

## AGENDA <br> CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
February 15, 2022
6:00 P.M.
1.
2. Roll Call
3. Opening Remarks By The Chair and Commissioners
4.
5.
6.
A. MAJOR CHANGE - The applicant, KIRMON KHALILOV, is requesting a Major Change to the Basic and Detailed Development Plan in a Planned Commercial Disrtict for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).
7. New Business
A. MINOR CHANGE - The applicant, GILLIGAN OIL COMPANY, is requesting a Minor Change for Signage for Popeye's Louisiana Kitchen and Dunkin' restaurants in Huber Commons at Northeast Corner of Taylorsville Road and Old Troy Pike (ZC 22-04).
B. 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).
8. Additional Business
A. Pre Application Conference - Horizon Line - Hamptons at the Heights
B. Election of Officers

Chair and
Vice Chair
9. Approval of Minutes
A. Planning Commission December 14, 2021
10. Reports and Calendar Review
A. Rezoning - State Route 235

Basic Development Plan - Brandt Pike, North of the Reserves at the Fairways
11. Upcoming Meetings
A. March 15, 2022

March 29, 2022
12. Adjournment

Planning Commission
Meeting Date: 02/15/2022
Major Change
Information
Agenda Title
MAJOR CHANGE - The applicant, KIRMON KHALILOV, is requesting a Major Change to the Basic and Detailed Development Plan in a Planned Commercial Distict for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).

Purpose and Background

|  | Attachments |
| :--- | :--- |
| Staff Report |  |
| Decision Record |  |
| Drawing |  |
| Drawing |  |
| Updated Proposal |  |
| Fire Assessment |  |
| Opposition Letter |  |

## Memorandum

Staff Report for Meeting of February 15, 2022

To: Huber Heights City Planning Commission
From: $\quad$ Aaron K. Sorrell, Interim City Planner Community Planning Insights

Date: $\quad$ 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:

EXISTING LAND USE:
ZONING
ADJACENT LAND:
REQUEST:

ORIGINAL APPROVAL:
APPLICABLE HHCC:
CORRESPONDENCE:

Chapter 1176, 1182
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.

## 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 February 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.
$\qquad$ 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 2145), 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.

Seconded by __. Roll call showed: YEAS: NAYS: Motion to recommend approval carried $\qquad$ .

Terry Walton, Chair
Date
Planning Commission


## GENERAL NOTES





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BLDG. USE GROUP: "S-1"

# Updated Proposal Plan 

5840 Old Troy Pike Huber Heights, OH 45424

- Auto Service / Auto Dealer In Section A Of Building
- Added Masonry Dumpster
- 25 \& 30 Ft. Setback From Sidewalk From Proposed Asphalt
- Added Landscaping Buffer To Give Privacy For The Funeral Home
- Possible Future Building Expansion To The East Section Of The Building ( Garage Bays With Possible Office )
- Existing Three Water Drain Systems To Avoid Floods
- Added Three 25 Ft. Light Posts To The Front Lot \& Back

This Is Our Updated Proposal Plan To The Major Change On The Property.

## $\mathcal{H} u 6 e r \mathcal{H}$ eights Fire $\operatorname{Division}$

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.

[^0]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

Locally Owned Since 1925
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,


Gary L. Heller

Planning Commission
Meeting Date: 02/15/2022
Minor Change
Information
Agenda Title
MINOR CHANGE - The applicant, GILLIGAN OIL COMPANY, is requesting a Minor Change for Signage for Popeye's Louisiana Kitchen and Dunkin' restaurants in Huber Commons at Northeast Corner of Taylorsville Road and Old Troy Pike (ZC 22-04).

Purpose and Background

|  | Attachments |
| :--- | :--- |
| Staff Report |  |
| Decision Record |  |
| Dunkin' Drawings |  |
| Popeye's Drawings |  |
| Popeye's Drawings 2 |  |

## 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: $\quad$ February 8, 2022
Subject: PC 22-04 Minor Change to PUD
Signs for Popeyes and Dunkin Donuts - Huber Heights Commons
Application dated January 10, 2022

## Department of Planning and Zoning City of Huber Heights

| APPLICANT/OWNER: | Gilligan Oil Company - Applicant <br> Huber Heights Commons, LLC - Owner |
| :--- | :--- |
| DEVELOPMENT NAME: | Huber Heights Commons |
| ADDRESS/LOCATION: | Northeast Corner of Taylorsville Road and Old Troy <br> Pike. |
| ZONING/ACREAGE: | Planned Mixed Use / 1.84 acres |

## EXISTING LAND USE:

ZONING
ADJACENT LAND:

## REQUEST:

The applicant requests approval of the sign packages for two restaurants with drive-thru facilities.

ORIGINAL APPROVAL:

## APPLICABLE HHCC:

CORRESPONDENCE:
Chapter 1179, 1189
In Favor - None Received
In Opposition - None Received

## STAFF ANALYSIS AND RECOMMENDATION:

## Overview

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.

## Applicable Zoning Regulations (Only relevant sections are cited below)

## Chapter 1179 Planned Mixed Use

### 1179.06 Development Standards

(d)(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.

## Chapter 1189 Signs

### 1189.01 Purpose; definitions.

(a) The purpose of this chapter is to establish regulations governing the size, character and location of signs within the City and to regulate the erection, remodeling, enlarging, moving, operation, use and maintenance of such signs in the interest of protecting the health of its citizens and protecting the safety and welfare of those citizens and the property within its boundaries. It is intended to protect and enhance the physical appearance of the community, to preserve the scenic and natural beauty of designated areas, and to reduce sign distraction and site obstructions that might contribute to traffic accidents and have a negative impact upon traffic and pedestrian safety. It is intended to create a more aesthetically-pleasing City, to contribute to public safety, and to eliminate visual clutter within the City. The City finds that the number, size, design characteristics, and locations of signs within the City directly affect the public health, safety, and welfare. The City also finds that in certain areas of the City, signs have become excessive. Too many signs are distracting and dangerous to motorists and pedestrians and are confusing to the public and substantially detract from the beauty and appearance of the City. The City also finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following sign regulations. The purpose and intent of the governing authority of the City in enacting this chapter are as follows:
(1) Permit signs that will not, because of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct vision necessary for traffic safety, or otherwise endanger public health, safety and welfare;
(2) Permit and regulate signs in such a way as to support and complement land use objectives set forth in this Zoning Code and promote community growth, pride, civic opportunities and events;
(3) Reduce hazards that may be caused by signs overhanging or projecting into the public right-of-way;
(4) Provide each legal property owner or tenant a fair and reasonable opportunity for effective identification of businesses which are located within the City;
(5) Enable users of goods and services to readily identify the availability of products, goods or services which are available upon site so as to promote the economic vitality of businesses which are located within the City;
(6) Minimize the obstruction of views from roadways to adjacent properties;
(7) Advance and maintain, for the City's residents, workers and visitors, a safe and aesthetically attractive environment throughout the City;
(8) To ensure the protection of free speech rights under the State and United States Constitutions within the City;
(9) To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
(10)To protect the rights of property owners and occupants to display messages protected by the First Amendment to the United States Constitution. Therefore, the purpose of these regulations includes the intention to remove any doubt that it is the public's right to receive and display messages protected by the First Amendment, including but not limited to, religious, political, economic, social, and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.
(11)To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs.
(b) The following definitions shall apply in this Chapter:

Advertising structure means any sign, billboard, surface, object or structure with a commercial message.

Animated or moving sign means any sign or part of a sign which changes physical position by any movement or rotation, or which gives visual impression of such movement or rotation.

Awning means a roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purposes of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl, fabric or rigid covering.

Awning sign means a permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.

Bandit sign is a sign that does not contain a commercial message and that is constructed, in whole or substantial part, of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that is not protected from exposure to the natural elements, but is made of weather-resistant materials that last for more than seven days but less than 60 days without significant loss through exposure to the elements or wear and tear.

Banner means a temporary sign composed of fabric or similar material not enclosed in a rigid frame, secured or mounted so as to allow movement caused by atmospheric conditions.

Billboard means any freestanding sign containing 100 or more square feet.
Canopy means a freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

Canopy sign means any permanent sign attached to or constructed in or on a canopy.
Changeable copy means a permanent or temporary sign on which copy is changed manually in the field.

Commercial Message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. A message intended to direct attention to a political candidate, election issue, political, social, religious, community of public service issue or idea, aim, viewpoint, aspiration or purpose and not intended to produce any commercial benefit or term to encourage a commercial transaction shall not be deemed a commercial message.

Commercial sign means a sign that contains a commercial message.
Directional sign means a sign directing vehicular or pedestrian movement onto and off the premises upon which such sign is located or within a premises upon which such sign is located.

Deteriorated means showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair.

Electronic copy sign means any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including but not limited to television screens, plasma screens, digital screens, LED screens, video boards, holographic displays and similar media.

Exempt means signs exempted from permit requirements and not subject to the provisions of this Zoning Ordinance.

Flashing means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted light source.

Freestanding sign means a sign permanently suspended or supported by one or more uprights or braces in or upon the ground.

Ground sign means any permanent or temporary sign six feet in height or less placed upon the ground or attached to a supporting structure not attached to any building.

Governmental/Community sign means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation and such signs that are approved by the City as part of an annual holiday event or City activity.

Hazard and Prohibition Signs, for purposes of this chapter and section 1523.01 Hazardous and Prohibition signs, means signs warning of construction, excavation, or similar hazards, so long as the hazard exists.

Height of sign means the height of a sign which shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing grade prior to construction; or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Human Sign means a sign held by or attached to a human being who stands or walks on the ground at a business or other location. A human sign includes a person dressed in a costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product.

Illegal sign means any sign which is contrary to the requirements of this Zoning Ordinance and which does not satisfy the nonconforming specifications stated in this Zoning Ordinance.

Illuminated sign means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Internal sign means a sign not intended to be viewed from public streets and located so as not to be visible from public street or adjoining properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums and similar uses of a recreational or entertainment nature.

Marquee means any permanent structure which projects from a wall of a building above the ground or is fixed at the entrance way to a shopping center and plaza generally ten feet or more above the ground.

Nonconforming sign means any sign lawfully existing on the effective date of this Sign Code, or on the date of an amendment thereto which renders such sign nonconforming because it does not conform to all the standards and regulations of the amended Zoning Ordinance.

Pylon sign means a permanent sign that is mounted on a freestanding pole or other support in which the sign exceeds six feet in height.

Portable sign means a sign intended to be movable and not permanently affixed to a building, structure, vehicle or the ground. Any sign with provisions for attaching devices, such as, wheels for movement or transportation; any sign over six square feet made of materials other than wood, cardboard, canvas or paper products.

Projecting sign means a sign supported by a building wall or column and extending a distance not to exceed 42 inches from the wall or column.

Permanent sign means a sign permitted by Chapter 1189 to be located on a lot for an unlimited period of time.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign area means the area of a sign face (which is also the sign area of a wall sign or other sign with only one face) which shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that shall encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself. For the purpose of this Chapter, sign area is the square foot measurement of one face. If the sign is multi-sided (more than two) or solid in nature as in two sides of a building, the allowing square foot area shall be determined by adding all the area of all sides of the sign and dividing by two but not to exceed the allowable sign area of that district.

Snipe sign is a sign that does not contain a commercial message and that, in whole or substantial part, is not made of weather-resistant material and not adequately protected from the natural elements.

Suspended sign means a sign that is suspended from the underside of a horizontal surface and is supported by such surface.

Temporary sign means a sign constructed of plywood, paper products, plastic or canvas intended to be displayed for a short period of time.

Under marquee sign means any sign attached to the underside of a marquee.
Wall sign means a sign which is located on or formed by the surface of the wall of a building. A mansard roof facade on a building shall be considered part of the wall.

Window sign means a sign that is applied or attached to the interior or exterior of a window or located in such manner within a building that it conveys a message to the exterior of the structure through a window.
(Ord. 2013-O-2016, Passed 1-28-13; Ord. No. 2019-O-2398 , § 1, 10-14-19)

### 1189.03 Prohibited signs and sign characteristics.

All signs not expressly permitted under this chapter or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:
(a) Any sign or part thereof which is erected within or above a public right-of-way;
(b) Any sign erected at or near any intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any Governmental/Community sign relating to traffic and safety or otherwise interfere with, mislead or confuse pedestrian or vehicular traffic;
(c) Any sign mounted onto, above or incorporated into the roof of any building shall be prohibited unless otherwise specifically permitted by this chapter;
(d) Any lighter-than-air, inflatable or kite-type sign or balloon situated on, attached or tethered to a premises;
(e) Any sign utilizing an artificial illumination device which radiates an intensity, beam spread, glare or color which interferes with the vision of persons not located on the premises;
(f) Any sign utilizing a fixed or mobile beacon, strobe light, searchlight, signaling light, spotlight or similar apparatus, equipment or device which is directed above or outside of a premises in such a manner so as to attract an unusual amount of visual attention of persons not located on the premises;
(g) Any sign or part thereof which utilizes flame;
(h) Any electronic copy sign where different copy changes are shown on the same lamp board except as permitted under Section 1189.07(j);
(i) Any sign which conveys visual information that is obscene;
(j) Any sign which has intermittent lighting, moves, rotates, blinks, flashes or has spinning devices or strings of spinning devices or similar type devices except for electronic copy signs permitted under Section 1189.07(j);
(k) All banners, except as specified in Section 1189.07(a)(3)A. and 1189.07(e), streamers, pennants, strings and spinning devices;
(I) Portable signs with a commercial message, except as authorized under temporary signs;
( m ) Commercial message signs located off-premises from the particular business advertised;
( n ) Signs with a commercial message that are painted on or attached to a stationary vehicle or trailer which is located in such a manner as to serve exclusively as permanent, temporary, or portable signage is prohibited. This shall not apply to vehicles or trailers parked behind or inside of a building, or in another manner where such vehicle or trailer is not visible from a public right-of-way. Motor vehicles regularly engaged in the cartage of goods or the transport of passengers is exempt from this restriction. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment.
(o) Deteriorated signs.

Notwithstanding anything contained herein to the contrary, any sign that may be displayed pursuant to the provisions of this chapter may contain a non-commercial message.
(Ord. 2013-O-2016, Passed 1-28-13; Ord. No. 2019-O-2398 , § 1, 10-14-19)

### 1189.04 General provisions.

(a) A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section, unless specifically modified by another section of this chapter.
(b) (1) Permits required. A zoning permit shall be obtained for erection, construction, relocation or alteration of any temporary or permanent sign unless exempted by this chapter. A sign shall comply with all City Zoning, Building, Electrical and Fire Codes. Application for a permit to install a temporary or permanent sign shall be made to the Zoning Officer upon a form provided by the Zoning Office. This application shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this chapter. Snipe signs and Bandit signs do not require permits.
(2) Nonconforming structures. See Chapter 1187.
(3) Maintenance of signs. Every sign, whether requiring a sign permit or not, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of a defective part, painting, cleaning and other acts required for the maintenance of the sign.
(4) Dangerous or Deteriorating signs not permitted. A Deteriorating sign or a sign in dangerous condition shall not be permitted on any premises. Any such sign shall be removed or repaired.
(5) Removal of dangerous or Deteriorating signs. The City Manager or his designee may immediately remove or cause to be removed any deteriorating sign or any dangerous sign which constitutes a nuisance, creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or because of the location of the sign.
(6) Removal of unlawful sign in the public right-of-way. The City Manager or his designee may remove or cause to be removed any unlawful sign in the public right-of-way.
(7) Duration of a permitted sign. Any sign permitted in this chapter shall be considered to be a permanent sign unless otherwise stated in this chapter.
(8) Variances. Requests for variances from the provisions of this chapter shall be permitted subject to the requirements and limitations set forth in Section 1127.03(c).
(c) Discontinued signs: Signs, that are part of an establishment that has discontinued its operation for a period of 90 days or more, must be replaced with a blank face or entire sign structure removed within 14 days of receipt of notification from the Code Enforcement Administrator. Any such sign which does not conform to this chapter in regard to size and placement and which is not put back into use within 12 months of the actual discontinuance, in accordance with a lawful sign permit, must be totally removed and surrounding surfaces restored at the owner's expense. The cost, if performed by the city or its agent, along with a $\$ 250.00$ administrative fee, shall be levied as an assessment against such property and the assessment shall be certified to the County Auditor and collected as any other assessment by the City.
(Ord. 2013-O-2016, Passed 1-28-13; Ord. No. 2019-O-2398 , § 1, 10-14-19)

### 1189.05 Types of signs.

(a) Directional Signs. In addition to any other permanent or temporary sign permitted elsewhere in this chapter, signs directing vehicular or pedestrian movement onto and off the premises or within a premises shall be permitted on the basis of a compelling government interest in traffic safety provided that:
(1) The sign face area shall not exceed two square feet per side.
(2) Sign height shall not exceed three feet if located within 25 feet of a public right-of-way or eight feet in height in any other location.
(3) The sign shall be located outside any public right-of-way, but shall not be subject to the general ground sign setback provision.
(4) The sign shall pertain to the premises on which it is located.
(b) Ground Signs.
(1) Setback. Unless otherwise stated in this chapter, any temporary or permanent ground sign or any part thereof shall be set back a minimum distance of 15 feet from any right-of-way.
(2) Landscaping requirement. A permanent ground sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:
A. The minimum landscaped area shall be equal to the area of the sign face.
B. The landscaped area shall include all points where sign structural supports are attached to the ground.
C. Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised barrier curb suitable to prevent the encroachment of vehicles shall be required. The minimum distance between the face of any required curb and any part of the sign shall be 30 inches.
D. The landscaped area shall include live plantings aesthetically located and maintained. The use of concrete, asphalt or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.
(c) Projecting Signs. Projecting signs shall:
(1) Not be less than 12 feet in height above a sidewalk and 15 feet in height above a driveway;
(2) Be attached to the building wall with the sign face at an angle of 90 degrees and no part of the sign shall project more than 42 inches from the wall;
(3) Not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows or trim);
(4) Not extend higher on the wall than the bottom height of any second-story window; and
(5) Not extend more than three feet above the roof line of the building.
(d) Wall Signs. Wall signs shall:
(1) Not extend more than 12 inches from the wall of the building upon which they are mounted;
(2) Not extend above the top of the wall and shall not extend beyond the limits of any wall to which they are attached;
(3) Not mask or interrupt a major architectural feature (such as, but not limited to, doors, windows or trim); and
(4) Have hidden structural supports.
(e) Vending Machine Signs. Vending machines or similar devices either attached to a primary structure or enclosed within an independent freestanding structure shall be permitted two square feet of sign area for every one foot width of the vending machine structure not to exceed 20 square feet of total sign area.
(f) Awning Signs.
(1) Awning signs may be displayed in lieu of but not in addition to a wall sign for an individual establishment subject to the size and number limitations governing the placement of wall signs as set forth elsewhere in this chapter.
(2) If illuminated, such awning shall have lighting concealed from view.
(3) An awning sign shall not project higher than the top of the awning of which sign text is affixed.
(g) Changeable Copy Area. Permanent ground signs located in "B" Districts as well as permitted special uses in Agricultural and Residential Districts may incorporate up to 50 percent of total sign area for changeable copy. All changeable copy signs shall be enclosed and locked securely in a clear glass, plastic casing or other suitable encasing material.
(h) Major Commercial Development Signs. Commercial Developments in excess of ten acres in area and shopping centers of more than five acres in area located in B, O and I Districts and fronting on an expressway, principal arterial, major arterial, arterial or thoroughfare roadway shall be permitted one freestanding pylon sign per frontage up to a maximum of two pylon signs per development. Whenever possible a major commercial development sign should be located at or adjacent to the primary access road to the development.
(1) Such a sign shall not exceed 100 square feet of sign area per face with a maximum of two sign faces permitted per sign. The second major development sign, where permitted, may not exceed 75 square feet of sign area per sign face.
(2) Such a sign shall not exceed 25 feet in height.
(3) Such a sign shall be set back a minimum of 15 feet from the right-of-way.
(4) Such a sign shall be an on premises sign only.
(i) Planned Unit Development Sign Programs. Signs which have been approved as part of a planned unit development sign program may vary from the requirements stated within this chapter. Variations permitted through a PUD sign program may include but are not limited to the following: total number of signs permitted, sign size, sign setback, sign height and percentage of sign area devoted to changeable copy or electronic copy. Such deviations are recognized to be primarily for safety or unique parcel configuration circumstances and are not intended to circumvent the intent of the sign code.
(j) Temporary Signs.
(1) Temporary signs with commercial message shall only be permitted to be displayed in conjunction with special events as defined immediately below. In no event shall temporary signs be permitted to be displayed solely as a supplementary means of identifying the existence of any business.
(2) For the purpose of this section, the term "special event" means any activity held in the City not associated with the usual daily operation of the business Garage sale signs shall be regulated in accordance with Section 1181.15.
(3) A maximum of one temporary sign with commercial message shall be permitted for any business establishment, at any one time.
(4) Except as provided for further below, temporary signs with a commercial message shall be permitted to be displayed for a maximum of no more than three months during any calendar year.
(5) All temporary signs with commercial message must be taken down within two business days following the end of any special event.
(6) A permit must be obtained for the display of any temporary sign with commercial message in the City. Each permit obtained shall be valid for a period of only 30 days.
(7) No temporary sign shall be permitted to be displayed in the right-of-way of any roadway.
(8) All temporary signs with commercial message must be prepared in a professional manner with all copy being clearly legible.
(9) All temporary signs must be adequately maintained. Signs which are damaged, dilapidated, or destroyed must be repaired or replaced by the owner within five days from the date the damage or destruction is brought to the owner's attention. If not repaired, such signs shall be removed by the City at the owner's cost.
(10)No temporary sign shall be illuminated.
(11)No temporary sign shall have more than two faces.
(k) Snipe signs shall not be displayed for more than five days or until such time as they become deteriorated whichever is less.
(I) Bandit signs shall not be displayed for more than 60 days or until such time as they become deteriorated whichever is less. Bandit signs are permitted in any Residential and Agricultural Zoning District.
(m) No temporary sign, bandit sign or snipe sign shall be placed upon any utility or street sign pole or upon any public right-of-way.
(Ord. 2013-O-2016, Passed 1-28-13; Ord. No. 2019-O-2398 , § 1, 10-14-19)
1189.07 Signs permitted for business, industrial or other nonresidential zoning districts.
(a) General Provisions.
(1) All permanent signs may be illuminated. Temporary signs shall not be illuminated.
(2) No sign shall be located in such a manner as to be primarily viewed from residential property.
(3) Number of signs permitted. A single-business establishment shall be permitted a maximum of two types of permanent sign identification unless otherwise permitted in this chapter.
A. A single business shall be permitted one temporary commercial message banner sign for the following periods:

1. Three day event twice a year.
2. Grand opening or relocation of business for a period not to exceed 30 days.
3. All such signs are limited to a maximum of 48 square feet.
4. All other provisions in this chapter as they pertain to temporary signs remain in effect as written.
5. Whoever violates or fails to comply with any provision of this subsection (a) is guilty of a minor misdemeanor. A separate offense shall be deemed to have been committed each day on which a violation or a failure to comply occurs or continues.
(b) Ground Signs.
(1) Only one ground sign shall be permitted on a premises.
(2) The ground sign shall not exceed 75 square feet in total sign area.
(3) Ground signs shall not exceed six feet from ground level.
(4) Signs shall be set back a minimum of 15 feet from the right-of-way.
(c) Wall Signs.
(1) Single wall signs shall not exceed 75 square feet total area.
(2) On structures with more than one visible side, a maximum of four wall signs could be allowed, providing that the total square footage of all the signs does not exceed 150 square feet.
(d) Projecting or Suspended Signs.
(1) Only one projecting or suspended sign shall be permitted for an individual business.
(2) The projecting or suspended sign shall not exceed 75 square feet in area.
(3) Projecting and suspended signs shall be a maximum of 15 feet in height, and shall not extend more than three feet above the roof line of a building.
(4) Signs suspended from any building shall not project more than 42 inches from such building, and the bottom of such sign shall not be less than 12 feet above the finished grade or sidewalk.
(e) Temporary Signs.
(1) Only one temporary sign shall be permitted for each individual business establishment.
(2) The maximum size of a temporary sign located on any property in a nonresidential zoning district in the City shall be 16 square feet per sign surface.
(3) The maximum height of a temporary ground sign shall be five feet.
(4) Temporary banner signs are permitted with the following restrictions.
A. The maximum height of a temporary vertically-mounted, freestanding banner sign, commonly referred to as a feather sign, shall be 12 feet.
B. A temporary banner sign, not including feather signs, shall be securely anchored to a structure.
(5) All such signs shall conform with the provisions of Section 1189.05(j).
(f) Permanent Marquee Signs.
(1) A changeable copy marquee sign is permitted only on places of public entertainment, such as theatres, arenas, etc.
(2) Total sign area permitted for a marquee sign shall not exceed 75 percent of total sign area allotted the building frontage.
(3) The marquee sign shall not project above the top of the wall to which it is attached and shall not be less than nine feet in height from the sidewalk.
(4) The marquee sign shall not extend more than 18 inches from the wall of the building upon which it is mounted.
(g) Permanent Under Marquee Signs.
(1) Only one under marquee sign shall be permitted per business establishment.
(2) Signs attached to the underside of a marquee shall have a sign area no greater than six square feet per sign face.
(3) Signs shall have a minimum clearance of nine feet from bottom of the sign to the sidewalk.
(h) Permanent Awning Signs. On structures with more than one visible side, a maximum of four awning signs may be permitted (one sign per visible side).
(i) Permanent Canopy Signs.
(1) One or more canopy signs per street frontage shall be permitted per establishment.
(2) Canopy signs may not project above or below canopy facing.
(3) Total sign area permitted a canopy sign shall not exceed 50 percent of the total sign area allotted the primary building frontage.
(j) Electronic Copy Signs. Free standing permanent ground signs or wall signs located in "B", "O" or "I" Districts may incorporate 50 percent of total sign area for electronic copy with a maximum letter copy of 18 inches in height.
(k) Additional Temporary Signs in Nonresidential Zoning Districts.
(1) A-Frame or T-Frame Sidewalk Signs.
(i) Only one sidewalk sign is allowed for any one business establishment at one time and shall be located within five feet of such business.
(ii) There shall be no time limit for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
(iii) Such signs shall not exceed 12 square feet in area with a maximum height of four feet.
(iv) The sign shall be placed so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
(v) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, tree, tree grate, fire hydrant, railing or other structure.
(vi) The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, loading zones or bus stops.
(vii) The sign shall be internally weighted so that it is stable and windproof.
(viii) The City of Huber Heights shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
(2) Canopy signs may not project above or below canopy facing.
(3) Total sign area permitted a canopy sign shall not exceed 50 percent of the total sign area allotted the primary building frontage.
(Ord. 2013-O-2016, Passed 1-27-13; Ord. No. 2019-O-2398 , § 1, 10-14-19)

## 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 $5^{\prime}-4$ " high, with an 8 SF display area. Each menu board is a total of $5^{\prime}-4$ " high, including a 1.5 -foot metal pedestal. The menu display itself is 6 ' -3 " wide and $3^{\prime}-$ 10 " tall (approximately 24.3 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 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.

## Standards for Approval

## Chapter 1179 Planned Mixed Use

1179.06 Development Standards
(d)(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.

## Staff Analysis

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.

## Planning Commission Decision Record

WHEREAS, on January 10, 2022, the applicant, Gilligan Oil Company, requested approval of a Minor Change for Signage for two restaurants with drive-thru facilities (Zoning Case 22-04), and;

WHEREAS, on February 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 approved the request.
$\qquad$ moved to approve the application by the applicant, Gilligan Oil Company, for approval of a Minor Change for Signage for two restaurants with drive-thru facilities (Zoning Case 22-04) in accordance with the recommendation of Staff's Memorandum dated February 8, 2022, with the following conditions:

1. The four digital wall displays along the left side elevation shall not be approved.

Seconded by $\qquad$ . Roll call showed: YEAS: NAYS: Motion to approve carried $\qquad$ .







Match Plate Detail

$\square$ THE DESIGNS AND IDEAS EXPRESSED IN THIS DOCUMENT ARE THE SOLE PROPERTY OF QUALITY SIGNS INC. AND ARE NOT TO BE USED, IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF QUALITY SIGNS INC.



## DUNKIN' LED ILLUM'D CHANNEL LETTERS

## NOTES:

- Letter interiors painted reflective white
- U.L. listed
- LED's to be populated for even and consistent lighting w/out hot spots or shado

| DUNKIN' CHANNEL LETTER STANDARD SIZES |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| DISPLAY HEIGHT <br> A | DISPLAY LENGTH <br> B | ELECTRICAL |  | $\begin{aligned} & \hline \text { ACTUAL } \\ & \text { SQUARE } \\ & \text { FOOTAGE } \end{aligned}$ |
| 18" | 8'-6" | (1) 20 AMP/120 VOLT CIRCUIT | 12.75 | 9.31 |
| 24 " | 11'-4" | (1) 20 AMP/120 VOLT CIRCUIT | 22.67 | 16.56 |
| $30^{\prime \prime}$ | 14'-2" | (1) 20 AMP/120 VOLT CIRCUIT | 35.42 | 25.87 |

SET \#1 FRONT ELEVATION


| FILE: Dunkin Remote-1 |
| :--- |
| DATE: $5-19-21$ |
| SCALE: $1 / 2^{\prime \prime}=1^{\prime}$ |

Approved By
Sales Rep. Woody Fellinger
DRAWN BY: WOODY FELLINGER

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ONE SET 17.34 SQ FT


## DUNKIN'LED ILLUM'D CHANNEL LETTERS

## NOTES:

- Letter interiors painted reflective white
- U.L. listed
- LED's to be populated for even and consistent lighting w/out hot spots or shado

ON DRIVE THRU ELEVATION

SCALE: $\mathbf{1 / 2}^{\prime \prime}=\mathbf{1}^{\prime}$ $\square$

Approved By

Sales Rep. Woody Fellinger
DRAWN BY: WOODY FELLINGER

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## DUNKIN' LED ILLUM'D CHANNEL LETTERS

## NOTES:

- Letter interiors painted reflective white
- U.L. listed
- LED's to be populated for even and consistent lighting w/out hot spots or shado

| DUNKIN ${ }^{\prime}$ CHANNEL LETTER STANDARD SIZES |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| $\begin{aligned} & \text { DISPLAY } \\ & \text { HEIGHT } \end{aligned}$ | DISPLAY LENGTH | ELECTRICAL | $\begin{aligned} & \text { BOXED } \\ & \text { SQUARE } \end{aligned}$ | ACTUAL SQUARE |
| A | B |  | FOOTAGE | FOOTAGE |
| 18" | 8'-6" | (1) 20 AMP/120 VOLT CIRCUIT | 12.75 | 9.31 |
| 24" | 11'-4" | (1) 20 AMP/120 VOLT CIRCUIT | 22.67 | 16.56 |
| 30" | 14'-2" | (1) 20 AMP/120 VOLT CIRCUIT | 35.42 | 25.87 |

## SET \#2 SIDE ELEVATION








EXTERIOR ELEVATION NOTES


4
4) GENERAL NOTES

SYMBOL LEGEND




# ZC 22-04 <br> Taylorsville \& Old Troy Pike 

Minor Change for sign package approval
Dunkin Donuts and Popeye's Louisiana Kitchen


## Site Details:

- 1.84 acres, zoned Planned Mixed Use


## Application:

- Approval of sign packages for two restaurants with drive-thru facilities
- Applicable zoning chapters 1179, 1189
- Applicants sign packages are consistent with their corporate branding
- Sign packages include various directional, ground and wall signs; along with menu boards.
- Applicant has submitted revised drawings for Popeye's


## Dunkin Donuts

- Submitted sign package generally complies with Chapter 1189
- Total proposed wall sign area is 67.5 SF, with largest wall sign being slightly less than 25 SF.
- 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, and just under 27 square feet.
- The site plan also indicates three directional signs, each 2.7 SF and 4-feet tall. 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 $6^{\prime}-10^{\prime \prime}$ high, including a 2 -foot metal pedestal. The menu display itself is 5 -feet wide and $4^{\prime}-7^{\prime \prime}$ tall (approximately 22.9 square feet).




West Elevation


East Elevation


## MENU BOARD - QTY 2



## Dunkin Donuts - Staff Analysis

- Submitted sign package generally complies with Chapter 1189
- The zoning code is silent on menu signs. Historically, they have not counted toward the one ground-mounted sign limit.
- While the zoning code limits changeable copy to only $50 \%$ of the sign area, staff recommends approval of $100 \%$ electronic changeable copy of the menu / presale boards. This enables the total sign area to be smaller.
- While the directional sign faces are slightly larger than code allows, the visual impact should be minimal. The sign height should not exceed three feet.
- Staff recommends approval as submitted, with the directional signs not exceeding three feet in height.


## Popeye's

- Revised sign package was submitted today.
- Total revised wall sign area is 157.83 SF, compared to 258 SF as originally submitted.
- Chicken logo is 33 SF, and staff considers this a wall sign.
- The site plan indicates one internally illuminated monument ground sign facing Old Troy Pike, set back nearly 60 feet from the property line. The total height is 6 -feet, and just under 24 square feet.
- The site plan also indicates three directional signs, each 3.12 SF and 3-feet tall. 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 $5^{\prime}-4^{\prime \prime}$ high, including a 1.5 -foot metal pedestal. The menu display itself is $6^{\prime}-3^{\prime \prime}$ wide and $3^{\prime}-10^{\prime \prime}$ tall (approximately 24.3 square feet).



Front Elevation


East Elevation


## West Elevation

## Popeye's - Staff Analysis

- Revised sign package generally complies with Chapter 1189
- The zoning code is silent on menu signs. Historically, they have not counted toward the one ground-mounted sign limit.
- While the zoning code limits changeable copy to only $50 \%$ of the sign area, staff recommends approval of $100 \%$ electronic changeable copy of the menu / presale boards. This enables the total sign area to be smaller.
- While the directional sign faces are slightly larger than code allows, the visual impact should be minimal. The sign height should not exceed three feet.
- Staff recommends approval as revised.

Planning Commission
Meeting Date: 02/15/2022
Detailed Development Plan

Information
Agenda Title
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).

Purpose and Background

|  | Attachments |
| :--- | :--- |
| Staff Report |  |
| Decision Record |  |
| Drawings |  |
| Fire Assessment |  |

## Memorandum

Staff Report for Meeting of February 15, 2022


## STAFF ANALYSIS AND RECOMMENDATION:

## Overview

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:
In lieu of traditional street lights, 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 street lights along "Street A" between

Chambersburg Road and lot 46. Without street lights, there will be a nearly 1,000-foot section of the sidewalk without any lighting.

## Standards for Approval

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.

## 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 street lights along "Street A" between Chambersburg Road and lot 46.

## Additional Comments:

Fire: No additional comments.

## City Engineer:

- A street light 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 street lights along "Street A" between Chambersburg Road and lot 46, a street light 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.

## Planning Commission Decision Record

WHEREAS, on January 28, 2022, the applicant, DDC Management, requested approval of a Detailed Development Plan and Final Plat for the first section of the Villages of Westport subdivision for property located at Chambersburg Road, Parcel Numbers P70-04008-0006 and P70-04008 0004 of the Montgomery County, Ohio Records (ZC 22-06); and

WHEREAS, on February 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.
$\qquad$ moved to recommend approval of the request by the applicant, DDC Management for a Detailed Development Plan and Final Plat for the first section of the Villages of Westport subdivision for property located at Chambersburg Road, Parcel Numbers P70-04008-0006 and P70-04008 0004 of the Montgomery County, Ohio Records (ZC 22-06) in accordance with the recommendation of Staff's Memorandum dated February 8, 2022, with the following conditions:

1. Provide streetlights along Street $A$ between Chambersburg Road and Lot 46, and at Chambersburg and Endicott Road.
2. The sidewalks along Chambersburg Road shall be 5 -foot wide, per code, with a 10-foot graded base.

Seconded by $\qquad$ . Roll call showed: YEAS: NAYS: Motion to recommend approval carried $\qquad$ .

## THE VILLAGES OF WESTPORT SECTION 1 <br> SECTION 34, TOWN 2, RANGE 8 M.Rs

CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO
JANUARY 28, 2022

${\underset{\eta}{1=300}}_{\text {OVERALL MAP }}$
SANITARY NOTES


BENCHMARK "1"
BENCHMARK "2"
BENCHMARK "3"


| VERTICAL DATUM: | BASIS OF BEARING: |
| :---: | :---: |
|  | NORTH AND BEARING SYSTEM BASED ON THE OHIO STATE PLANE - SOUTH, NAD 83 AND UPON GP |
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|  |  | BASIS OF BEAR






SHEET INDEX
DEVELOPER
 ENGINEER
 SWP3 CONTACT


APPROVED AND RELEASED FOR CONSTRUCTIO

APPROVED

ohio epa: submittal and approvals
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OHIO EPA - APPROVED (SEWERAGE)
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OHO EPA- SUBMTTED (NATER) DATE




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CITY OF HUBER HEIISTS

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$(937)$ ) $33-1423$
CURB SECTION DETALS
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|  |  | VILLAGES OF WESTPORT SECTION 1 |
| :---: | :---: | :---: |




## SITE DATA


PLAN DESIGNER:

DEVELOPMENT NAME AND DESCRIPTION



IMPERVIOUS AREA: $\begin{gathered}\text { PRECONSTRUCTION - OACRE, O\% } \\ \text { on }\end{gathered}$

SOIL TYPES:
$\qquad$
ADJACENT AREAS:
AREAS:

STORM WATER MANAGEMENT


## SEQUENCE OF CONSTRUCTION

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GRADESTRETS FXXMG MLET PROTECTONAS NEDED


## GOOD HOUSEKEEPING

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GENERAL LAND CONSERVATION NOTES











## SWPPP NOTES



















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SWPPP NOTES (CONT.)




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31. APPROPRAA









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51. ROCK check daMs shoulo be rutinely cleane once sedment begin to appear on The




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59. ALl water from dewaterng activites shall be processed through a bup prior to leavin

## STRUCTURAL BMP LONG-TERM MAINTENANCE (GENERAL NOTES)





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## (1)




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

| Occupancy Name: | Villages of Westport - Section 1 |
| :--- | :--- |
| Occupancy Address: | Chambersburg Road |


| Type of Permit: | HHP\&D Site Plan |
| :--- | :--- |
| Additional Permits: | Choose an item. |


| MCBR BLD: | N/A | HH P\&D: | N/A |
| :--- | :--- | :--- | :--- |
| MCBR MEC: | N/A | HHFD Plan: | $21-214 / 22-029$ |
| MCBR ELE: | N/A | HHFD Box: |  |
| REVIEWER: | Susong | DATE: | $2 / 10 / 2022$ |

## Fire Department Comments:


#### Abstract

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 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.


Requirements:

- Fire apparatus access roads will need to comply with OFC 503 as well as the adopted appendices from the OFC (2017) and the Huber Heights Codified Ordinance (HHCO) Section 15.
- Fire Hydrants: Hydrants shall be spaced no greater than 500 feet apart and within 400 feet from any opening in any building. Structure locations are not provided on current drawings so the 400 feet from any opening shall be confirmed during next phase. Hydrant spacing exceeds 500 feet between the hydrant at Endicott and the next hydrant on Street A. Please confirm locations.
- In accordance with Huber Heights Codified Ordinance 1521.06 (b)(1), "The Fire Code Official shall make a determination if a double Storz hydrant is needed in residential areas with single family homes greater than 3600 square feet." If homes in this area exceed 3600 sq. ft. please advise.
- 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. Dead ends mains are shown at Endicott.

- The minimum fire-flow and flow duration requirements for one- and two-family dwellings shall comply with Ohio Fire Code B105.1.

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

[^1]Planning Commission
Meeting Date: 02/15/2022
Minutes

|  | Information |
| :--- | :--- |
| Agenda Title |  |
| Planning Commission December 14, 2021 |  |
| Purpose and Background |  |

## Attachments

Minutes

## Planning Commission <br> December 14, 2021 Meeting City of Huber Heights

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

Members absent: None.
Staff Present: Jason Foster, Economic Development Coordinator, and Geri Hoskins, Planning \& Zoning Administrative Secretary.
III. Opening Remarks by the Chairman and Commissioners

None.

## IV. Citizens Comments

None.

## V. Swearing of Witnesses

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

## VI. Pending Business

None.

## VII. New Business

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

## Action

Ms. Thomas moved to amend the agenda, 7E to 7A.
Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Opp, Ms. Vargo, Ms. Thomas, Mr. Jeffries, and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

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

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

The applicant, KAP Signs, wishes to alter the existing ground sign at the south entrance drive. The standard code for ground signs states the sign must be located fifteen (15) feet behind the right-of-way line, be a maximum of seventy-five (75) square feet and be a maximum height of six (6) feet.
The existing ground sign is one hundred fifty (150) total square feet and twenty-one and a half (21.5) feet tall. The proposed alteration would bring the total square footage to ninety-nine (99) and the overall height to eleven (11) feet. Per code section 1187.07, shown below, structural changes can be made if the sign becomes less non-conforming. This request reduces the size of the sign by nearly half.
No landscaping is shown on the plan. Staff recommends a landscaped area beneath the sign equaling the area of the sign face.
This request conforms to the Brandt Pike Revitalization Plan.
Mr. Jeffries asked if straight zoned it would not have to come for approval and Mr. Foster said correct.

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

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

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

## Action

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

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

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

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

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

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

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

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

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

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

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

A landscaping buffer is present along the north property line. The existing ground sign also has proper landscaping. No new landscaping is proposed on this plan. No modifications to the ground were submitted.
Ms. Vargo asked about existing sign being used without a change. Mr. Foster said correct. Ms. Vargo asked about grassy area turned into parking lot. Mr. Foster showed paved area on the left is added pavement. Western property line and portion of northern
property line, that's where the ground sign is. Ms. Vargo asked about sidewalk and Mr. Foster replied there is a sidewalk just to the west of ground sign. 25 ft . of grassy area. Ms. Opp asked how far towards the funeral home? The applicant stated 6 ft . Ms. Opp asked about the back of building. Will wait until the applicant is speaking to answer.
Mr. Jeffries asked about the 6 ft property line to funeral line. Mr. Foster said the building setback is 15 ft . Mr. Jeffries asked about previous approval, setbacks and buffering. Mr. Foster said not complete records from before but buffering was required at that time. No match showing where buffer should be. Setbacks were met per the zoning code at that time. Mr. Jeffries asked if it was built to the agreed upon buffers and setbacks at that time? Mr. Foster said yes. There is no drawing about the buffer being completed at that time. Mr. Jeffries asked if plans to fix the rest of the pavement. Mr. Foster said not in the submitted drawings. Discussion on the zoning aspect of rest of pavement. Mr. Jeffries has concerns on agreement from the past. Also, no service center. Mr. Foster said application was for sale of vehicles not service of vehicles.

Mr. Khalilov's son spoke as translator. Ms. Vargo asked if he planned to resurface any asphalt that is there. He replied yes. New asphalt and new extended concrete prior to opening.
Mr. Jeffries asked about inventory. The applicant replied around 30-40. Parking spaces at front for customers. Discussion on lighting.
Ms. Opp asked about the building, are you going to work on vehicles. The applicant replied he does want to service cars since they are used cars.
Ms. Thomas said it's for sales only not service. Applicant said not changing the building, small repairs.
Mr . Foster said no indication on the drawing that there would be service on vehicles. New application requires new approval. The use should be spelled out.
Mr. Gary Heller, owner of funeral home. There since 1982. Worked with city on setbacks for a lot of visibility. Concerned with going out that far. Traffic and line of sight. Noise is a big factor. Buffer area never maintained. Drainage.
Ms. Vargo asked about noise. Mr. Heller said working on cars.
Mr. Walton concerned with the landscaping. Also should it have been extended, eliminate some spaces. Sales in the beginning now sales and maintenance. Ms. Opp has concerns about signage. Mr. Foster said it can be refaced without coming to Planning Commission. If altered for size it would go to Planning Commission. Ms. Thomas asked about the dumpster area. Some idea of where it will go, be gated. Mr. Jeffries surfacing, lighting, dumpster. Should we table and get more info. Mr. Foster suggested to table.

## Action

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

Seconded by Ms. Thomas. Roll call showed: YEAS: Ms. Opp, Ms. Vargo, Mr. Jeffries, Ms. Thomas, and Mr. Walton. NAYS: None. Motion to table carried 5-0.
3. REZONING - The applicant, Campbell Berling, is requesting approval of a Rezoning and Basic Development Plan to PR (Planned Residential) for property located on the East side of Bellefontaine and South of Chambersburg Road (ZC 21-47).

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

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

The Zoning Code is as follows:
Chapter 1172 - (PR) Planned Residential District
1172.01 - Principal permitted uses.

The following principal uses are permitted, provided that they are approved as provided for in this chapter:
(a) All residential uses permitted in all other chapters of the Zoning Ordinance such as: one family dwellings, two family dwellings, multiple family dwellings, including garden apartments, row houses, quadraminiums and condominiums;
(b) Churches and other places of worship;
(c) Colleges, primary and secondary schools under School Board or Parochial supervision, and public libraries;
(d) Public recreation buildings, parks, playgrounds and athletic fields under School Board, Parochial, other governmental supervision or "homeowners association" supervision; and
(e) Uses designed solely to serve in a complimentary way the needs of this District above.
(Ord. 89-O-339, Passed 2-6-89)
1172.02 - Accessory uses.

The following accessory uses are permitted:
(a) Uses customarily incidental to all permitted uses; and
(b) Temporary structures and uses required during construction in this District.
(Ord. 89-O-339, Passed 2-6-89; Ord. No. 2019-O-2398 , § 1, 10-14-19)
1172.03 - Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions", shall govern. In addition, the following development standards apply:
(a) Minimum "PR" Land Area Requirement.
(1) A minimum of one acre shall be required.
(b) Dwelling Unit Density—Five Dwelling Units.
(1) The average dwelling unit density for the entire district shall not exceed five dwelling units (DU) per acre.
(2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.
(c) Dwelling Unit Density—Eight Dwelling Units.
(1) Dwelling unit density for the entire district shall not exceed eight dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 16 dwellings.
(2) Minimum area standards such as individual lot size, frontage, setbacks, side, and rear yards shall be those prescribed in the City approved detailed final development plans, except that: A. Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.
(d)Dwelling Unit Density—Twelve Dwelling Units.
(1) Dwelling unit density for the entire district shall not exceed 12 dwelling units per acre of land on which dwellings are constructed. For example, if the entire district is three acres but dwellings are constructed on two acres only, dwelling unit density for the entire district shall not exceed 24 dwellings. (2) Minimum area standards such as individual lot size, frontage, setbacks, side and rear yards shall be those prescribed in the City approved detailed final development plans, except that:A.Lots for detached single family dwellings shall meet each of the standards set forth in Section 1147.04.
(e)Character of Neighborhood. Use of the Planned Residential Zoning District for developments with a proposed dwelling unit density greater than five dwelling units per acre shall be considered only when the district is bounded at least on one side by R-5, R-6, R-7, O-1, B, I, or Planned Development Districts.
(Case 378, 6-17-76; Case 235, 7-11-94; Ord. 94-O-711, Passed 7-11-94; Ord. 2006-O1664, Passed 10-23-06)
1172.04 - Parking and loading.
(a)The provisions of Chapter 1185, "Parking and Loading", shall apply, except that at least two permanently maintained parking spaces shall be provided for each family unit, except for detached single family dwellings.
(b)Required parking spaces shall not be part of public thoroughfares, private roads leading to and serving the sites of the various uses in this district.
(Ord. 89-O-339, Passed 2-6-89)
1172.05 - Utilities.

The distribution systems for utilities are required to be underground.
(Ord. 89-O-339, Passed 2-6-89)
The request is for the following:
The City's Comprehensive Plan calls for this area to be single family residential. The proposed density is 5.7 units per acre.

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

This subdivision is proposing attached, patio homes on two styles of lots, 60 foot and 68 foot. Of the 132 total lots, 62 are proposed to be 60 -foot lots and 70 are proposed to be 68 -foot lots. All lots are proposed to have a minimum lot depth of one hundred ten (110) feet, twenty-five (25) foot front yard setback, a minimum of twenty-five (25) foot rear yard setbacks, and six (6) foot side yard setbacks. The proposal also calls for forty (40\%) percent masonry on the front facades of each unit. This is significantly higher than the typical recommendation of twenty-five (25\%) percent.
1171.05 - Contents of basic development plan.
(a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:
(1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;
(2) Typical elevation views of the front and side of each type of building;
(3) Planning location and dimensions of all proposed drives, service access road, sidewalks, and curb openings;
(4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;
(5) Landscaping plan, walls and fences;
(6) Storm water detention and surface drainage;
(7) Exterior lighting plan;
(8) Vehicular circulation pattern;
(9) Location and square footage of signs;
(10) Topographic survey; and
(11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.
(b)The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.
(Ord. 2006-O-1655, Passed 9-25-05)
1171.06 - General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:
(a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
(b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
(c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
(d) Shall not impose an undue burden on public services such as utilities, fire, and police protection, and schools;
(e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
(f) Shall be landscaped or otherwise improved and the location and arrangement of
structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
(g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
(h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
(i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;
(j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;
(k) Shall not involve uses, activities, processes, materials, equipment, and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
(I) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety, or welfare.

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

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

Mr. Jeffries asked about the creek on the northern edge. Defer to the applicant.
Mr. Walton asked how it ties into the Oaks directly across the street and Mr. Foster responded it is directly across the street but does not tie into the Oaks. The entrances would line up. Not part of that development.

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

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

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

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

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

Ms. Thomas asked about proposed lighting and sidewalks. Mr. Krohngold said we team with Miami Valley Lighting and provide streetlights. Yes there will be sidewalks on both sides.
Mr. Jeffries said he wants to still see drop lane and acceleration lane. Mr. Krohngold said he would like to see some restriping. Concerning water, no additional run off? Mr. Krohngold said we'll provide detention.
Ms. Vargo would like staff to make decision if added words if needed. Mr. Krohngold would like guidance from traffic engineer. Mr. Foster stated that in a typical development like this a traffic study would be done.
Discussion on the setbacks and changing the minimum rear yard to 20 ft . Mr. Krohngold said about $10-15$ range. Will try for 25 ft . max of 15 lots that won't meet that.
Mr. Jeffries asked how far away the nearest building is. Mr. Krohngold said next house is pretty far from property line, over 50 ft away.

Concerns from neighbors
Cindy Smith all houses in the Oaks required to have $25 \%$ of entire building be brick or stone. Unless they border Bellefontaine or Fishburg where they are required to have 50\%.
Project doesn't meet City's Comprehensive Plan
Density 0.33 , The Oaks 2.05 , this project 5.7
Traffic issues
Parking issues
Water absorption
Farm animals
Large equipment
Aging in place housing
Rural area
Wildlife
Mr. Jeffries asked about the comprehensive plan and Mr. Foster said it was done 2011. Ten-year plan. Does say single family detached homes.
2021 new comprehensive plan probably 2022.
Ron Deak
No downtown, expensive to correct now.
Plan doesn't compliment anything
Stick to original plan
3 car garage, 2500 sq ft basement
No storage, then sheds and fences
Parking
Wetland detention
Impervious surface

Single family homes
One entrance
Fire safety
Accommodate the developer
Mr. Jeffries said calculations would come at Detailed, that is Engineering. Drainage would not go into pond, tying into stormwater. $100 \%$ isn't going to retention pond. Mr. Foster deferred to developer. Emergency access point was presented in original presentation before email.
I personally take offense to saying we are here to accommodate the developer, we are volunteer residents.

Mike Harmon
Creek
Rural
Privacy
Fences
Water absorption
Visual peace, no noise
Dogs
William Clark, President of the Oaks HOA
Number of units
Density
Correcting prior mistakes
Retain 10-year plan
Property value
$25 \%$ stone
Mellisa
Several ponds
Large animals
Farm equipment
Hunting/fishing
Don Stewart
Where do we stand, where do we go from here
Mr. Jeffries said this is a recommendation to Council
This product is selling in other communities
Life-style community patio homes do sell
Neighbor sold this property
Bob Krohngold stated impervious issue is an engineering scientific calculation. It will be retained and released at predevelopment rate. The Landings isn't a single-family home, it works as a transition zone. Providing a variety of housing stock. Property value is determined by comps.

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

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

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

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

Tracy Harmon
Living space looks out at this
Love this area
Sewage and pump
Mr. Foster said pump station. Mr. Krohngold stated sanitary sewer lift station. Lift station on Bellefontaine for the Oaks. Gravity sewer.

## Action

Ms. Thomas moved to approve the request by the applicant, CAMPBELL BERLING, for an approval of a Rezoning from AG to PR and a Basic Development Plan for property located on the East side of Bellefontaine and South of Chambersburg Road, further identified as Parcel P70 039080126 of the Montgomery County Ohio Recorder's office (ZC 21-47) in accordance with the recommendation of Staff's Memorandum dated December 1, 2021, and the Planning Commission Decision Record written as amended.

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

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

Next step is the recommendation will be taken to a City Council meeting.
4. DETAILED DEVELOPMENT PLAN - The applicant, RJK ASSOCIATES, INC., is requesting approval of a Detailed Development Plan for 8.755 acres at 5060 US Route 40 (ZC 21-46).

Mr. Walton asked Mr. Foster to bring everyone up to date. Mr. Foster said Mr. Conaway is in the audience and perhaps he can give background.
Mr. Ken Conaway from Carriage Trails, they are the current owners of the subject property. Mr. Conaway gave background history of zoning being approved along with Basic Development Plan for the property. Residential and Commercial. Detailed Development Plan was approved and construction began. Only the first phase of Winbrooke was build initially. Approximately 30 lots. Oberer development walked away. City bought the property. City sole purpose was it needed a water tower site. So North of 70 the water system needed expansion. Great elevation. City did a lot split and build the water tower. Carriage Trails continued to grow. 2018 the City approached us about
buying the property and building it out. Targeted effort to achieve a million dollar sales price for remainder of Winbrooke.

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

## STAFF ANALYSIS:

1171.09 - Detailed development plan.

The detailed development plan shall conform substantially to the basic development plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved basic plan which is proposed to be recorded and developed; provided however, that such portion conforms to all requirements of this chapter and other applicable ordinances. The requirement procedure for approval of a detailed development plan shall be:
(a) The detailed plan and supporting data shall be filed with the City. The Planning Commission shall determine that such plan is in conformity with these regulations and in agreement with the approved basic plan.
(b) After review of the detailed plan and supporting data, the Commission shall approve or disapprove the plan submitted by the developer. Disapproval of the detailed plan shall be based on its failure to comply with the basic development plan and current applicable codes, standards, and regulations.
(Ord. 89-O-339, Passed 2-6-89)

### 1171.091 - Planning commission/council review.

It is the purpose of the Planning Development regulations to encourage property owners to develop their land in efficient and effective ways. It is the intent of these regulations to encourage land uses which may not always meet traditional zoning rules. Inherent in these Planned Development regulations is an opportunity for property owners to develop their sites without requiring strict compliance with all zoning regulations where the overall plan is deemed to be in the best interest of the City. During review of a Basic or Detailed Development Plan by the Planning Commission or City Council, all requirements within Part 11, Title 7 of the Code are to be used as guidelines and may be varied as part of the Basic or Detailed Development Plan if it is determined that such deviation will not materially adversely affect neighboring properties or the community as a whole, any such variation of these requirements does not change the overall plan and character of the proposed development, and the variance does not have the effect of nullifying the intent and purpose of these regulations or the Zoning Ordinance. In granting variances or modifications, the Commission or Council may require such conditions as shall, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.
(Case 427; Ord. 2002-O-1367, Passed 9-9-02)
The site in question is the one that currently is the remainder parcel at the north end of the Windbrooke Subdivision. The applicant is requesting approval of a Detailed Development Plan that would allow for the installation of fourteen new storage buildings with leasable space, split into four phases. The applicant had formerly applied for and withdrew an application for the same use after discussion. Staff's analysis of the proposal is broken into several segments as follows.

## Building Elevations:

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

## Site Design and Engineering:

### 1179.06 Development standards.

Except when specifically modified herein, the provisions of the Planning and Zoning Code shall govern. The following development standards apply to a PM development:
(a) Minimum Land Area Requirement. A minimum of 20 acres shall be required.
(b) Covenants. The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this chapter and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed-Use District.
(c) Required Mix of Land Uses. A developer shall be required to provide a mix of land uses in a PM Development. At a minimum, at least two of the following uses are required in a PM Development: residential, commercial, office, institutional, and/or industrial.
(d) Site Planning.
(1) The combination of different uses whether as part of one building or as part of the overall development shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor, or any other annoyances for any uses within the development or neighboring properties.
(2) A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.
(3) The number of ingress and egress points onto the public streets shall be limited to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.
(4) Parking systems shall be designed to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Underground parking facilities are encouraged.
(5) The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bus stops, bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be required except, in the case of a golf course or specific open space development, the Planning Commission may determine them to be unnecessary.
(6) Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces
permitted, type size permitted, and permitted illumination. Compliance with the onsite comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.
(7) Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:
A. With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings.
B. With multiple buildings on a single property, nonresidential buildings or mixed-use buildings shall be at least 20 feet or one-half the height of the taller building apart, whichever is greater from another nonresidential or mixed-use building.
C. All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.
(8) No maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements.
(9) Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.
(10) Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.
(11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.
(12) The distribution systems for utilities are required to be underground.
(13) The use of privately owned open space and public dedicated park land is encouraged as part of a PM development. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.
(14) The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-ofway. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential property, fence height shall not exceed six feet.
(15) With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete.
(Case 346; Ord. 99-O-1199, Passed 3-22-99)
The proposal calls for one curb cut to access the facility off Senna Drive. No access will be provided off US Route 40. In the September 28, 2021, Planning Commission meeting, it was discussed to relocate the entrance to US Route 40. The applicant did contact the Ohio Department of Transportation for a curb cut on US Route 40 in an attempt to comply with that discussion and was told he would "more than likely be denied because other reasonable access is available". I then reached out to ODOT and spoke with The Real Estate Administrator. He stated "the applicant can apply for a review, however, typically a curb cut would be denied if other reasonable access is available". The parking requirement for the office is one space for every 300 square feet of gross floor area, which calculates to 4 parking spaces, with 1 of those being designated accessible spaces. 5 total parking spaces are proposed at 9 feet by 19 feet. City standard is 10 feet by 18 feet. Staff recommends the 10 -foot-wide space requirement. Paved drive aisles access each building with no dead-end drives. Six-foot wrought iron fencing is proposed at the north and west perimeter of the site with a gate at the front and an emergency gate at the rear and six-foot wood privacy fence is proposed at the south and east perimeters. The interior aisles are 25 and 30 feet in width and exterior aisles vary to allow for emergency vehicle turning movements.

## Utilities:

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

## Signage:

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

## Landscaping:

Landscaping is being proposed to include street trees and buffering around the perimeter of the site. This landscaping includes a combination of deciduous trees, evergreen trees, shrubs, and grasses. A twenty-five-foot landscape buffer is proposed along the southern property line, protecting some of the vegetation and adding buffer type trees for year-round protection. The landscaping along the southern property line,
which backs up to residential will include Twelve (12) White Pine trees, thirty-five (35) Norway Spruce trees, and six (6) Black Spruce trees. Additional landscaping has been added from the original submittal. The Landscaping Plan complies with the City Standards.

## Action

Ms. Vargo moved to table the request by the applicant, RJK ASSOCIATES, INC., for an approval of a Detailed Development Plan for 8.755 acres at 5060 US Route 40 (ZC 2146) in accordance with the recommendation of Staff's Memorandum dated December 14, 2021, and the Planning Commission Decision Record.

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

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

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

## STAFF ANALYSIS AND RECOMMENDATION:

## Overview:

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

### 1171.09 - Detailed development plan.

The detailed development plan shall conform substantially to the basic development plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved basic plan which is proposed to be recorded and developed; provided however, that such portion conforms to all requirements of this chapter and other applicable ordinances. The requirement procedure for approval of a detailed development plan shall be:
(a) The detailed plan and supporting data shall be filed with the City. The Planning Commission shall determine that such plan is in conformity with these regulations and in agreement with the approved basic plan.
(b) After review of the detailed plan and supporting data, the Commission shall approve or disapprove the plan submitted by the developer. Disapproval of the detailed plan shall be based on its failure to comply with the basic development plan and current applicable codes, standards, and regulations.
(Ord. 89-O-339, Passed 2-6-89)

### 1171.091 - Planning commission/council review.

It is the purpose of the Planning Development regulations to encourage property owners to develop their land in efficient and effective ways. It is the intent of these regulations to encourage land uses which may not always meet traditional zoning rules. Inherent in these Planned Development regulations is an opportunity for property owners to develop their sites without requiring strict compliance with all zoning regulations where the overall plan is deemed to be in the best interest of the City. During review of a Basic or Detailed Development Plan by the Planning Commission or City Council, all requirements within Part 11, Title 7 of the Code are to be used as guidelines and may be varied as part of the Basic or Detailed Development Plan if it is determined that such deviation will not materially adversely affect neighboring properties or the community as a whole, any such variation of these requirements does not change the overall plan and character of the proposed development, and the variance does not have the effect of nullifying the intent and purpose of these regulations or the Zoning Ordinance. In granting variances or modifications, the Commission or Council may require such conditions as shall, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.
(Case 427; Ord. 2002-O-1367, Passed 9-9-02)

## Building Elevations:

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

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

## Site Design and Engineering:

### 1179.06 Development standards.

Except when specifically modified herein, the provisions of the Planning and Zoning Code shall govern. The following development standards apply to a PM development:
(a) Minimum Land Area Requirement. A minimum of 20 acres shall be required.
(b) Covenants. The developer of a PM development shall be required to submit a set of covenants or deed restrictions with the Basic Development Plan application that will outline, at a minimum, development standards and guidelines established in this chapter and any other requirements the developer and/or Planning Commission deems necessary. The Planning Commission may require additional or amended covenants as it deems necessary to ensure compliance with the Planning and Zoning Code and the Planned Mixed-Use District.
(c) Required Mix of Land Uses. A developer shall be required to provide a mix of land uses in a PM Development. At a minimum, at least two of the following uses are required in a PM Development: residential, commercial, office, institutional, and/or industrial.
(d) Site Planning.
(1) The combination of different uses whether as part of one building or as part of the overall development shall be designed and developed so as not to create a nuisance by excessive noise, light, vibration, odor, or any other annoyances for any uses within the development or neighboring properties.
(2) A PM development is to be designed so that buildings and structures are clustered and open space areas are preserved and maintained. Special care shall be given to protect preexisting natural features including, but not limited to, woodlands, ravines, streams, lakes, ponds, and/or flood plains. Impervious surface coverage, including, but not limited to, buildings, parking area, and accessways, shall not exceed 75 percent of the total development area. Therefore, 25 percent of the development area shall be reserved for green space.
(3) The number of ingress and egress points onto the public streets shall be limited in order to reduce the number of traffic conflict points. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided. The street and thoroughfare network shall be designed to minimize truck traffic through residential areas of the development.
(4) Parking systems shall be designed so as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Underground parking facilities are encouraged.
(5) The development shall be designed to tie all the uses into one overall community and encourage walking, biking, running, and alternative modes of transportation. Developers are encouraged to incorporate bus stops, bikeways, walkways, and crosswalks into an overall thematic scheme for pedestrian traffic. Sidewalks shall be required except, in the case of a golf course or specific open space development, the Planning Commission may determine them to be unnecessary.
(6) Any signs as proposed within this district, shall comply with Chapter 1189 "Signs". Additionally, a developer of a PM development shall develop and submit with the Detailed Development Plan application, a comprehensive set of graphic design criteria for signage in the development. This set of graphic design criteria for signage shall be approved by the Planning Commission and shall apply to all signage requests within the development. The criteria shall include, at a minimum, the sizes permitted (if different from Chapter 1189), colors permitted, materials permitted, typefaces permitted, type size permitted, and permitted illumination. Compliance with the on-site comprehensive graphics shall be verified by the Zoning Administrator during the sign permit review process.
(7) Minimum lot area, frontage and setback requirements may be varied to allow greater flexibility in design. However, the following shall be used as a guideline for development:
A. With multiple buildings on a single property, entirely residential buildings shall be at least 15 feet from another entirely residential building and at least 50 feet from nonresidential or mixed-use buildings.
B. With multiple buildings on a single property, nonresidential buildings or mixed-use buildings shall be at least 20 feet or one-half the height of the taller building apart, whichever is greater from another nonresidential or mixed-use building.
C. All nonresidential buildings or mixed-use buildings shall be set back at least 50 feet or the height of the structure, whichever is greater, from any residential property or residential building, whichever is closer, and from the public right-of-way. This setback applies to multiple buildings on a single property, to development within a PM development, and where it abuts to adjacent property.
(8) No maximum height restriction shall apply, except that the proposed development meets all Federal Aviation Administration (FAA), Dayton International Airport or Wright Patterson Air Force Base height or abatement requirements.
(9) Common parking areas and accessways shall be lighted adequately with light fixtures that shall be designed to reflect light away from adjoining properties. Special attention will be given to protect entirely residential structures from light emitted from nonresidential land uses.
(10) Nonresidential uses shall have trash containers and/or receptacles (including recycling containers) placed to the rear of all structures and shall be screened or enclosed on four sides with opening doors for the purpose of trash removal. The placement of trash containers and/or receptacles in multi-family residential developments shall be as inconspicuous as possible. The use of a wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent and a height of 12 inches above the top of the largest container is required.
(11) The architecture of nonresidential structures is encouraged to be unique yet similar in certain sections of the PM.
(12) The distribution systems for utilities are required to be underground.

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(13) The use of privately owned open space and public dedicated park land is encouraged as part of a PM development. Privately owned open space shall be maintained by the developer or by a duly authorized owner's association.
(14) The use of chain link fencing is prohibited. Additionally, on an entirely residential property, no fencing shall be permitted in the front yard and, in the case of a corner lot, no fencing shall be permitted in the side yard with frontage to a public right-of-way. The covenants submitted by the developer shall establish the height requirements for fencing in the development. Fencing in a development shall be uniform in height in related use areas. On an entirely residential property, fence height shall not exceed six feet.
(15) With the submission of a Basic Development Plan application, the applicant is required to submit a phasing plan that details when certain sections of the development will commence construction and when the sections will be complete.
(Case 346; Ord. 99-O-1199, Passed 3-22-99)

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

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

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

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

Both users are exceeding the parking requirement per Code.

## Utilities:

Both buildings will be serviced by connections to public water and sanitary sewer connections. Gas, telephone, and electric are also available at the site limits. Drainage is being collected through catch basins and storm sewer routing the

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flow to the existing retention pond to the east. There is no need for additional storm water detention. Lighting shall meet the standards of City Code 1181.21.

## Signage:

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

## Lot 4 (Popeye's)

Wall Signs (5 total)

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

Four entry/exit signs are also shown on the plan

## Lot 5 (Dunkin)

Wall Signs (3 total)

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

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

## Landscaping:

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

## Action

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

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

## VIII. Additional Business

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

## IX. Approval of the Minutes

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

## X. Reports and Calendar Review

Mr. Foster stated that G2 Tactical Special Use
XI. Upcoming Meetings

January 11, 2022
January 25, 2022

## XII. Adjournment

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

## Terry Walton, Chair

Geri Hoskins, Administrative Secretary

| Date |
| :---: |
| Date |


[^0]:    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) $\mathbf{1 0 4 . 1}$ of the $\mathbf{2 0 1 7}$ 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 statues and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

[^1]:    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) $\mathbf{1 0 4 . 1}$ of the 2011 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 statues and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

