

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

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

Members absent: Ms. Opp

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

III. Opening Remarks by the Chairman and Commissioners

IV. Citizens Comments

None.

V. Swearing of Witnesses

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

VI. Pending Business

1. **MAJOR CHANGE – The applicant, Kirmon Khalilov, is requesting approval of a Major Change to the Basic and Detailed Development Plan in a Planned Commercial District for 2.55 acres at 5840 Old Troy Pike (ZC 21-45).**

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

The applicant has submitted a revised plan which:

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

No other substantial changes were submitted.

STAFF ANALYSIS AND RECOMMENDATION:

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

Vehicle Display and Landscaping

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

The code states:

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

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

Conformance with Zoning Regulations

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

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

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

Staff Analysis

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

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

Strike # 7 from the Decision Record.

Revise to March 15, 2022.

Chad spoke on behalf of the applicant.

Action

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

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

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

VII. New Business

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

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

Original Approval

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

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

Current Application

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

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

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

Action

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

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

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

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

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

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

Conformance with Zoning Regulations

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

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

Other Considerations

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

Staff Analysis

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

Additional Comments:

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

City Engineer:

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

Recommendation

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

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

Planning Commission Action

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

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

Robert Simms
John Moore
Barry Payne
James Moore
Christine Olinsky

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

Action

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

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

Move to City Council

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

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

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

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

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

On-Site Uses and Facilities

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

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

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

Applicable Zoning Regulations

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

Staff Analysis

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

Conformance with Zoning Regulations:

1176 (PC) Planned Commercial District

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

Chapter 1181 General Provisions

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

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

Chapter 1182 Landscaping and Screening Standards

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

Chapter 1185 Parking and Loading

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

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

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

Other Considerations:

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

Additional Comments:

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

City Engineer:

Recommendation

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

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

Planning Commission Action

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

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

Chris Besecker

Action

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

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

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

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

Conformance with Zoning Regulations

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

The mixture of lot sizes (approximately) are:

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

Minimum yard setbacks:
Front & Rear: 25 feet
Side: 5 feet

The HOA covenants have the following applicable requirements and restrictions:

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

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

Staff Analysis

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

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

Additional Comments:

Fire: See attached

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City Engineer:

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

Recommendation

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

Planning Commission Action

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

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

Ken Conaway

Action

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

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

VIII. Additional Business

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

Action

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

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

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

XI. Upcoming Meetings

March 15, 2022
March 29, 2022

XII. Adjournment

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



Terry Walton, Chair

Geri Hoskins, Administrative Secretary

Date

Date