

**Planning Commission
December 13, 2022, Meeting
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:02 p.m.

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

Members absent: Ms. Opp and Ms. Thomas, both excused.

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. **TEXT AMENDMENTS - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Use within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA22-42).**

Suggested Text Amendment #1: Expand the definition of Home Occupations (Section 1123.53).

The home occupation definition is very limiting, especially considering the number of professions that have broadened work-at-home opportunities and advances in technology that make working from a home office easier. Additionally, traditional concerns about impacts from a home occupation such as delivery vehicles have primarily vanished with the increased popularity of Etsy, Amazon and other retailers who ship directly to consumers. Fed Ex, UPS and Amazon delivery vehicles are a ubiquitous sight in all residential areas.

Suggested Text Amendment #2 & #3: Expand Special Uses within the Agricultural District (Chapter 1142)

There is a limited list of allowable special uses in the agricultural district, and expanding this list and with appropriate standards will provide the BZA with additional options and widen the potential use of lands without impacting adjacent property owners. Unlike a rezoning or variance, the special use permit expires if the use is discontinued for more than one year.

Bed and Breakfast Establishments

I recommend adding “Bed and Breakfast Establishments” and “Automotive / Vehicle Repair” to the list of Special Uses within the Agricultural District. Currently, Bed and Breakfast (B&B) uses are not defined nor allowed in Huber Heights. While there are currently no B&B’s, there are a few unique buildings that may lend themselves to operating as a B&B, and they have very limited impact on neighboring properties. Most surrounding jurisdictions permit B&B’s in many residential areas.

Indoor Automotive / Vehicle Repair

Allowing the BZA to consider automotive/vehicle repair as a Special Use within the Agricultural District may have provided the BZA with additional options when they were reviewing the Skilwies variance request. This approach is preferable to a rezoning or variance, because the use is no longer allowed if voluntarily discontinued after one year.

Self-Storage Facilities

Self-Storage Facilities have been a topic of discussion both in Huber Heights and surrounding jurisdictions due to the recent acceleration in their development. While these facilities provide a service to the renters, they generate little employment opportunities, income tax, or vibrancy along a commercial corridor or areas designed to be active and vibrant.

Currently, there is no consistent definition for self-storage facilities within the zoning code. The terms “warehouse”, “mini-warehouse” and “mini-storage warehouse” are used in the code but none of the terms are defined.

Action

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.1).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

Action

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.2).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

Action

Ms. Vargo moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.3).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Jeffries. Motion to approve denied 2-1.

Action

Mr. Jeffries moved to approve the request by the City of Huber Heights, for approval of various text amendments to the Zoning ordinance of the City of Huber Heights pertaining to Special Uses within the Agricultural District, permitted uses within the Planned Commercial and Planned Industrial District and changes to the home occupation regulations (TA 22-42.4).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

2. **BASIC DEVELOPMENT PLAN AND REZONING - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (RZ BDP 22-35).**

Mr. Sorrell stated that the applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck stop and repair facility on a three (3) acre parcel. The site is very close to the I-70 / SR 235 interchange.

The land is currently zoned B-3. 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.

Approximately 35 acres was recently rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility. The City Council amended the basic development plan to increase the number of truck stop spaces to 30, from 10 spaces that was approved by the Planning Commission.

The applicant has provided additional details regarding the building design and use of the site. Staff feels a repair facility with overnight parking as an accessory use is consistent with the comprehensive plan at this location; however, a simple drop lot facility for overnight parking or trailer storage, without driver support services is not consistent with the comprehensive plan.

Tom Dusa was present.

Discussion on the appropriate use, gateway entrance, and details.

Mr. Jeffries moved to approve the request by the applicant, THOMAS E. DUSA, for approval of Basic Development Plan and Rezoning to PI (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three acres. Property is located at the SouthEast Corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

VII. New Business

- 1. MINOR CHANGE - The applicant, KAP SIGNS, is requesting approval of a Minor Change to add one 5'-8" ground sign. Property is located at 7050 Executive Blvd (MC 22-44).**

Mr. Sorrell stated that the Planning Commission granted approval for three wall signs in October 2014. At that time, no ground signs were planned or requested. At that time, the vegetation along Executive Boulevard did not obscure building visibility. Today, the vegetation has matured and obstructs building visibility from westbound traffic.

Staff supports the minor change to add one ground sign as detailed in the application dated November 17, 2022. Building visibility is difficult for westbound traffic since the vegetation has matured. There are similar ground signs along Executive Boulevard which meet the zoning code requirements.

David Williams from Kap Signs was present.

Action

Ms. Vargo moved to approve the request by the applicant, Kap Signs, for approval of a Minor Change to add one ground sign. Property is located at 7050 Executive Blvd (MC 22-44).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

- 2. MAJOR CHANGE - The applicant, JOHN KOPILCHACK, is requesting approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).**

Mr. Sorrell stated in October 2014, the Planning Commission approved a combined basic and detailed development plan to construct a Dayton Children's Urgent Care facility on the site of a previous medical office use.

The applicant is now proposing to add a 10,600 SF addition to the rear of the existing facility.

The expansion will encroach into the parking area which will reduce the number of spaces by eight (8) spaces to a total of 153 spaces. The expansion materials and design will be similar to the existing facility.

The proposed 10,600 SF building expansion will add 12 additional exam rooms, bringing the total to 40 exam rooms and the total size of the facility to just under 35,000 SF. The expansion will have minor impact on the parking, but staff feels the amount of parking provided is more than adequate for this facility.

No other changes to the approved basic and detailed development plan are presented. Staff feels the General Standards for Approval outlined in Chapter 1171.06 can be satisfied and recommend approval.

Mr. John Kopilchack was present.

Action

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and detailed development plan for addition to the existing medical facility. Property is located at 8501 Old Troy Pike (MJC 22-43).

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

3. REZONING - The applicants, RICHARD BAUMER and STACI CARRE, are requesting approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Mr. Sorrell stated in 1994, many of the properties along Wildcat Road were rezoned to Industrial to facilitate redevelopment on the east side of Wildcat Road. While the records are unclear, staff thinks the rezoning was expanded to include residential homes that were not owned by the original 1994 rezoning applicant on the west side of Wildcat Road.

The current applicant (7767 Wildcat Road) would like to expand his home, but the zoning code does not allow the expansion of a non-conforming use. Staff suggested rezoning the property to R-1. Staff also contacted owners of adjacent residential uses who are currently zoned I-1, one owner (7777 Wildcat Road) contacted city staff and requested to be included in this rezoning request.

The two residential properties meet all the R-1 district standards. They are currently legal non-conforming uses. A change in zoning will allow the primary applicant to expand his structure. Additionally, being zoned R-1, rather than I-1, may enable a smoother real estate transaction if the applicants sell their property in the future.

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning from I-1 to R1. Properties are located at 7767 and 7777 Wildcat Road (RZ 22-41).

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

VIII. Additional Business

Election of Officers, with only 3 members present, will move this item to the next meeting of January 10, 2023.

IX. Approval of the Minutes

Without objection, the minutes of the November 8, 2022, Planning Commission meeting are approved.

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

Mr. Jeffries moved to approve the 2023 meeting schedule. Starting in April, we will only have 1 meeting a month. That will give more time to work on each case.

Seconded by Ms. Vargo. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, and Mr. Walton. NAYS: None. Motion to approve carried 3-0.

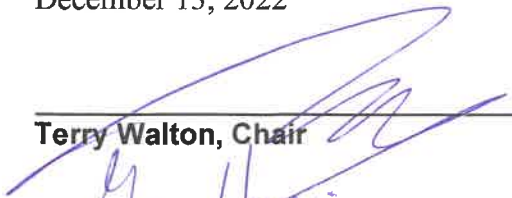
XI. Upcoming Meetings

January 10, 2023

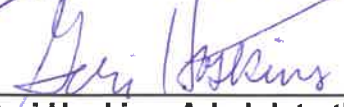
XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:02 p.m.


Planning Commission Meeting
December 13, 2022




Terry Walton, Chair



Geri Hoskins, Administrative Secretary



Date



Date