

**Planning Commission
May 09, 2023, 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. Cassity, Ms. Thomas, Ms. Vargo, and Mr. Walton.

Members absent: Mr. Jeffries, absence approved.

Staff Present: Aaron K. Sorrell, Interim City Planner, 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**

1. **REPLAT - The applicant, CORRIDOR DEVELOPMENT COMPANY, LLC, is requesting approval of a Replat of inlots 1713 and 1738 located in the Windbrooke Subdivision, Section 3, Phase I (RP 23-10).**

Mr. Sorrell stated the applicant requests a replat and dedication of right-of-way to create a terminating cul-de-sac at the end of Butter Cup Drive. Originally, this street was planned to continue eastward, but the adjacent property owner has no intentions of selling the land. This replat and street dedication will create a cul-de-sac that meets the City's subdivision standards.

Conformity with Subdivision Regulations

This replat conforms with Section 1107 (final plat) of the City Code of Regulations. The applicant will make the necessary public improvements then dedicate the public right-of-way.

Staff Analysis

Butter Cup Drive was originally planned to continue eastward and connect with future sections of the Carriage Trails development. The adjacent property owner

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has informed the developer they have no intention of selling the land for development.

While not an ideal situation, the applicant has opted to create a cul-de-sac at the end of Butter Cup Drive. Since a cul-de-sac was not originally planned at this location, the lot configuration is somewhat unique. The applicant is developing home plans that will accommodate a smaller front yard and maintain the street rhythm with the existing homes.

Staff feels the dedication of right-of-way and creating the cul-de-sac is the best near-term solution to accommodate turn around needs of larger vehicles. This design does not preclude extending the street at some future date.

Ken Conaway stated lots wide enough will maintain street scape.

Action

Ms. Thomas moved to approve the request by the applicant CORRIDOR DEVELOPMENT COMPANY, LLC, for approval of a Replat of inlots 1713 and 1738 located in the Windbrooke Subdivision, Section 3, Phase I (RP 23-10) in accordance with the recommendation of Staff's Memorandum dated April 24, 2023, and the Planning Commission Decision Record attached thereto.

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

2. REPLAT - The applicant, DAN CROSS, is requesting approval of a Replat to combine two existing lots to construct an accessory building. Property is located at 8489 Betal Court (RP 23-12).

Mr. Sorrell stated the applicant purchased the adjacent lot after the previous owners razed the structure due to a fire. The applicant desires to construct a 1,600 SF accessory structure. The zoning code does not permit an accessory structure on a lot without a primary structure, thus a lot combination is required.

Conformity with Subdivision Regulations

This replat conforms with Section 1107 (final plat) of the City Code of Regulations. No land dedication is required.

Conformity with Zoning Regulations

The new lot conforms with the R-2 zoning requirements. The proposed accessory structure meets all setback requirements.

Staff Analysis

The proposed lot combination meets the subdivision and zoning code requirements. Staff is supportive of the replat.

Action

Ms. Vargo moved to approve the request by the applicant DAN CROSS, for approval of a Replat to combine two existing lots to construct an accessory

building (RP 23-12) in accordance with the recommendation of Staff's Memorandum dated April 24, 2023, and the Planning Commission Decision Record attached thereto.

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

3. MINOR CHANGE - The applicant, SIGNS NOW DAYTON, is requesting approval of a Minor Change for signage. Property is located at 7700 Brandt Pike (MC 23-13).

Mr. Sorrell stated the applicant desires to replace and relocate the existing south-facing roof sign to the west facing side of the roof. The west side of the building faces Brandt Pike.

Roof signs are prohibited under the zoning code, thus the existing signs are considered non-conforming signs. Non-conforming signs cannot be relocated unless they are brought into conformance with the sign code. See Section 1187.07 – Nonconforming signs.

Staff cannot administratively approve the relocation of the sign unless the applicant mounts the sign to the west building wall. However, within Planned Districts the Planning Commission has great latitude in approving signs that do not conform with Chapter 1189.

Conformity with Zoning Regulations

The Huber Heights zoning code prohibits roof signs. Specifically, Section 1189.03 – Prohibited Signs states:

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:

(c) Any sign mounted onto, above or incorporated into the roof of any building shall be prohibited unless specifically permitted by this chapter.

Section 1189.05(i) gives the Planning Commission latitude in approving signs within Planned Developments. Specifically, the section states:

- (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.*

Staff Analysis

The applicant is proposing to relocate and replace a non-confirming roof sign. The sign replacement and new location will continue to be non-confirming under the zoning code. The building is one-story with a tall, hipped roof. Based on historical photos, the building has been at this location in one form or another since the 1960's. The existing signs are approximately 50 SF each and mounted to the roof structure and meet the definition of a Roof Sign. Thus, they are non-confirming signs due to being mounted to the roof. Non-confirming signs cannot be relocated, except to make the signs less non-confirming. Relocating the sign from one side to the other does not make the sign less non-confirming.

The proposed sign is approximately 50 SF, which conforms to the sign code. Staff would prefer to see the new sign relocated and mounted to the building wall. However, due to the building's construction, the wall sign will be approximately 7' to 10' lower than the existing sign. The applicant is concerned the sign will be less visible mounted to the building wall.

Lengthy discussion on non-confirming due to mounting on the roof and other alternatives. Visibility and grown vegetation.

Mike Pickett from Sign Now Dayton was present.

Discussion on ground sign or monument sign.

Mr. Sorrell will work with the applicant to develop a ground mounted sign or wall sign that conforms with Chapter 1189.

Action

Ms. Thomas moved to approve the request by the applicant, SIGNS NOW DAYTON, for approval of a Minor Change (MC 23-13) in accordance with the recommendation of Staff's Memorandum dated April 28, 2023, as amended and the Planning Commission's decision record attached thereto.

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

- 4. DETAILED DEVELOPMENT PLAN - The applicant, SKILKEN GOLD REAL ESTATE DEVELOPMENT, is requesting approval of a Detailed Development Plan for 3.03 acres to develop a Sheetz restaurant & convenience store including a fueling center. Property is located at 8245 Brandt Pike (DDP 23-11).**

Mr. Sorrell stated that the applicant requests a Detailed Development Plan Approval (3.03 acres) to facilitate the development of a 6,138 SF Sheetz restaurant and convenience store with fueling services and regional stormwater detention area.

City staff have been working with the applicant on the site layout and stormwater detention facility to maximize the capacity of the detention basin area to benefit future development potential upstream.

In 2019, the City of Huber Heights acquired the Lehman farm, including this site. The City has since executed development agreements for the Lehman farm

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property with two groups: Horizon Line/RHM for a mixed-use development on the land north of Executive Boulevard; and Skilken Gold to develop this Sheetz convenience store and regional detention pond on the part of the land south of Executive Boulevard.

The Planning Commission recommended approval of the Basic Development Plan and Rezoning at this site on March 14, 2023. City Council approved the rezoning and Basic Development Plan on April 24, 2023.

The DDP application conforms with the Basic Development Plan ordinance approved by the City Council. Additionally, the DDP generally conforms to all relevant zoning regulations, including landscaping, lighting, parking, architectural standards and signs.

The building elevations indicate accessory sales displays customarily associated with convenience stores such as ice machines, propane bottles, and miscellaneous fluid sales. Given discussions regarding outdoor sales and displays, staff recommends prohibiting outdoor sales, storage or displays of any product in any parking area, along the perimeter of the parking and fueling area, or in any travel aisles. Staff recommends limiting outdoor sales and displays to the exterior building wall and under the fueling canopy.

Kareem Amr from Skilken Gold was present.

Discussion on 5 ft sidewalks, curb cut for right hand turn on Brandt, no left turn out of Brandt, stacking lanes and turning lanes.

Action

Ms. Thomas moved to approve the request by the applicant, SKILKEN GOLD REAL ESTATE DEVELOPMENT, for approval of a Detailed Development Plan for 3.03 acres to develop a Sheetz restaurant & convenience store including a fueling center (DDP 23-11) in accordance with the recommendation of Staff's Memorandum dated May 2, 2023, and the Planning Commission Decision Record attached thereto.

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

VIII. Additional Business

Informal Review – Continental Properties

Trever Stadler gave a presentation on a multi-family development at the Northeast corner of Chambersburg and Old Troy Pike, behind Key Bank.

IX. Approval of the Minutes

Without objection, the minutes of the April 11, 2023, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Sorrell reviewed City Council Actions related to Planning Commission.

XI. Upcoming Meetings

June 13, 2023
July 11, 2023

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 7:40 p.m.



Terry Walton, Chair

Geri Hoskins, Administrative Secretary

Date

Date