



AGENDA
CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
May 24, 2022
6:00 P.M.

1. Call Meeting To Order
2. Roll Call
3. Opening Remarks By The Chair and Commissioners
4. Citizens Comments
5. Swearing of Witnesses
6. Pending Business
7. New Business
 - A. REZONING AND LOT SPLIT - The applicant, MICHAEL SKILWIES, is requesting approval of a Replat and Rezoning from A (Agricultural) to PI (Planned Industrial). Property is located at 9416 Taylorsville Road (RZ 22-17).
 - B. MAJOR CHANGE TO THE DETAILED DEVELOPMENT PLAN - The applicant, SKILKEN GOLD REAL ESTATE DEVELOPMENT, LLC, is requesting approval of a Major Change to the Detailed Development Plan for a proposed for Convenient Store/Gas Station and Car Wash. Property is located at Old Troy Pike and Taylorsville Road (MJC 22-21).

8. Additional Business
 - A. Informal review - Marion Meadows Residential
 - B. Comprehensive Plan Discussion
9. Approval of Minutes
 - A. Planning Commission May 10, 2022
10. Reports and Calendar Review
 - A. Final Plat Carriage Trails
11. Upcoming Meetings
 - A. June 14, 2022
June 28, 2022
12. Adjournment

AI-8423

7. A.

Planning Commission

Meeting Date: 05/24/2022

Rezoning and Lot Split

Information

Agenda Title

REZONING AND LOT SPLIT - The applicant, MICHAEL SKILWIES, is requesting approval of a Replat and Rezoning from A (Agricultural) to PI (Planned Industrial). Property is located at 9416 Taylorsville Road (RZ 22-17).

Purpose and Background

Attachments

Staff Report

Decision Record

Drawing

Memorandum

Staff Report for Meeting of May 24, 2022

To: Huber Heights City Planning Commission

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

Date: May 18, 2022

Subject: RZ 22-17 Request to Replat and Rezone 3.55 Acres from Agriculture to
Planned Industrial

Application dated March 28, 2022

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: Michael Skilwies – Applicant / Owner

DEVELOPMENT NAME: N/A

ADDRESS/LOCATION: 9416 Taylorsville Rd.

ZONING/ACREAGE: A – Agricultural (5 acres)

EXISTING LAND USE: Residential

**ZONING
ADJACENT LAND:** Agricultural

REQUEST: The applicant requests approval of a replat and rezoning of 3.55 acres from Agriculture to Planned Industrial to allow the continued operation of their truck, diesel and heavy equipment repair business.

ORIGINAL APPROVAL: N/A

APPLICABLE HHCC: Chapter 1109, 1171, 1177

CORRESPONDENCE: In Favor –
In Opposition –

STAFF ANALYSIS AND RECOMMENDATION:

Overview:

The applicant has been operating a truck and heavy equipment repair business at this location for many years. Based on complaints received in August 2021, Zoning staff-initiated enforcement action on the applicant's business based on the fact that non-farm related truck and heavy equipment repair is not permitted in the Agricultural District. In August 2021 the applicant requested a use variance for the diesel truck and equipment repair operations. The BZA unanimously denied the application at their October 6, 2021 meeting.

The applicant was provided with the lot split and rezoning application shortly after the BZA decision as an alternative path to allow the continued operation of the repair facility. On or about March 28, 2022 Zoning staff filed minor misdemeanor charges for the continued operation of repair facility and the applicant subsequently filed the application for a lot split and rezoning.

Applicable Subdivision and Zoning Regulations

The applicable subdivision regulations include: 1109 Subdivision Design Standards

The applicable zoning chapters include: 1171 General Provisions, 1177 Planned Industrial District. The relevant sections are cited and discussed below:

Chapter 1109 Subdivision Design Standards

1109.01 General statement.

The regulations in Sections 1109.02 to 1109.22, inclusive, shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help ensure convenient and safe streets, creation of usable lots, provision of space for public utilities and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The City Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall ensure that all of the requirements of Sections 1109.02 to 1109.22, inclusive, are met.

1109.02 Conformity to development plans and zoning.

The arrangement, character, width and location of all thoroughfares or extensions thereof shall conform with the City's Official Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the City Planning Commission based upon the design standards set forth in Sections 1109.03 to 1109.14, inclusive. In addition, no final plat of land within the area in which an existing Zoning Ordinance is in effect shall be approved unless it conforms with such Ordinance.

1109.03 Suitability of land.

If the City Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities and other such conditions which may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

1109.17 Lots.

The following regulations shall govern the design and layout of lots:

- (a) The lot arrangement and design shall be such that all lots shall provide satisfactory building sites, properly related to topography and the character of surrounding development.
- (b) All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- (c) Where no public utilities exist, the lots shall meet the requirements of the Montgomery County Board of Health.
- (d) All side lots shall be at right angles to street lines and radial to curved street lines, except where the City Planning Commission determines that a variation to this rule would provide a better layout.
- (e) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial streets.
- (f) No corner lot shall have a width at the building line of less than 75 feet, except as authorized by the Zoning Ordinance.
- (g) Except as provided in Section 1109.17(i) the maximum depth of a lot shall not be greater than three times the width of the lot, except lots which contain an area of five acres or more. Lots containing over five acres shall not be less than 200 feet in width at any location; they should be of such shape and dimensions as to render the possible resubdivision of any such parcels at some later date into lots and streets which meet the requirements of these regulations, except as authorized in Chapter 1143.
- (h) Additional lot depth may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high-pressure gasoline or gas line, open drainage ditch, an arterial street, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no street is provided at the rear of such lot. Where a residential lot has its side lot line adjacent to any of the aforementioned an appropriate additional width may also be required.
- (i) The minimum lot size where public sewer or water is not available shall be one acre with a minimum frontage of 200 feet.

Where soil conditions are of such nature that proper operation of wells and septic systems may be impaired, the City Planning Commission may increase the size of any or all lots in the subdivision.

Where soils are classified as prime agricultural soils as defined in these regulations, or are adjacent to prime agricultural soils, the Commission may permit the alteration of these requirements where the subdivider demonstrates that such alteration is necessary and desirable in order to preserve the prime agricultural soils, provided that the subdivision is not contrary to applicable zoning regulations

Chapter 1171 General Provisions

1171.01 Purpose.

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

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

1171.05 Contents of basic development plan.

- (a) The basic development plan shall consist of at least the following information together with such other data and materials as may be required by the City:*
 - (1) Site plan showing the actual shape and dimensions of the lot to be built upon or to be changed in its use together with the location of the existing and proposed structures with approximate square footages, number of stories including heights of structures;*
 - (2) Typical elevation views of the front and side of each type of building;*
 - (3) Planning location and dimensions of all proposed drives, service access road, sidewalks and curb openings;*
 - (4) Parking lot areas (show dimensions of a typical parking space), unloading areas, fire lanes and handicapped parking;*
 - (5) Landscaping plan, walls and fences;*
 - (6) Storm water detention and surface drainage;*
 - (7) Exterior lighting plan;*
 - (8) Vehicular circulation pattern;*
 - (9) Location and square footage of signs;*
 - (10) Topographic survey; and*
 - (11) Listing of proposed uses taken from the list of permitted and special uses of the PUD zoning district to which rezoning is being sought.*
- (b) The Planning Commission shall schedule both the proposed rezoning and the issue of approval of the basic development plan for a combined public hearing, following which it shall make its recommendation indicating approval, approval with modification or disapproval.*

(Ord. 2006-O-1655, Passed 9-25-05)

1171.06 General standards for approval.

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;
- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;
- (c) Is accessible from public roads that are adequate to carry the traffic that shall be imposed upon them by the proposed development. Further, the streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development;
- (d) Shall not impose an undue burden on public services such as utilities, fire and police protection, and schools;
- (e) Contains such proposed covenants, easements and other provisions relating to the proposed development standards as may reasonably be required for the public health, safety and welfare;
- (f) Shall be landscaped or otherwise improved and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;
- (g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;
- (h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;
- (i) Shall place underground all electric and telephone facilities, 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.

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.

Chapter 1179 Planned Industrial District

1177.01 Principal permitted uses.

Any principal permitted use in the Industrial Districts, I-1 and I-2, and PO Planned Office District shall be permitted. Manufacturing, processing, warehousing, industrial service activities, office and associated activities may be developed, operated and maintained within a single, organized development in accordance with an approved Planned Industrial Development District.

1177.02 Accessory uses.

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

- (a) Uses customarily incidental to all principal permitted uses; and
- (b) Temporary buildings and uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

1177.03 Development standards.

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

- (a) *Minimum Land Area Requirements.*
 - (1) No minimum land area shall be required.
- (b) *Site Planning, General Design Standards and Improvement Requirements.*
 - (1) Total land occupancy by all buildings for a Planned Industrial Development District shall not exceed 75 percent of the area of the tract to be developed.
 - (2) Planned Industrial Development Districts shall have access to at least one major thoroughfare as established on the Official Thoroughfare Plan.
 - (3) Landscaping and use of yards shall be as follows:
 - A. Required side and rear yards shall be maintained in landscaping and shall not be used for off-street parking along all property lines which abut residential or PM districts. The

landscaping shall include, at a minimum, a six-foot high wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent.

- B. Any front, side or rear yard that fronts a public street is required to be landscaped including street trees as outlined in Chapter 1181 and additional landscaping as determined appropriate by the Planning Commission.
 - C. The project area, where it abuts another business, office, or industrial district, shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15-foot depth along property lines.
- (4) Off-street parking and loading spaces shall be required as set forth in Chapter 1185. In addition:
- A. Off-street parking and loading facilities shall be provided, with area, location and design appropriate to the needs and specific uses of the industrial project. Space designated for off-street parking shall not be used for off-street loading.
 - B. Off-street parking and loading facilities shall not be located in the front yard of any property.
 - C. Off-street parking and loading shall be of sufficient size to accommodate normal peak loads.
 - D. Loading docks shall not be placed between the building and the front lot line.
- (5) There shall be a side and rear yard setback of 25 feet or equal to the heights of the principal building, whichever is greater. If adjacent to a residential district or PM District, a minimum of 75 feet.
- (6) All streets within the Planned Industrial Development District shall have a width of not less than 40 feet and shall comply with the City's construction standards.
- (7) The distribution systems for utilities are required to be underground.
- (8) Building materials. The front facade of a principal building facing any public street on any property in the PI District shall be required to be constructed of at least 30 percent masonry materials that will extend along the entire length of the facade of the principal building. For the purposes of this section, the front facade of a principal building shall include any wall of the principal building that is parallel to the public street and is located within 100 feet of the established building line. The Planning Commission shall determine the appropriateness of the proposed masonry material design. In the case of a property which has frontage on more than one public street, the facade facing the public street from which access to the property is provided shall be considered the front facade of the building. In addition to the front facade, the side or rear facades of the principal building that face Interstate 70 or a State Route shall be constructed of at least 30 percent masonry materials that shall be clearly visible to Interstate 70 or the State Route unless a sufficient landscaping buffer is provided and is determined appropriate by Planning Commission. Recommended masonry materials include brick, split face block, tilt-up concrete, dryvit or any similar material determined appropriate by the Planning Commission.
- (9) Street tree requirement. Please refer to Chapter 1181 for street tree requirements.
- (10) Trash container enclosures. Please refer to Chapter 1181 for trash container enclosure requirements.

1177.04 Conditions.

All uses shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities, which shall all be off-street. No use shall be permitted to be established or maintained which

by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

1177.05 Special uses.

The following special uses and no other shall be permitted in the "P1" District.

- (a) Sexually oriented businesses in accordance with Chapter 1135. Provided no sexually oriented business shall be located within a 500-foot radius of any other sexually oriented business. No sexually oriented business shall be located within a 500-foot radius from any residential use or residential zoning district, any public park, church or church grounds, public or private school, kindergarten or nursery school. No sexually oriented business shall be located within 1,000 feet of the right-of-way of, or be on a lot with frontage upon any divided, limited access highway including but not limited to applicable portions of Interstate 70, Ohio Route 4 and Ohio Route 235. Measurement of distances shall be as provided in Section 735.04 of the City Code of Huber Heights.

Subdivision Standards Analysis:

The following is the analysis of the subdivision and zoning regulations as applied to the applicant's proposal to subdivide a five-acre parcel into two lots: Lot 1: A 1.30-acre lot zoned Agricultural; Lot 2: A 3.55-acre lot requesting to be zoned Planned Industrial.

Proposed Lot 1 Analysis:

Use: Conforming (residential uses are permitted in the Agricultural District)

Lot Size: 1.3 acres – Conforms to zoning regulations (min. 1 acre required)

Lot Frontage: 158.06 feet – Does not conform to zoning code regulations
(Zoning code requires 200 feet. (Section 1142.05))

Yards:

Front: Conforming (min 60 feet)

Side: Conforming (min 30 feet)

Rear: Conforming (min 50 feet)

Other Issues:

There is no public water or sewer currently available along this portion of Taylorsville Road. Therefore, the proposed lot does not meet 1109.17(i) of the subdivision regulations: The minimum lot size where public sewer or water is not available shall be one acre with a minimum frontage of 200 feet.

Proposed Lot 2 Analysis:

Use: Proposed use of truck / heavy equipment repair is permitted in the Planned Industrial District

Lot Size: 3.56 acres – Conforms to zoning regulations (No min. area required)

Lot Frontage: 41.43 feet – Conforms to zoning regulations (35 feet is min. required)

Yards:

Front: Conforming (min 50 feet)

Side: Conforming (min 25 feet)

Rear: Conforming (min 25 feet)

Other Issues:

There is no public water or sewer currently available along this portion of Taylorsville Road. Therefore, the proposed lot does not meet 1109.17(i) of the subdivision regulations: The minimum lot size where public sewer or water is not available shall be one acre with a minimum frontage of 200 feet.

Staff Analysis

The subdivision of the 5-acre parcel into two new lots will create one minor nonconformity, which is Lot 1, will have less frontage than required by the zoning code. The subdivision regulations do not prohibit flag lots and there are examples of rural non-conforming lots of similar type. That being said, it is poor planning practice to encourage the creation of non-conforming lots.

Staff recommends the record plan only be approved if Planning Commission recommends approval of the rezoning.

Zoning Standards Analysis:

This analysis is based on the rezoning application submitted on March 28, 2022. The zoning code assumes that rezonings to planned unit development are part of a redevelopment or new construction project. The applicant has not indicated they are proposing any improvements to the site, and has not submitted a formal basic development plan. Therefore, staff is assuming no improvements are planned for the property, and the record plan survey dated May 4, 2022 will serve as the basic development plan.

1177.01 Principal permitted uses.

Any principal permitted use in the Industrial Districts, I-1 and I-2, and PO Planned Office District shall be permitted. Manufacturing, processing, warehousing, industrial service activities, office and associated activities may be developed, operated and maintained within a single, organized development in accordance with an approved Planned Industrial Development District.

The proposed truck and heavy equipment repair is principally permitted within the Planned Industrial District.

1177.03 Development standards.

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

- (a) *Minimum Land Area Requirements.*

- (1) No minimum land area shall be required.

The proposed replat and rezoning results in a Planned Industrial site of approximately 3.55 acres.

(b) *Site Planning, General Design Standards and Improvement Requirements.*

- (1) Total land occupancy by all buildings for a Planned Industrial Development District shall not exceed 75 percent of the area of the tract to be developed.

As indicated by the record plan, the occupancy for the PI district is significantly less than 75 percent of the area. Additionally, the applicant has not indicated any additional improvements are intended for the site.

- (2) Planned Industrial Development Districts shall have access to at least one major thoroughfare as established on the Official Thoroughfare Plan.

Taylorsville Road is a major thoroughfare as established on the Official Thoroughfare Plan.

- (3) Landscaping and use of yards shall be as follows:

- A. Required side and rear yards shall be maintained in landscaping and shall not be used for off-street parking along all property lines which abut residential or PM districts. The landscaping shall include, at a minimum, a six-foot high wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent.
- B. Any front, side or rear yard that fronts a public street is required to be landscaped including street trees as outlined in Chapter 1181 and additional landscaping as determined appropriate by the Planning Commission.
- C. The project area, where it abuts another business, office, or industrial district, shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15-foot depth along property lines.

No additional landscaping or buffering is indicated on any plans submitted to date. However, with exception to the street tree requirement, no screening along the side yards is required.

- (4) Off-street parking and loading spaces shall be required as set forth in Chapter 1185. In addition:

- A. Off-street parking and loading facilities shall be provided, with area, location and design appropriate to the needs and specific uses of the industrial project. Space designated for off-street parking shall not be used for off-street loading.
- B. Off-street parking and loading facilities shall not be located in the front yard of any property.
- C. Off-street parking and loading shall be of sufficient size to accommodate normal peak loads.
- D. Loading docks shall not be placed between the building and the front lot line.

The applicant has not proposed any off-street parking or loading area improvements. A large gravel parking area exists in front of the existing building where repairs are currently taking place. Staff does not feel additional parking is warranted and will distract from the rural nature of the neighborhood.

- (5) There shall be a side and rear yard setback of 25 feet or equal to the heights of the principal building, whichever is greater. If adjacent to a residential district or PM District, a minimum of 75 feet.

There is approximately 25 feet between the existing barn and the east property line. The applicant has not provided building heights, therefore if the building is greater than 25 feet, the structure will be a legally non-conforming structure if the rezoning is approved.

- (6) All streets within the Planned Industrial Development District shall have a width of not less than 40 feet and shall comply with the City's construction standards.

No new streets are proposed.

- (7) The distribution systems for utilities are required to be underground.

No new utilities are proposed.

- (8) Building materials. The front facade of a principal building facing any public street on any property in the PI District shall be required to be constructed of at least 30 percent masonry materials that will extend along the entire length of the facade of the principal building. For the purposes of this section, the front facade of a principal building shall include any wall of the principal building that is parallel to the public street and is located within 100 feet of the established building line. The Planning Commission shall determine the appropriateness of the proposed masonry material design. In the case of a property which has frontage on more than one public street, the facade facing the public street from which access to the property is provided shall be considered the front facade of the building. In addition to the front facade, the side or rear facades of the principal building that face Interstate 70 or a State Route shall be constructed of at least 30 percent masonry materials that shall be clearly visible to Interstate 70 or the State Route unless a sufficient landscaping buffer is provided and is determined appropriate by Planning Commission. Recommended masonry materials include brick, split face block, tilt-up concrete, dryvit or any similar material determined appropriate by the Planning Commission.

No new buildings are proposed. If the rezoning is approved, any new buildings proposed on this lot shall be subject to this provision.

- (9) Street tree requirement. Please refer to Chapter 1181 for street tree requirements.

No landscaping plans were submitted with the application.

- (10) Trash container enclosures. Please refer to Chapter 1181 for trash container enclosure requirements.

No new trash containers are proposed.

1177.04 Conditions.

All uses shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities, which shall all be off-street. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

If the rezoning is approved, the applicant will be required to move his repair operations wholly indoors. This requirement was brought to the attention of the applicant, and he indicated he understood the requirements and wished to proceed with the rezoning request.

While the applicant has agreed to these conditions, it is important to note that the site under discussion is not readily visible from the right-of-way, in fact it is nearly 400 feet from Taylorsville Road. Therefore, any violations of this condition will be almost impossible for code enforcement staff to easily recognize and thus enforcement of this condition will likely only be triggered by complaints made by adjacent property owners or residents.

Staff Analysis of Standards for approval

The Planning Commission shall review the application, prepared development plan and the facts presented at the hearing. The applicant shall have the burden of proof. No approval shall be given unless the Commission shall find by a preponderance of the evidence that such PUD on the proposed locations:

- (a) Is consistent with official thoroughfare plan, comprehensive development plan and other applicable plans and policies;*

The applicant is seeking relief for the illegal use by requesting a rezoning to Planned Industrial after the BZA denied the use variance. The comprehensive plan indicates this area should be agricultural/low density residential. The proposed rezoning is not consistent with the comprehensive plan.

In his application, the applicant references the industrially zoned land within a ¼ to ½ mile of this site. It should be noted that the majority of that land is consistent with the comprehensive plan and has access to public water and sewer. Neither are applicable to the applicant's site.

- (b) Could be substantially completed within the period of time specified in the schedule of development submitted by the developer;*

N/A. The applicant is not proposing any improvements to the property.

- (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;*

Taylorsville Road is classified as a major thoroughfare in the City Thoroughfare Plan. The proposed record plan illustrates a dedication of 35 feet of Right of Way, consistent with the Thoroughfare Plan.

- (d) Shall not impose an undue burden on public services such as utilities, fire and police protection, and schools;*

This use has not historically imposed an undue burden on public services.

- (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;*

N/A

- (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;*

No improvements to the property have been proposed by the applicant. However, the applicant has stated he is willing to provide buffering for the adjacent neighboring properties.

- (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;*

N/A

- (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;*

N/A

- (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;*

No improvements to the property have been proposed by the applicant.

- (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;*

No additional public facilities are anticipated due to this rezoning request.

- (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*

This rezoning request ultimately arose due to complaints from neighboring property owners or residents regarding the operation of a truck / heavy equipment repair facility in their neighborhood. According to the minutes of the BZA hearing, complaints, centered on the noise of the diesel engines and traffic congestion due to vehicles moving on and off site. Additional concerns were raised about the potential contamination of drinking water wells due to fluid leaks or spills.

Noise, smoke and fumes are likely an occasional byproduct of heavy engine repair. If the planning commission is inclined to approve the rezoning, limiting the hours of operation to a traditional M-F, 8am – 6pm may reduce the impacts of this facility on the neighboring residents, especially in the evenings and weekends.

- (1) 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.

As indicated above, neighbors have expressed concerns about noise from the diesel engines and ground water pollution from this operation during the BZA hearing. All residents along this segment of Taylorsville Road get their drinking water from private wells, and this concern should not be overlooked.

STAFF RECOMMENDATION

It is the staff's opinion the rezoning to Planned Industrial does not meet the standards outlined in Section 1171.06. As outlined through the staff analysis above, the application does not meet the standards of Section 1171.06(a), (k), and (L). Therefore, staff recommends denial of the replat and rezoning from Agricultural to Planned Industrial.

If the Planning Commission determines the rezoning request is consistent with the standards outlined in Section 1171.06, staff recommends the following conditions:

- 1) The applicant shall obtain all necessary zoning and business licenses required by the City of Huber Heights;
- 2) All business and repair operations shall occur indoors, consistent with the requirements of the Planned Industrial District;
- 3) No outdoor storage of equipment, parts, inoperable or junk vehicles, or other materials associated with the truck and equipment repair business shall be permitted;
- 4) Repaired vehicles shall be stored on site no longer than five consecutive days;
- 5) The applicant shall comply with the Huber Heights Fire Department regarding the onsite storage of hazardous and/or industrial materials;
- 6) Hours of operation shall be limited to 8:00am – 6:00pm, Monday through Friday;

Planning Commission Action

Planning Commission may take the following actions with a motion:

- 1) Recommend approval of the rezoning and Basic Development Plan;
- 2) Recommend denial of the rezoning and Basic Development Plan (the Commission should state the specific reasons for denial); or
- 3) Table the application for additional information.



Planning Commission Decision Record

WHEREAS, on March 28, 2022, the applicant, Michael Skilwies, requested approval of a Replat and Rezone of 3.55 acres from Agriculture to Planned Industrial at 9416 Taylorsville Road (Case RZ 22-17), and;

WHEREAS, on May 24, 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.

_____ moved to approve the application by the applicant, Michael Skilwies, for approval of a Replat and Rezone of 3.55 acres from Agriculture to Planned Industrial at 9416 Taylorsville Road Parcel Number P70 03902 0018 of the Montgomery County Auditors Map (Case RZ 22-17) in accordance with the recommendation of Staff's Memorandum dated May 24, 2022, with the following conditions:

1. The applicant shall obtain all necessary zoning and business licenses required by the City of Huber Heights;
2. All business and repair operations shall occur indoors, consistent with the requirements of the Planned Industrial District;
3. No outdoor storage of equipment, parts, inoperable or junk vehicles, or other materials associated with the truck and equipment repair business shall be permitted;
4. Repaired vehicles shall be stored on site no longer than five consecutive days;

5. The applicant shall comply with the Huber Heights Fire Department regarding the onsite storage of hazardous and/or industrial materials;
6. Hours of operation shall be limited to 8:00am – 6:00pm, Monday through Friday

Seconded by _____ Roll call showed: YEAS: NAYS: Motion to approve carried
_____ .

Terry Walton, Chair
Planning Commission

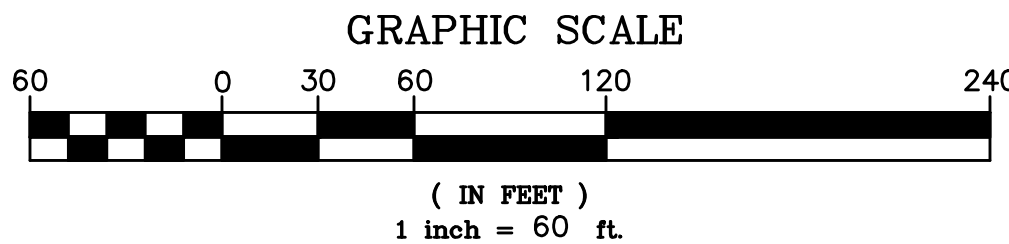
Date

RECORD PLAN
SKILWIES PLAT NO. 1

AND BEING A PLAT OF A PARCEL
LOCATED IN SECTION 5, TOWN 2, RANGE 8 M.Rs.

CITY OF HUBER HEIGHTS
MONTGOMERY COUNTY, OHIO
CONTAINING 4.9995 ACRES

MAY 4, 2022



BASIS OF BEARINGS:

- CENTERLINE OF TAYLORSVILLE ROAD - S87°34'44"E - SUR. VOL. 2014, PAGE 0393

SURVEY REFERENCES:

- ALL DEEDS, PLATS AND SURVEY RECORDS SHOWN ON THE FACE OF THIS SURVEY.

GENERAL NOTES:

- OCCUPATION, IN GENERAL, FITS THE SURVEY.
- ALL MONUMENTS WERE FOUND OR SET IN GOOD CONDITION.

SUPERIMPOSED NOTE:

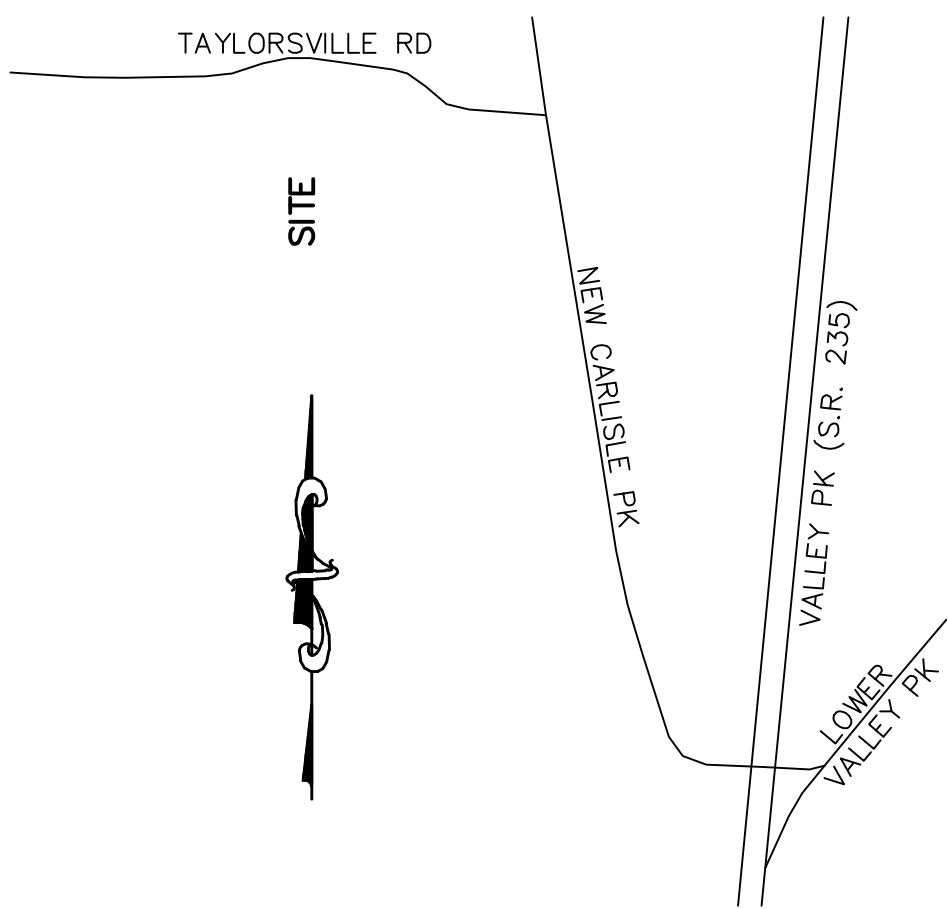
- ALL OF THE LANDS OF THE DEDICATORS, OF WHICH THIS PLAT IS DRAWN, ARE SHOWN HEREON.

DESCRIPTION:

SITUATE IN SECTION 5, TOWN 2, RANGE 8 M.Rs, CITY OF HUBER HEIGHTS, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING ALL OF A 5.000 ACRE TRACT CONVEYED TO MICHAEL A. AND KELLY SKILWIES IN DEED 12-070719.

CONTAINING 4.9995 TOTAL ACRES WITH 4.8390 ACRES IN LOTS AND 0.1605 ACRES IN NEWLY DEDICATED RIGHT-OF-WAY.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N75°38'59"E	64.82'
L2	S87°34'44"E	135.13'
L3	N75°38'59"E	41.43'
L4	N75°38'59"E	27.68'
L5	S87°34'44"E	130.38'



VICINITY MAP
(NO SCALE)

DEDICATION:

We the undersigned, being all the owners and lien holders of the lands herein subdivided, do hereby acknowledge the making and signing of this instrument to be our voluntary act and deed and do hereby dedicate the street and reserve the easements as shown within the plat to the public use forever. New easements shown on the within plat are reserved for the construction, operation, maintenance, repair and replacement of water, sewer, gas, electric, telephone or other utility lines or services and for the express privileges of removing any and all trees or other obstructions to the free use of said utilities, and for providing ingress and egress from the premises for said purposes, and are to be maintained as such forever.

OWNERS:

WITNESSES:

Print Name:

MICHAEL A. SKILWIES

Print Name:

KELLY SKILWIES

Michael A. Skilwies, Owner, being duly sworn, says that all persons and corporations, to the best of his knowledge, interested in this dedication, either as owners or lien holders, have united in its execution.

MICHAEL A. SKILWIES

LOT ACREAGE BREAKDOWN
4.8390 ACRES IN LOTS
0.1605 ACRES IN DEDICATED R/W
4.9995 ACRES TOTAL

SYMBOL LEGEND

⊠	FOUND RAILROAD SPIKE
⊠	FOUND PK/MAG NAIL
⊠	FOUND 5/8" IRON PIN
⊠	FOUND 5/8" IRON PIN W/"HALEY-DUSA" CAP
⊠	SET MAG NAIL
●	SET 5/8" IRONP IN W/"HALEY-DUSA" CAP

APPROVED FOR DESCRIPTION

ENGINEER OF MONTGOMERY COUNTY

2022-0178RE
JOB NO.

CHECKED BY

DATE

PLANNING COMMISSION:

Approved by the City of Huber Heights Planning Commission on this ____ day of _____, 20__.

By:

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

Be it remembered that on this ____ day of _____, 2022, before me the undersigned, a notary public in and for said State of Ohio, personally came Michael A. and Kelly Skilwies, Owners, and acknowledged the signing and execution of the within plat to be their voluntary act and deed.

In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

NOTARY PUBLIC

MY COMMISSION EXPIRES

In testimony whereof, I hereunto set my hand and notary seal on the day and date above written.

NOTARY PUBLIC

MY COMMISSION EXPIRES

CERTIFICATION:

I hereby certify that this plat was prepared in accordance with Ohio Administrative Code Chapter 4733.37 Standards for Surveys and also conforms to the Ohio Revised Code Chapter 711 for Record Plans and was conducted under my supervision based on field work in March of 2022. All measurements are correct and monuments are to be set on all lot corners as shown.

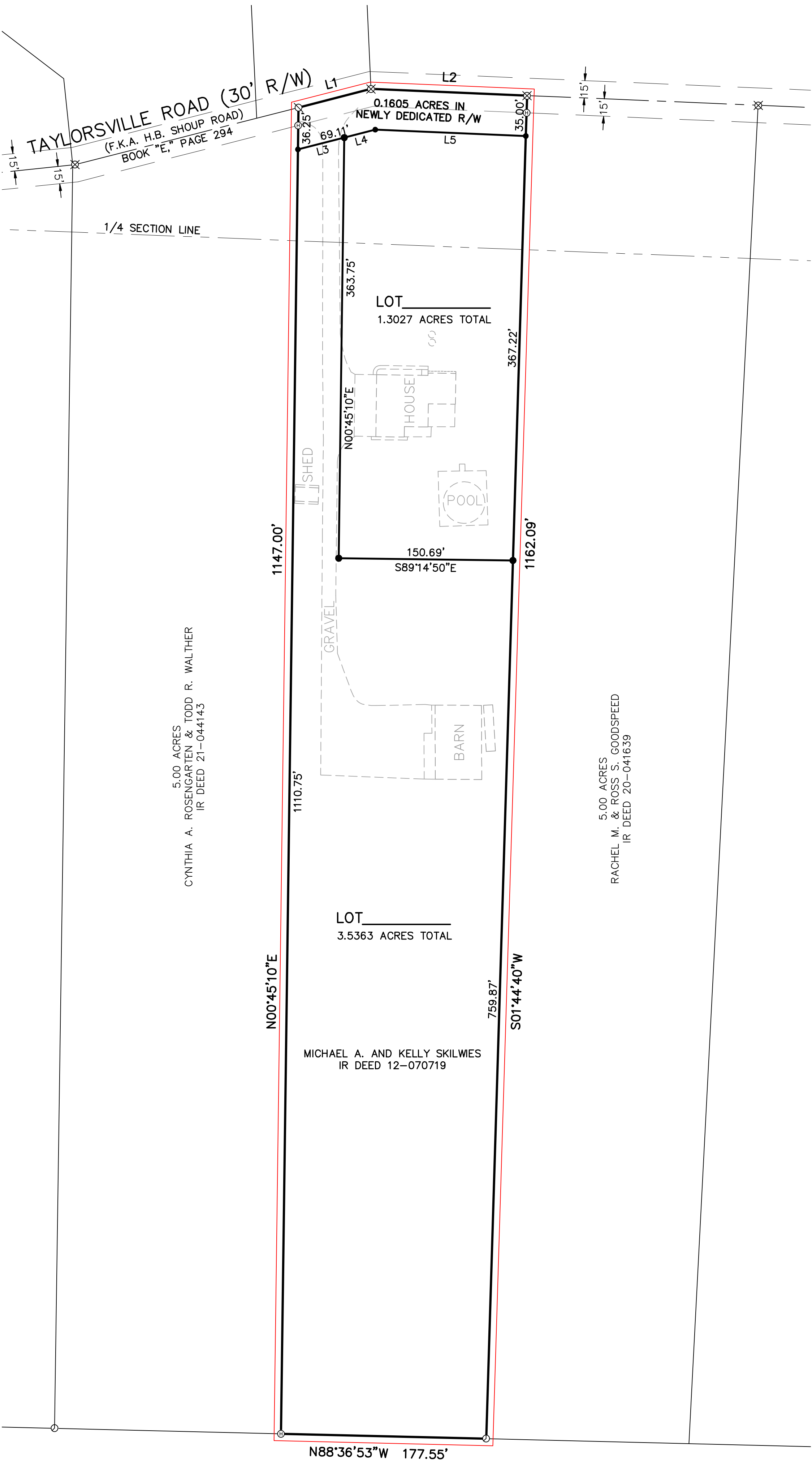
Thomas E. Dusa, P.S.
OHIO LICENSE NO. S-7143

PREPARED BY:



Haley-Dusa
Engineering & Surveying Group, LLC
270 Regency Ridge Drive, Suite 203
Dayton, Ohio 45459
Phone: (937) 439-4300 Fax: (937) 439-2005
Email: haleydusa@haleydusa.com
Website: www.haleydusa.com

Scale: 1"=60' Drawn: SBM Checked: TED
Date: 05-04-2022 Job No. S4916



23.878 ACRES
ALBERT J. MURN
DEED MF 78-521A09
SUR. REC. 3-M-791

AI-8424

7. B.

Planning Commission

Meeting Date: 05/24/2022

Major Change to the Detailed Development Plan

Information

Agenda Title

MAJOR CHANGE TO THE DETAILED DEVELOPMENT PLAN - The applicant, SKILKEN GOLD REAL ESTATE DEVELOPMENT, LLC, is requesting approval of a Major Change to the Detailed Development Plan for a proposed for Convenient Store/Gas Station and Car Wash. Property is located at Old Troy Pike and Taylorsville Road (MJC 22-21).

Purpose and Background

Attachments

No file(s) attached.

AI-8422

9. A.

Planning Commission

Meeting Date: 05/24/2022

Minutes

Information

Agenda Title

Planning Commission May 10, 2022

Purpose and Background

Attachments

Minutes

**Planning Commission
May 10, 2022, Meeting
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:01 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Vargo and Mr. Walton.

Members absent: Ms. Thomas.

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. None

VII. New Business

1. **DETAILED DEVELOPMENT PLAN - The applicant, CHARLES V. SIMMS, is requesting approval of a Detailed Development Plan to construct 74 for sale residential units within 11 buildings for The Gables of Huber Heights. Property located on Brandt Pike North of the Reserves at the Fairways (Case DDP 22-20).**

Mr. Sorrell stated that the applicant requests approval of a detailed 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).

The Planning Commission approved the basic development plan on March 15, 2022, with the following conditions:

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

Conformance with Basic Development Plan

The proposal overwhelmingly conforms to the basic development plan, commission imposed conditions and the regulations outlined in Chapter 1179, Planned Mixed Use District (PM):

Compliance with Planning Commission conditions:

The detailed development plan complies with the conditions established by the Planning Commission through their March 15, 2020, decision order.

- Compliance with fire code requirements:
 - One main entrance and one emergency access is provided.
 - The front boulevard entrance exceeds the width requested by the City Engineer and meets the turning radius requirements to accommodate fire apparatus.
 - At the request of the Fire Department, the boulevard entrance only contains low-height evergreen shrubs and landscaping.
 - Sheet C700 illustrates compliance with fire apparatus turning requirements.
- The minimum private street pavement width shall be 27'
 - The private street widths have been increased to 27' per city code
- The water and sanitary sewer lines are to be public lines made of City standard materials and they are to be in easements.
 - While not included in the detailed development plan submission, the applicant and City Engineer have arranged that they will be included in the final plat prior to recording. Planning staff feels this is sufficient and appropriate.
- The entrance from Brandt Pike shall be a minimum 36' wide with one lane in and two lanes out.
 - The entrance width has been expanded to 44', which includes a 14' entrance, a 6' planted median strip, and a 24' two-lane exit.

Landscaping and Screening

The applicant has submitted an extensive landscaping and screening plan. The plan contains a mixture of shade and ornamental trees, along with a mixture of evergreen trees and shrubs.

Landscaping:

- An attractively landscaped entrance into the development is proposed.
- The plan illustrates a mixture of ornamental trees along the front of each unit.
- Shade trees are proposed throughout the greenspace and between building clusters.

Screening and buffering:

- Guest parking areas are softened with plantings of Taxus shrubs at the end of the parking stalls.
- The plan illustrates a mixture of Norway Spruce evergreen trees planted along the 6' high landscape mound, providing screening and separation between this development and the existing residential structures in The Reserve.
- The plan also illustrates a dense planting of Arborvitae evergreen trees along the north edge of Monte Carlo Way. As you may recall, residents who live along

May 10, 2022

Monte Carlo Way expressed concerns about the lack of screening. This landscaping plan should address their concerns.

Staff Analysis

As outlined above, the applicant has made all the necessary revisions to the detailed development plan as requested by the Planning Commission and various city departments. Staff feels the submitted plan meets the standards for approval of the detailed development plan.

Recommendation

Staff recommends approval of the detailed development plan submitted on April 15, 2022, with the following condition:

- Applicant shall illustrate all existing and new utility easements in the final plat.

Planning Commission Action

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

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

Robert Simms
Max Paton
James Baer
John Moore
Christine Olinsky

Discussion on the median, timeframe for widening Brandt, City or State control speed, entrance sign, fire road, and buffer zones.

Action

Mr. Jeffries moved to approve the request by the applicant Charles V. Simms Development, for approval of a Detailed Development Plan for 15.93 acres on Brandt Pike North of the Reserves at the Fairways Parcel Number P70 03910 0057 of the Montgomery County Auditor's Map (Case DDP 22-20) in accordance with the recommendation of Staff's Memorandum dated May 3, 2022, and the Planning Commission Decision Record attached thereto.

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

Next steps are the applicant to revise various plans according to Commission and submit for City approval and then we will issue permits.

VIII. Additional Business

Informal review Major Change to Detailed Development Plan – BroadReach.
Beth Cotner

None.

IX. Approval of the Minutes

Without objection, the minutes of the April 12, 2022, and April 28, 2022, Planning Commission meeting are approved.

X. Reports and Calendar Review

Rezoning from A to PI off of Taylorsville Road, east of the City for auto repair
Final Plat Carriage Trails

XI. Upcoming Meetings

May 24, 2022
June 14, 2022

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 7:20 p.m.

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date