

**Planning Commission
August 15, 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, 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

Mr. Sorrell stated a representative from Buc-ee's would not be present.

IV. Citizens Comments

Steve Zbinden stated he didn't feel Buc-ee's fit that area. Buc-ee's does not allow semis.

David Johnson stated semis generate problems with the roads. Glad Buc-ee's doesn't allow semis.

- 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. **MINOR CHANGE - The applicant, PINNACLE ARCHITECTS, is requesting approval of Minor Change for installation of a new helistop to the rear of the existing health center. Property is located at 8701 Old Troy Pike (MC 23-20).**

Mr. Sorrell stated that the applicant requests a minor change to install a 45' x 45' helistop landing pad and associated lighting at the rear of the existing Kettering Health Center. The helistop will only be used for occasional patient transport to other facilities when care needs demand the use of a helicopter. Kettering Health Network has installed, or is currently installing, helistops at most of its emergency facilities such as the Huber Heights location.

Representatives from Kettering Health have discussed the project with the neighboring rehabilitation center, and they have no objections to the helistop.

Planning Commission Meeting

August 15, 2023

The helipad will have two types of lights. One the pad itself, will be flush mounted green marking lights. Around the perimeter of the pad will be low bollards that cast light over the landing area. Lights will only be on when the pad is in use and no lights will cast directly toward the adjacent rehabilitation center. A picture of the helipad at the Franklin hospital is below for your reference.

The applicant's request to construct a 45' x 45' helistop requires Minor Change approval to the PUD. The proposed use conforms with the district regulations and given the limited anticipated operating frequency, should not pose a nuisance to surrounding properties. The proposed landing pad and associated lighting conforms to all zoning requirements.

Staff recommends approval of the Minor Change to the PUD to facilitate the construction of the proposed helistop. Staff has no conditions associated with the recommended approval.

Mr. Jeffries questioned an opposition email, that was an error. Discussion on how often, trees, fence, located here, storage, clearance from airport, and window glazing.

Mike Taylor from Pinnacle Architects said only critical ill patients, quietest available, FAA approved, and no window glazing.

Action

Ms. Thomas moved to approve the request by the applicant PINNACLE ARCHITECTS, for approval of a Minor Change for installation of a new helistop to the rear of the existing health center (MC 23-20) in accordance with the recommendation of Staff's Memorandum dated August 8, 2023, and the Planning Commission Decision Record attached thereto.

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

2. DETAILED DEVELOPMENT PLAN - The applicant, FLYING ACE CAR WASH, is requesting approval of a Detailed Development Plan to construct a new car wash. Property is located at 7730 Brandt Pike (DDP 23-21).

Mr. Sorrell stated that upon Basic Development Plan approval, the applicant purchased the former 5/3rd bank building at 7730 Brandt Pike to redevelop the site into a Flying Ace Car Wash. The applicant plans to demolish the existing vacant building and reuse the building pad, much of the parking area, perimeter landscaping and travel lanes.

The site was one of three out parcels in the Sulphur Grove Shopping Center when Wal-Mart was constructed. The site is relatively flat and sits below the Brandt Pike roadway grade. Site access is from Cedar Hill Drive and an access road within the shopping center.

Several restrictive covenants on this site are imposed by Wal-Mart, which control building height, size, parking ratios and use. The Flying Ace Car Wash development has been determined to satisfy all restrictive covenants and can move forward.

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

1. A gate shall be installed at the Cedar Hill Drive entrance.

A gate shall be installed at the Cedar Hill Drive entrance. A swing gate at the Cedar Hill Drive entrance is illustrated on the site plans.

Landscaping

The applicant plans to use the existing landscaping, including the perimeter screening and buffering beds. The landscaping plan illustrates six new parking lot shade trees, new planting beds (Golden Spirea) along the west edge of the site, and new juniper bushes screening the driveway from Cedar Hill Drive. Open space increases from 39% to 42%, which conforms to the zoning code.

Street Trees: The existing mature street trees will remain and meet code.

Perimeter/Parking areas: The applicant is keeping much of the existing parking lot landscaping on the west and north edges. Gaps in the landscaping are being filled with new juniper and Golden Spirea bushes.

Lighting

The applicant is reusing the existing light poles which meet the code.

Mechanical / Storage areas

The DDP indicates that the dumpster area is enclosed and screened according to the zoning code. Existing shrubs and new Golden Spirea plantings screen the central vacuum system.

Parking

The code requires one space per employee, a minimum of 4; 2 spaces for drying/finishing; and 15 waiting spaces. This site plan illustrates:

- o Four employee parking spaces, one handicapped space
- o 20 vacuum spaces (drying / finishing)

While the DDP does not enumerate the number of waiting spaces, the Basic Development Plan indicated up to 51 queuing spaces. The DDP circulation and parking plan is identical to the approved Basic Development Plan (BDP). Staff feels the number of waiting spaces is adequate and meets the code.

Architecture

The building is clad with a mixture of brick and glass, and there are no blank walls. The building is oriented away from the residential area to minimize noise. The architecture is consistent with the intent of the commercial building standards in the zoning code.

Signs

The signs illustrated in the DDP application are consistent with those submitted with the BDP application approved by the Planning Commission and City Council.

Wall signs: The code suggests up to 150 SF of wall signage and no more than four wall signs. The drawings include two traditional wall signs and a mural. The two wall signs at the end of the building are approximately 50 SF each, totaling 100 SF.

The mural is approximately 288 SF and is only visible during operating hours. Staff feels the mural adds visual interest to the building exterior and recommends approval.

Ground sign: The applicant plans to reuse the existing monument sign base and install a sign with a similar height. The sign detail indicates the sign and base are 7'-6" tall. The sign is installed on a sloping hillside, and the west side of the ground sign is close to 6' tall, which meets the code.

Staff Analysis

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.

Additionally, it is the staff's opinion that a second Flying Ace location will reduce the traffic congestion issues occasionally plaguing the Merily Way location.

Fire: The Fire Department has approved the site plan.

City Engineer: All comments have been addressed.

Jake Morrison from Van Atta Engineering was present.

Discussion on stacking, traffic, cross access, Bob Evans and Walmart entrance, gate, striping, and Cedar Hill traffic.

Action

Mr. Cassity moved to approve the request by the applicant FLYING ACE CAR WASH, for approval of a Detailed Development Plan to construct a new car wash (DDP 23-21) in accordance with the recommendation of Staff's Memorandum dated August 9, 2023, and the Planning Commission Decision Record attached thereto.

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

- 3. REZONING AND BASIC DEVELOPMENT PLAN - The applicant, THOMAS E. DUSA, is requesting approval of a Basic Development Plan and Rezoning**

from Commercial (B3) to Planned Industrial (PI) to construct a truck stop and repair facility. Property is located at the Southeast corner of Technology Blvd and Artz Road (RZ BDP 22-35).

Mr. Sorrell stated 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. Approximately 35 acres on the east side of SR 235 was rezoned to Planned Commercial to accommodate a fueling station, truck stop and repair facility.

The applicant's site 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.

Case History

This case was originally in front of the Planning Commission on December 13, 2022. The City Council considered the case on the following dates:

Work Session 1/17/23
Work Session 4/4/23
Council Mtg. 4/10/23
Work Session 4/20/23
Council Mtg. 4/24/23
Work Session 5/2/23
Council Mtg. 5/8/23

In May, the City Council remanded the case back to the Planning Commission to consider a facility with more truck parking spaces and a refined operations plan. The revised plan indicates 30 truck parking spaces. The maintenance facility and auto parking are unchanged.

On-Site Uses and Facilities

The applicant is proposing a 4,500 SF building with 30 semi-truck parking spaces. The "shop floor" is approximately 843 SF. The applicant feels there is a need for support services for over-the-road truckers who have maximized their legal driving time and must rest.

Through discussions with the applicant, the maintenance building will be leased to an individual or company to provide heavy truck maintenance services. The revised operating / advertising plan is attached in the letter dated April 15, 2023.

Site Characteristics

The site is located just north of the I-70 / SR-235 interchange and has a prominent location for those entering or leaving the city. The developable area sits approximately six (6) feet below street grade including SR-235, Artz Road and Technology Boulevard. There is an existing tree line along the east and south side of the site, which effectively screen the site from the view of those traveling northbound on SR-235.

The site has access to all utilities.

Rezoning Analysis:

The applicant desires to rezone the property from B-3 to PI for the purpose of constructing a truck stop and repair facility. The applicant is in the trucking business and feels there is a need for facilities that allow drivers to rest and recuperate after they have maximized their allowable driving hours.

The majority of properties in the vicinity are zoned I-1 and are engaged in the manufacturing or warehousing and distribution of various goods. The majority of surrounding lands heavily utilize trucking services.

Last year, the Planning Commission and City Council approved the rezoning of 35 acres from I-1 to Planned Commercial to facilitate the construction of a convenience store, truck parking and diesel repair facility on approximately nine (9) acres. Planned Commercial zoning was required to support all the uses on the site, mainly the convenience store. During the rezoning discussion, the City Council increased the allowable truck stop parking spaces from 10 to 30, because at least one member felt there was a need for such services in the area.

This case was remanded back to the Planning Commission to consider a larger facility with more truck parking spaces.

Conformance with Comprehensive Plan

The city's comprehensive plan indicates the site is located in a "Gateway" and "Growth" area. Gateways are prominent entrances into the city which should be designed and landscaped in an attractive manner, limit sign clutter and preserve and maintain mature trees where possible. Growth areas are those locations within the city that where economic development should be encouraged, and low-density residential developments discouraged. These areas are the future economic engines of the city.

The rezoning request from B-3 to PI could be consistent with the comprehensive plan.

Staff feels the rezoning from business to industrial use is appropriate for this site. It has been widely reported there is a need for facilities and services to support truck drivers who have exhausted their allowable driving hours. It is unclear to staff whether the rest facility proposed directly or indirectly benefit the surrounding businesses or if the majority of users are over-the-road drivers simply passing through the community

Based on conversations with the applicant and additional details regarding programming, the revised site plan meets all parking. There are 30 truck parking spots and five automobile parking places for the shop.

Other Considerations:

During discussions with the applicant, it is clear there is an intent to construct a building. However, staff still recommends as a condition that the building be constructed before a final zoning certificate is issued. Staff is concerned that this location will simply become a trailer drop lot with no value-added services for drivers or surrounding businesses.

Fire: See Attached.

City Engineer: No comments were received.

Recommendation

There is a need for overnight truck parking in the area, given the large number of owner-operators in the region. The applicant is proposing an overnight storage facility for the tractor and/or trailer, but will prohibit on-site sleeping by the driver. Since the case was originally heard in December 2022, the applicant has further refined their application and operations plan. Staff does feel the proposed use fills a market void and can be designed in a manner that projects an attractive entrance into a largely industrial area of the city.

If Planning Commission feels the rezoning and basic development plan are consistent with the comprehensive plan and the standards for development can be met, then staff recommends the following conditions:

1. The applicant shall submit a detailed programming plan, including floor plans and elevations for the building prior to detailed development plan approval;
2. The applicant shall submit a phasing plan for consideration and approval by the Planning Commission;
3. The applicant shall comply with all provisions of the zoning code;
4. The proposed overnight parking area shall be asphalt or concrete;
5. No activities including parking, storage or site improvements shall occur until a detailed development plan is approved and a zoning certificate issued.

Lengthy discussion with the applicant, Thomas E. Dusa. Same points brought up, security, overnight sleeping, repair facility.

Action

Ms. Thomas moved to table until 9/12/23, the request by the applicant THOMAS E. DUSA, for approval of a Basic Development Plan and Rezoning from Commercial (B3) to Planned Industrial (PI) to construct a truck stop and repair facility (RZ BDP 22-35) in accordance with the recommendation of Staff's memorandum dated August 9, 2023, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Mr. Jeffries, Ms. Vargo, Ms. Thomas, and Mr. Walton. NAYS: Mr. Cassity. Motion to table carried 4-1.

VIII. Additional Business

Mr. Sorrell gave a brief presentation on Buc-ee's 52-acre site 75,000 sf store, 800 parking, and 120 fueling pumps. ODOT looking at it.

IX. Approval of the Minutes

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

X. Reports and Calendar Review

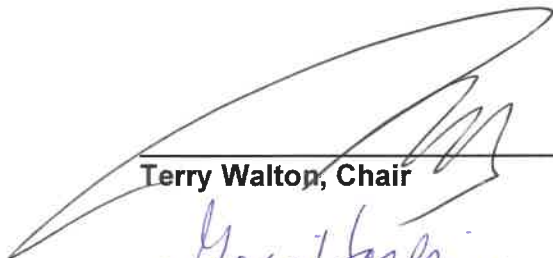
Mr. Sorrell stated RHM, moratorium on self-storage facilities.


XI. Upcoming Meetings

September 12, 2023
October 10, 2023


XII. Adjournment

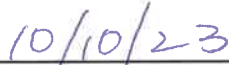
There being no further business to come before the Commission, the meeting was adjourned at approximately 8:04 p.m.



Terry Walton, Chair


Geri Hoskins, Administrative Secretary



Date


Date