area. The zoning code requires 122 parking spaces and the applicant is proposing 143 spaces (133 spaces are unrestricted). The parking meets city standards.

(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 for a dedicated, well-landscaped pedestrian entrance along Brandt Pike. The building overhang provides protection for pedestrians during times of inclement weather. The site is on the RTA bus line and there is a stop in front of the building. Additionally, the development will have bike racks at the front and rear entrances.

(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 and the elevation drawings only indicate one wall sign that is approximately 35 square feet. Staff recommends limiting the size of any single wall sign to a maximum of seventy-five (75) square feet, with a combined maximum 150 square feet for all wall signs, per the standard City Code,

(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.

As the cover letter indicates, minor site development concessions are included in this proposal including a minor encroachment into the building setback. Approximately 16% of the building frontage encroaches into the setback area. The building setback encroachment brings the pedestrian entrance closer to the sidewalk and breaks up the front building wall facade, which is nearly 270 feet long.

Planning staff is very supportive of this minor encroachment and design element.

(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.

At its highest point, the building is approximately 34 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 photometric plan indicates little to no light trespass to the adjacent properties. All light fixtures are full cut-off with flat lenses.

(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 receptacle will be fully enclosed.

(11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.

The architecture of the proposed branch library is attractive, contemporary design that is consistent with the DML brand throughout Montgomery County. The exterior facade is

a mixture of 40% standing seam metal panel, 35% storefront and curtain wall, 22% brick, 2% ACM panel.

(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.

N/A

(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.

The applicant is proposing to develop the site in one phase.

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 surface 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.

There are no residential uses adjacent to the subject site. The existing street trees along Miami Valley Way will be preserved. The landscaping plan meets city code.

(c) *Parking Lot Landscaping.* All parking lots are required to have interior landscaped areas as outlined in Chapter 1185, "Parking and Loading".

The proposal meets this requirement.

(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

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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.

The existing street trees along Miami Valley Way meet this requirement and will be retained. There are currently no street trees along Brandt Pike. As an alternative to Brandt Pike street trees, the applicant is proposing two street trees at the corners of the Brandt Pike frontage and a significantly landscaped planning bed that accents the front entrance, main stairway and ADA ramps. The front landscaped area spans approximately 67% of the front footage. Staff supports this landscaped alternative.

STAFF RECOMMENDATION

Staff recommends approval of the combined Basic and Detailed Development Plan to construct a new Huber Heights Library Branch. Staff recommends the following conditions for approval:

- 1) The applicant shall submit a sign package consistent with Section 1189 of the Huber Heights Planning and Zoning Code when seeking a zoning permit;
- 2) The applicant will comply with all stormwater requirements, per the City Engineer;
- 3) The applicant will comply will all Fire Code requirements, per the Huber Heights Fire Department;
- 4) The applicant will submit a revised site and landscaping plan reflecting all conditions of the Planning Commission decision, if any, prior to review by City Council.

Planning Commission Action

Planning Commission may take the following actions with a motion:

- 1) Approve the 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.

Action

Ms. Vargo moved to approve the request by the applicant LWC, INC., for approval of a Combined Basic and Detailed Development Plan for 4.0 acres for property located at 6243 Brandt Pike for construction of a New Library (ZC 22-05) in accordance with the recommendation of Staff's Memorandum dated January 25, 2022, and the Planning Commission Decision Record attached thereto.

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

VIII. Additional Business

1. Pre-Application Conference, Basis Development Plan, Cedar Hill Property.

2. Election of Officers

Done by secret ballot

Action

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

Mr. Walton moved to nominate Ms. Vargo as Vice Chair. Ms. Vargo received 3 votes. Ms. Opp moved to nominate Mr. Jeffries. Mr. Jeffries received 2 votes.

3. Approval of 2022 Meeting Schedule

IX. Approval of the Minutes

X. Reports and Calendar Review

Sign Package Popeyes and Dunkin
Major Change Tabled 5840 Old Troy Pike

XI. Upcoming Meetings

February 15, 2022

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 10:18 p.m.


Terry Walton, Chair


Geri Hoskins, Administrative Secretary

3/15/2022
Date

3-16-22
Date