

**Planning Commission
July 11, 2023, 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. Cassity, Mr. Jeffries, Ms. Thomas, Ms. Vargo, and Mr. Walton.

Members absent: None.

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**

1. **TEXT AMENDMENT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of a text amendment pertaining to Chapter 1181.20 Building Materials for Dwellings (TA 23-14A).**

Mr. Sorrell stated that over the years, building materials have improved and builders utilize a range of materials to provide a mixture of building facades along a street, convey different design aesthetics, and control construction costs as prices of materials can vary depending on local and regional demand. This text amendment seeks to codify community expectations and provide reasonable flexibility for contemporary designs and modern material utilization.

Based on feedback from the Planning Commission this version has been revised for clarity and ease of administration.

Staff Analysis

Currently, there is a significant schism with exterior building material requirements between building in a straight zoned area (A, R-1, R-2, etc.) versus building on a lot in a Planned Residential areas. If a buyer seeks to construct a new single-story home or build a single-story addition in any district other than a PUD, they must fully wrap their single-story home in brick or masonry material. New two-story homes must have the first floor wrapped in brick or masonry material. The floors above can be any other material.

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Recent Planning Commission decisions have established a minimum masonry limit at approximately 25% of the front façade for single-family homes. Multi-family structures have ranged from 10% to 20% in recent years.

Staff is proposing the following standards:

Non-PUD Zoning:

- One-Story dwellings: 25% of the front façade
- Multi-Story dwellings: 25% of the first-floor front façade.

PUD Zoning:

- 1 & 2-family buildings: 25% of the front facades
- Multi-family and mixed-use buildings: 10% of the aggregate building wall surface.

These standards encourage the Planning Commission to consider the types, location and layouts of the buildings. Every development is different, and the Planning Commission should include those details. Specifically, the Planning Commission is encouraged to:

When establishing the requirements, the Planning Commission shall consider the types, location, and layout of the buildings to:

- (1) Encourage a mix of building facades and material usage and discourage monotonous building repetition.
- (2) Encourage higher percentages of full depth brick, cultured brick, stone, cultured stone, or other approved masonry product along the frontage of major public streets and thoroughfares.

Additional Comments:

Staff feels that these revised materials requirements for dwellings reflect the recent decisions of the Planning Commission and City Council and are a bridge from the previous masonry requirements to a constituent that desires a diverse architectural palate within the community.

Fire: No comments.

City Engineer: No comments.

Discussion on building in phases, each section held to standard, eliminate aggregated amount.

Action

Ms. Thomas moved to approve the request by the applicant THE CITY OF HUBER HEIGHTS, for approval of a Text Amendment pertaining to Chapter 1181.20 Building Materials for Dwellings (TZ 23-14A) in accordance with the recommendation of Staff's Memorandum dated July 5, 2023, and the Planning Commission Decision Record attached thereto.

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

VII. New Business

- 1. MINOR CHANGE - The applicant, KELLEY KOONS, is requesting approval of Minor Change to the Detailed Development Plan to construct a four-season enclosed patio. Property is located at 5420 Brandt Pike (MC 23-16).**

Mr. Sorrell stated that the applicant requests a minor change to the Detailed Development Plan to construct a 300 SF four-season enclosure on the north side of the existing building. The 30' by 10' structure will have overhead doors on each end of the building, and windows along the northern wall. The addition will be nearly 500' from Brandt Pike and barely visible due to its relatively small size.

Applicable Zoning Regulations

The applicable zoning regulations are Chapter 1171 – General Provisions and Chapter 1174 -Planned Public and Private Buildings and Grounds District (PP).

Staff Analysis

Detailed Development Plan Analysis:

The applicant requests a minor change to the Detailed Development Plan to construct a 300 SF four-season enclosure on the north side of the existing building. The exterior of the addition is mostly windows on the north side, and one window and overhead door on each end.

Conformance With Planned Public and Private Buildings and Grounds District Requirements:

Uses: Fraternal organizations are a permitted use.

Development Standards:

- The addition meets all setback and yard requirements.
- No additional parking is necessary.

No other changes are being proposed by the applicant. The existing structure is just over 18,000 SF. This addition represents an enlargement of under 2% of the existing floor area. No other improvements are required by the zoning code.

Fire: No comments received.

City Engineer: No comments received.

Action

Mr. Jeffries moved to approve the request by the applicant KELLY KOONS, for approval of a Minor Change to the Detailed Development Plan (MC 23-16) in accordance with the recommendation of Staff's Memorandum dated July 5, 2023, and the Planning Commission Decision Record attached thereto.

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

2. REPLAT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval to vacate Thorngate Road north of Waynegate Road (RP 23-18).

Mr. Sorrell stated that the city is requesting approval to vacate Thorngate Drive, north of Waynegate Road. This is a stub street intended to connect to the subdivision to the north. The connection was never approved or completed, nor will it ever be constructed. As a result, this stub serves no municipal purpose, and has created drainage problems for the adjacent property owners.

Once the right of way is officially vacated and the road bed removed, the two parcels will be transferred to the adjacent property owners.

Applicable Subdivision Regulations

The applicable subdivision regulations for the plat are found in Chapter 1107 - Final Plat. The vacation of public right of way is governed by ORC 711.39 - Vacating Plat by Legislative Authority.

Vacating the public right of way requires approval by the platting commission (Planning Commission) and the Huber Heights City Council.

Staff Analysis

The vacation is being initiated by the City at the request of the adjacent property owners who have consistent flooding issues due to this stub. The stub serves no municipal function since the connection to the northern subdivision was never completed. The City is removing the road bed for the adjacent property owners.

Additional Comments:

Fire: The Fire Department has approved vacation and replat.

City Engineer: The engineer has approved vacation and replat.

Discussion on changing the deeds, fully restored.

Action

Mr. Jeffries moved to approve the request by the applicant THE CITY OF HUBER HEIGHTS, for approval to vacate Thorngate Road north of Waynegate Road (RP 23-18) in accordance with the recommendation of Staff's Memorandum dated July 5, 2023, and the Planning Commission Decision Record attached thereto.

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

3. DETAILED DEVELOPMENT PLAN - The applicant, METROPOLITAN HOLDINGS LTD, is requesting approval of a Detailed Development Plan for an apartment project. Property is located at Executive Boulevard across the street from the Rose Music Center (DDP 23-19).

Mr. Sorrell stated the applicant requests Detailed Development Plan approval to facilitate the construction of 312 residential units (1- and 2-bedroom apartments) on approximately 21.3 acres.

The Planning Commission recommended approval of a rezoning and basic development plan on February 14, 2023. The Huber Heights City Council approved the rezoning and basic development plan on April 11, 2023.

Applicable Zoning Regulations

The applicable zoning regulations are Chapter 1130 – Amendments, Chapter 1171 – General Provisions, Chapter 1179 – Planned Mixed Use, Chapter 1181 – General Provisions.

The staff analysis addresses the elements of the Detailed Development Plan and standards for approval.

Staff Analysis

The approved rezoning and Basic Development Plan ordinance has the following relevant conditions:

1. The Basic Development and Zoning Regulations shall be those submitted with the application dated January 30, 2023.
2. The northern property buffering requirements shall be determined during the Detailed Development Plan review.

Conformance with the approved conditions of the BDP:

1. **The Basic Development and Zoning Regulations shall be those submitted with the application dated January 30, 2023.**

The development regulations that were submitted with the Basic Development Plan will be recorded as part of the detailed development plan approval. The Project Zoning and Design Standards are attached for reference.

The submitted detailed development plan substantially conforms to these requirements.

Setbacks

Minimum Requirements	As indicated on the DDP	Conforming (Y/N)
Front yard: 20 feet	25 feet	Y
Rear yard: 25 feet	25 feet	Y
East Side yard: 25 feet	25 feet	Y
West Side yard: 25 feet	20 feet	N*

*The applicant has indicated that this is an error and will be submitting corrected plans.

Signage

The DDP indicates two (2) internal illuminated wall signs on the clubhouse building. The two wall signs total 75 square feet.

Two non-illuminated entrance columns (monument signs) are proposed. The columns are 6 feet high and just under 4 feet wide. The signage graphic affixed to each column is approximately 3.5 square feet.

Staff feels the signs are appropriately located and well designed to showcase the music branding of apartment complex.

Architecture and Site Standards

The detailed development plan appears to satisfy the building material requirements outlined in the Project Zoning and Design Standards. The residential buildings are mixture of stone, cement panels, and lap and batten siding. The buildings facing Executive Boulevard including the clubhouse have extensive stone and masonry elements.

Additionally, the applicant is proposing a significant amenity package for residents including pool, outdoor kitchen and gathering areas.

Landscaping

The landscaping plan is substantially compliant to the standards outlined in the Project Zoning and Design Standards. This includes street tree, perimeter and interior landscaping, and open space requirements. Sheets L1 and L2 illustrate the proposed landscaping plan.

Lighting

The lighting plan indicates pedestrian scale decorative poles and fixtures will be used the parking areas and travel lanes. The decorative fixtures are mounted on 12-foot poles. The lighting standards limit light trespass to no more the 0.5 foot-candle. However, the photometric plan indicates areas of illumination on the north property line which exceeds this standard. As a condition of approval, the applicant shall shield the perimeter fixtures adjacent to the north property line.

Street and Transportation Standards

The detailed development plan complies with the street and transportation standards outlined in the Project Zoning and Design Standards.

The only significant change is the multi-use path along Executive Boulevard. The basic development plan indicated a 10-foot path. After discussions between the applicant and staff, the path has been reduced to eight (8) feet. This was done to better accommodate decorative street lighting that is being planned for Executive Boulevard. The width of the path matches the width of the path in front of the Rose.

2. **The northern property buffering requirements shall be determined during the Detailed Development Plan review.**

How the project is buffered from the northern neighborhood was a significant discussion topic and particular concern to the adjacent neighbors. Staff encouraged the development team to survey the treeline to determine which

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mature trees are healthy and should remain, and to cluster landscaping between the garages to further reduce visual and noise impacts. Additionally, specific grading requirements and their impacts to the treeline was unknown at the point of basic development plan approval.

Surprisingly, only eight trees within the 25-foot setback must be removed. They are clustered in the areas where two retaining walls must be constructed to achieve the grading required for the parking areas and garages. No trees along the property line are indicated to be removed. Sheet C201 and C202 illustrate the planned removals. Sheet C501 and C502 illustrate the grading limits and location of the retaining walls.

To mitigate the loss of the trees and increase buffering, the applicant is proposing substantial landscaping along the northern property line. Sheet L2 and L2.1 There is a dense mixture of evergreen and deciduous trees planned. The evergreens will be 6 feet at planting, and the various deciduous trees will have a 3-inch diameter. These are substantially larger than typically planted.

Staff feels the northern property line is adequately buffered between the existing trees remaining and the substantial amount of new plantings.

Staff Analysis

The DDP application substantially 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.

Additional Comments:

Fire: See Attached.

City Engineer: No comments received.

Discussion on parking compared to Parkview, fire issues, 9 ft. parking spaces, another lane on south side of Executive, 8 ft sidewalks, font for sign, what name means, tree survey, retaining walls, 1 phase.

Ryan Young, Jamie Oberschlake,

Pat Dyer, resident, asked about retaining wall, between buildings and garages, dumpsters, maintenance, how long building will take.

Annamarie Norgrove, resident, asked about tree lines and when construction will start.

Melissa Cleary, resident, said the name was really cool and it's a great idea.

Action

Ms. Vargo moved to approve the request by the applicant METROPOLITAN HOLDINGS LTD, for approval of a Detailed Development Plan for a proposed new 312 unit apartment project. Property is located across the street from the Rose Music Center (DDP 23-19) in accordance with the recommendation of Staff's Memorandum dated July 6, 2023, and the Planning Commission Decision Record attached thereto.

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

- 4. BASIC DEVELOPMENT PLAN - The applicant, BP-OTP, LLC, is requesting approval of a Rezoning from O1 to PC, and a Basic Development Plan for a gas station convenience mart with fueling pumps. Property is located at 4949 Chambersburg Road (BDP 23-17).**

Mr. Sorrell stated that the applicant seeks to construct a new 5,915 SF Wawa convenience store with eight fueling pumps at the corner of Old Troy Pike and Chambersburg Road. Wawa is entering the Dayton area market, and this will be its first Huber Heights store.

The proposed store will sit on 5.41 acres, of which approximately three (3) acres are zoned Planned Commercial and approximately 2.4 acres are zoned O-1. Convenience stores and fueling stations are permitted in the Planned Commercial District but not the O-1. Thus, a replat and rezoning are included in the Basic Development Plan application.

Nearby commercial and retail uses at this intersection include Walgreens on the southwest corner; KeyBank on the northeast corner; and Speedway at the southeast corner.

Site Characteristics

Approximately half the site is currently developed as a single-family house in a densely wooded and landscaped lot. The other half is wooded, undeveloped land. There is a steep grade change with the plateau of the site approximately 30 feet above the Chambersburg / OTP intersection. The grade change between the road and the site becomes less dramatic as one travels east on Chambersburg and north on Old Troy Pike.

While the proposed store is located in the general clearing of the lot, grading will be required to develop the building pad, parking area, fueling bays and access drives. However, it does appear that grading will end approximately 80 feet from the east property line and have no impact on the home north of the site.

The site has access to all necessary utilities. Additionally, the applicant will dedicate the required right-of-way for the planned Chambersburg widening and multi-use path.

Applicable Zoning Regulations

The applicable zoning regulations are Chapter 1171 – General Provisions, Chapter 1176 – Planned Commercial, Chapter 1181 – General Provisions, Chapter 1182 – Landscaping, and Chapter 1185 – Parking and Loading.

Chapter 1171.05 - Contents of basic development plan, states:

(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:

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- (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.

Chapter 1171.06 - General standards for approval, states:

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

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with the existing intended uses, and any part of a PUD not used for structures, parking and loading areas, or accessways;

(g) Shall preserve natural features such as water courses, trees and rock outcrops, to the degree possible, so that they can enhance the overall design of the PUD;

(h) Is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provision of proposed services;

(i) Shall place underground all electric and telephone facilities, street light wiring and other wiring conduits and similar facilities in any development which is primarily designed for or occupied by dwellings, unless waived by the Commission because of technical reasons;

(j) Shall not create excessive additional requirements at public cost of public facilities and services and shall not be detrimental to the economic welfare of the community;

(k) Shall not involve uses, activities, processes, materials, equipment and conditions of operation that shall be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and

(l) Rezoning of the land to the PUD District and approval of the development plan shall not adversely affect the public peace, health, morals, safety or welfare.

Staff Analysis

The staff analysis addresses the rezoning request and elements of the Basic Development Plan and standards for approval.

Rezoning Analysis:

The applicant requests the rezoning of approximately 2.44 acres from O-1 General Office to Planned Commercial (PC).

Conformance with Comprehensive Plan

The City's comprehensive plan indicates the site is within the Estates pattern area adjacent to the Southtown pattern area. The Estates development pattern area recognizes that this area is where large-scale development is unlikely to occur and where large-lot residential development is appropriate. This is particularly true on the west side of the pattern area where environmental constraints, such as flooding, limit the development potential.

However, that is not to say the area is determined to be exclusively residential. One of the key elements within the Estates development pattern area is to "allow for incremental, contextually relevant non-residential uses and amenities." This site is on the east edge of the pattern district, not subject to flooding and at the intersection of two major roadways. Additionally, all necessary utilities are available.

Given the location of this site and its context within the Estate pattern district, staff feels the rezoning from O-1 to PC is consistent with the comprehensive plan.

Basic Development Plan Analysis:

The applicant proposes constructing a 5,915 SF convenience store and four-island fueling center. The applicant has submitted all necessary plans and studies for the Basic Development Plan review.

Conformance With Planned Commercial District Requirements:

Uses: Retail uses and filling stations are principally permitted in the district.

Development Standards:

- The site plan meets all parking and building setback and yard requirements.
- Nineteen street trees are required. The preliminary landscaping plan shows 19 street trees. However, due to grading issues and Chambersburg Road's planned widening, most of them are not near the sidewalk. During the Detailed Development plan review, staff will work with the applicant to place the required trees appropriately.
- The lighting plan submitted with the application meets all requirements. The proposed fixture height is 20 feet, and the fixture types meet the code. The photometric analysis indicates no light trespasses across the property lines.
- The building design substantially meets the exterior material recommendation. Not including glazing, the building's entire exterior is 68% masonry. The front façade is 78% masonry and glazing. Approximately 28% of the exterior is a wood composite accent siding.
- All utilities are below ground.

Parking and Loading:

- The applicant proposes 53 parking spaces, more than the code requires. Parking stall dimensions are 10' x 20', as required.

Landscaping:

- The plans appear to meet the landscaping requirements but will be verified when the detailed development plan is submitted.

Signs:

- A sign package was not submitted with the application and will be reviewed when the detailed development plan is submitted. The elevations indicate three wall signs, and the site plan indicates two monument signs.

Conformance with General Standards of Approval:

Below is the staff analysis of conformance with the general standards of approval.

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

It is the staff's opinion that the proposal is consistent with the comprehensive plan and thoroughfare plan. The site is located at the intersection of arterial and collector streets.

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

While no development schedule has been submitted, the applicant has stated to staff that they will initiate construction shortly after all plans are approved by the City and County. There are no concerns on the part of staff that the applicant would have difficulty financing and constructing the project in a reasonable time.

- (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;*

It is important to note that the traffic counts were taken when school was in session, and they represent an accurate assessment of the existing peak traffic volume. The traffic study estimates there will be 541 AM and 467 PM weekday peak hour trips.

This store's net new peak hour trips are estimated at 129 AM and 1179 PM. It's important to note that the study estimates that 76% of those trips are pass-by, meaning those vehicles are on the road regardless of whether the Wawa development is constructed.

The traffic study indicates that no drop-down lanes are necessary. The applicant is required to dedicate additional ROW along Chambersburg Road to facilitate the construction of a future roadway widening.

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

Staff does not anticipate any undue burden on public services. The area has adequate utility and street capacity. We are unaware of any policing concerns, and the development will comply with all building and fire code requirements.

- (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;*

Any conditions imposed by the Planning Commission or City Council will be memorialized in the PUD legislation and remain in effect unless modified by the Planning Commission or City Council.

- (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;*

The staff believes the site plan is generally well arranged, and internal circulation is efficient and compatible with the intended use. Pedestrian connections between the streets and the store are provided. The landscaping requirements will be reviewed with the Detailed Development application.

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(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;

The site will retain a significant amount of wooded area to the west and north. Additionally, the existing decorative retaining wall will remain.

(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;

As discussed, the site has significant topographic features. The grading plan illustrates significant grading on the site's west, south and northeast edges. The grading should not impact the properties west or north of the site since there is an adequate buffer between the property lines and the extent of the grading activities. The applicant is grading to a 3:1 slope and providing vegetative ground cover, which will limit erosion.

(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;

All utilities will be placed underground.

(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;

Staff does not anticipate any additional public services required to support this development.

(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

All proposed uses are consistent with the Planned Commercial district zoning being requested as part of this application. The traffic study does not indicate that this development will generate excessive traffic.

(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.

The staff believes the rezoning is consistent with the comprehensive plan and will not adversely affect surrounding properties.

Additional Comments:

Fire: See attached.

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City Engineer: The engineer has reviewed the site plan and requested additional right of way along Old Troy Pike and Chambersburg Road. The applicant has indicated that they will revise their plans accordingly.

Recommendation

Staff supports the partial rezoning from General Office (O-1) to Planned Commercial. It is the staff's opinion that the requirements of Section 1171.06 can be met, and recommends approval of the rezoning and Basic Development Plan with the following conditions:

- The applicant shall assess the health of the existing trees along the site's perimeter that will be incorporated into the landscaping plan. Healthy trees shall be identified and incorporated into the landscaping plan as appropriate, subject to approval as part of the Detailed Development Plan. The applicant shall also develop a plan to protect key trees during construction, subject to staff approval.
- The applicant shall work with staff to determine the final street tree placement during the Detailed Development Plan phase.
- Signs shall conform with Chapter 1189, unless otherwise approved in the Detailed Development Plan by the Planning Commission.
- Permitted uses shall be those listed as permitted uses in Section 1176.01, except the following are prohibited:
 - Vehicle sales, rental or service
 - Sweepstakes Cafes
 - Short-term lenders (pay-day lenders, loans against auto titles, etc.)
 - Dry cleaners
 - Outdoor sales and storage, unless approved by the Planning Commission
- The applicant shall submit a revised Basic Development Plan indicating the corrected ROW dedication along Old Troy Pike and Chambersburg Road, as the City engineer requires.

Discussion on sidewalk width, undeveloped half of site, left turn onto Troy, traffic coming south, Chambersburg design timeline, 3-1 slope, full shielding on West side, traffic lane on Troy Pike, retaining wall, 19 ft. drop, bike racks, lower the crest on Chambersburg.

Patrick O'Leary, Eric Williams, Patrick Warnemont, Adam Malonjao, Jason Waite, Ryan Vickers.

Action

Ms. Thomas moved to approve the request by the applicant BP-OPT, LLC, for approval of a Rezoning from O1 to PC, and a Basic Development Plan for a gas station convenience mart with fueling pumps (BDP 23-17) in accordance with the recommendation of Staff's Memorandum dated July 5, 2023, and the Planning Commission Decision Record attached thereto.

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

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the June 13, 2023, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Sorrell stated Flying Ace, Huber Health Center, and Technology and Artz Road.

XI. Upcoming Meetings

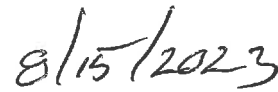
August 15, 2023
September 12, 2023

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 8:40 p.m.



Terry Walton, Chair

Geri Hoskins, Administrative Secretary

Date

Date