

**Planning Commission
February 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. 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

Ms. Hoskins asked the commissioners to speak more clearly and directly into the microphones.

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.

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.

Action

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

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

VII. New Business

1. **MINOR CHANGE - The applicant, Gilligan Oil Company, is requesting approval of a Minor Change for Signage for Popeye's Louisiana Kitchen and Dunkin' restaurants in Huber Commons at the Northeast Corner of Taylorsville Road and Old Troy Pike (ZC 22-04).**

Mr. Sorrell stated that the applicant requests approval of the detailed sign packages for two restaurant uses (Popeye's Louisiana Kitchen and Dunkin Donuts) each with a double lane drive-thru.

The application contains elements consistent with the corporate branding of each franchise.

Conformance with Zoning Regulations

Dunkin Donuts Sign Package

The sign package submitted for the Dunkin Donuts restaurant generally complies with Chapter 1189 of the zoning regulations. The total proposed wall sign area is 67.5 square feet, and the single largest wall sign is slightly less than 25 square feet. The zoning code permits a total of 150 square feet of wall signage, with no one sign exceeding 75 square feet.

The colors of the signs are pink and orange, consistent with the corporate branding.

The site plan indicates one internally illuminated monument ground sign facing Old Troy Pike, set back nearly 70 feet from the property line. The sign sits on a brick base and the total height is 6-feet, including the base. The sign size is just under 27 square feet. This complies with the sign regulations in chapter 1189.

The site plan also indicates three directional signs. The details of the directional signs for Dunkin Donuts were not submitted. The sign code limits to the sign face to 2 square feet per side, and maximum height of 3-feet.

The site plan indicates one digital pre-order board and two digital menu boards in the drive-thru lanes, each with 100% electronic changeable copy. Each menu board is a total of 6'-10" high, including a 2-foot metal pedestal. The menu display itself is 5-feet wide and 4'-7" tall (approximately 22.9 square feet). The zoning code is silent on menu boards, but historically staff has approved them as ground signs, noted they are menu boards and not counted them against the one ground sign limit per site. While slightly taller than the maximum ground sign height, the increased height puts the menu board at a better viewing angle for drive-thru customers. While the zoning code limits changeable copy to only 50% of the sign area, staff recommends approval of 100% electronic changeable copy because this enables the total sign area to be smaller.

Popeye's Louisiana Kitchen Sign Package

The sign package for the Popeye's Louisiana Kitchen restaurant proposes nearly 70% more wall sign area than allotted within chapter 1189. The zoning code permits a total of 150 square feet of wall signage, with no one sign exceeding 75 square feet. The applicant is proposing approximately 258 SF in total wall sign area. The proposed wall sign elements include:

- Front elevation:
 - "Popeyes Louisiana Kitchen" wall sign: 52.22 SF
 - Corporate chicken symbol: 33 SF
- Left side elevation:
 - "Popeyes" wall sign: 14.28 SF
 - "Famous Louisiana Chicken" wall sign: 48.33 SF
 - Two large digital displays: approximately 27 SF
 - Two small digital displays: approximately 12 SF
- Right side elevation:
 - "Louisiana Kitchen" medallion sign: 10 SF
 - Three inset wall panels: 72 SF

The colors of the wall signs are orange and white, consistent with the corporate branding.

The site plan indicates one internally illuminated monument ground sign facing Old Troy Pike, set back nearly 60 feet from the property line. The sign sits on a brick base and the total height is 6-feet, including the base. The sign size is just under 24 square feet. This complies with the sign regulations in chapter 1189.

The site plan also indicates four directional signs. Each sign is 3-feet tall. The directional signs faces are 3.12 SF. The sign code limits to the sign face to 2 square feet per side, and maximum height of 3-feet.

The site plan indicates one digital preview board and two digital menu boards in the drive-thru lanes, each with 100% electronic changeable copy. The preview board is approximately 5'-4" high, with an 8 SF display area. Each menu board is a total of 5'-4" high, including a 1.5-foot metal pedestal. The menu display itself is 6'-3" wide and 3'-10" tall (approximately 24.3 square feet). The zoning

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code is silent on menu boards, but historically staff has approved them as ground signs, noted they are menu boards and not counted them against the one ground sign limit per site. While the zoning code limits changeable copy to only 50% of the sign area, staff recommends approval of 100% electronic changeable copy because this enables the total sign area to be smaller.

The applicant requests approval of the detailed sign packages for two restaurant uses (Popeye's Louisiana Kitchen and Dunkin Donuts) each with a double lane drive-thru. The application contains elements consistent with the corporate branding of each franchise. Both sites utilize digital displays for their menu boards, which has become the industry norm in drive-thru applications.

The sign package submitted for the Dunkin Donuts restaurant generally complies with Chapter 1189 of the zoning regulations.

The sign package submitted for the Popeye's Louisiana Kitchen proposes nearly 70% more wall sign area than allotted within Chapter 1189. In addition to the traditional signage with text, staff considers the corporate identity elements, the digital wall displays and the inset panels to all be wall signs subject to the limitations within chapter 1189.

All other elements of the Popeye's Louisiana Kitchen sign package generally meet the requirements within Chapter 1189.

Additional Comments:

Fire:

City Engineer:

Recommendation

Staff recommends approval of the Dunkin Donuts sign package as submitted.

Staff recommends approval of the Popeye's Louisiana Kitchen sign package as submitted, with the exception of the four digital wall displays along the left side elevation.

Planning Commission Action

The Planning Commission has significant leeway when reviewing and approving sign packages within the Planned Mixed-Use District. Planning Commission may approve the sign packages as submitted or make revisions as it sees fit to more generally conform to the sign regulations within Chapter 1189.

Action

Ms. Opp moved to approve the request by the applicant Gilligan Oil Company for approval of a Minor Change for Signage for Popeye's Louisiana Kitchen and Dunkin' restaurants in Huber Commons at the Northeast Corner of Taylorsville Road and Old troy Pike (ZC 22-042) in accordance with the recommendation of Staff's Memorandum dated January 10, 2022, and the amended Planning Commission Decision Record attached thereto.

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

2. DETAILED DEVELOPMENT PLAN - The applicant, DDC Management, is requesting approval of a Detailed Development Plan and Final Plat for the first section of the Villages of Westport subdivision located at Chambersburg Road (ZC 22-06).

Mr. Sorrell stated that the applicant requests approval of the detailed development plan and final plat for the first section of the Villages of Westport subdivision. The basic development plan calls for 291 lots on 171 acres, which yields an average density of 1.7 units/acre.

This first section contains 95 lots on approximately 74 acres. Approximately 49 acres are reserved for open space.

The original rezoning request was approved with the following conditions (only the relevant conditions are listed):

- 1) The minimum setbacks shall be 25-foot front yard, 25-foot rear yard, 5-foot side yard.
- 2) A minimum of 25% of the surface area of the front facade shall be finished with brick or stone masonry products.
- 3) Minimum floor area shall be as follows: one story dwellings shall have a minimum floor area of 1,200 square feet and two-story dwellings shall have a minimum floor area of 1,600 square feet.
- 4) Chambersburg Road will be improved to a forty-five (45) foot half right-of-way section per the City's Throughfare Plan.
- 5) A 20' preservation zone shall be placed along the east boundary line.

Conformance with Zoning Regulations

The proposal conforms to the regulations outlined in Chapter 1172, Planned Residential District.

The draft HOA covenants have the following applicable requirements and restrictions:

- Uses: Limited to a single-family residence
- Building material: The covenants do require a minimum 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 6-feet. Materials limited to wood, vinyl, decorative aluminum, wrought iron. Chain link fencing is prohibited.

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

Other development considerations

Lighting:

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In lieu of traditional streetlights, the applicant is proposing lamp posts on each lot to illuminate the sidewalk and street area. This is acceptable to staff for those areas that are developed and will have one lamp post every 70 to 80-feet, minimum. However, the Planning Commission may consider requiring streetlights along "Street A" between Chambersburg Road and lot 46. Without streetlights, there will be a nearly 1,000-foot section of the sidewalk without any lighting.

Staff Analysis

The applicant requests approval of the detailed development plan and final plat for the first section of the Villages of Westport subdivision. The basic development plan calls for 291 lots on 171 acres, which yields an average density of 1.7 units/acre.

This first section contains 95 lots on approximately 74 acres. Approximately 49 acres are reserved for open space.

The proposed detailed development plan meets all requirements of the basic development plan approved by the Planning Commission. Staff recommends the Planning Commission consider requiring streetlights along "Street A" between Chambersburg Road and lot 46.

Additional Comments:

Fire: No additional comments.

City Engineer:

- A streetlight should be added at Chambersburg and Endicott Road.
- The sidewalks along Chambersburg should be 5-feet wide, per code.
- In 2027 a 10-foot shared use path will be constructed along Chambersburg Road. When installing the 5-foot sidewalks along Chambersburg, the applicant should grade and prepare the base for an additional 5-foot width extension.

Recommendation

Staff recommends approval of the detailed development plan submitted on January 28, 2022. Staff recommends the Planning Commission consider requiring streetlights along "Street A" between Chambersburg Road and lot 46, a streetlight at Chambersburg and Endicott, and a 10-foot graded base for the 5-foot sidewalks along Chambersburg.

Planning Commission Action

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

- 1) Approve the Detailed Development Plan; or,
- 2) Deny the Detailed Development Plan.

Action

Ms. Thomas moved to approve the request by the applicant DDC Management, for approval of a Detailed Development Plan and Final Plat for the first section of the Villages of Westport subdivision located at Chambersburg Road P70 04008 0006 and P70 04008 0004 of the Montgomery County Records Map (ZC 22-06) in accordance with the recommendation of Staff's Memorandum dated February 8, 2022, and the Planning Commission Decision Record attached thereto.

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

VIII. Additional Business

- 1. Pre-Application Conference, Erick Allen - Horizon Line.**
- 2. Election of Officers**

Action

Mr. Jeffries moved to nominate Mr. Walton as Chair. Second by Ms. Thomas. 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. 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.

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.

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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 8:16 p.m.



Terry Walton, Chair



Geri Hoskins, Administrative Secretary



Date



Date