

**Planning Commission
September 12, 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

None.

IV. Citizens Comments

Universal Changing Table presentation by Jennifer Corcoran, www.ChangingSpacesCampaign.com.

- 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. **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 on approximately three (3) acres. Property is located at the Southeast 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-acre parcel. The site is very close to the I-70 / SR 235 interchange.

The applicant's site is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics. A significant amount of agricultural / vacant land immediately east of this site in Clark County 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 4/20/23

Work Session 4/4/23 Council Mtg. 4/10/23
Council Mtg. 4/24/23 Work Session 5/2/23

In May, the City Council remanded the case 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.

The Planning Commission discussed the revised plans at its August 15, 2023, meeting. The case was tabled, and it was requested that staff more thoroughly summarize the various work session and council meeting discussions that led the City Council to remand the case to the Planning Commission.

That summary and the applicant's formal (submitted) and informal (discussed at the podium) responses are outlined below.

1/17/2023 Work Session

The original case, as approved by the Planning Commission, was presented at this work session. The discussion among council members focused on these key issues:

1. How this type of facility differs from a traditional truck stop.
2. Concerns about overnight sleeping and issues can arise from traditional truck stops. Several council members were clear they didn't want to see overnight sleeping.
3. The desire to see the site be attractive and secure.
4. Potential parking issues on Artz and Technology if drivers arrive after the facility is closed.
5. Council members wanted a better-defined operations plan outlining how the facility would be staffed, advertised, and access controlled.

Council understood there is a need for truck parking facilities but expressed concern about unintended consequences. Council requested additional information from the applicant on how to address these concerns.

4/4/2023 Work Session

Before the work session, the applicant provided a letter (attached) addressing the concerns raised at the previous session. During the work session, the applicant reviewed the information in the letter and answered a few additional questions.

4/10/2023 Council Meeting Public Hearing

Staff presented the case during the public hearing. Similar questions and concerns expressed during the 1/17/2023 work session were discussed during the public hearing. Much of the discussion revolved around the operations plan, such as how drivers will know what spaces are open, how they will get in and out, and what happens when drivers show up and the facility is closed. One council member expressed concern about whether the proposed hours of operation were long enough to accommodate driver schedules.

During the meeting, a member questioned whether the site was large enough to accommodate semi-truck movements and ease of parking. Staff explained that the

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applicant had initially proposed a larger site plan but reduced the size at the staff's recommendation.

Upon further discussion, the council requested:

1. The applicant shows the larger site plan originally conceived for their review and consideration.
2. The applicant provides additional details regarding the site's business operations specifically addressing issues such as advertising, site access and control, hours of operation, enforcement of illegal parking, etc.

On April 15, 2023, the applicant submitted a letter (attached) that detailed the business operations plan and attempted to answer the questions posed by the council during the public hearing.

4/20/2023 Work Session

During the work session, staff reviewed the larger site plan by the applicant. During the work session, a couple of council members supported the larger site plan. Most of the discussion revolved around the business plan, which stated that overnight stay might be considered if they can control site security. Several council members expressed concern about the overnight stay provision. The applicant explained he was trying to address the concern about limited hours of operations previously raised by the council.

During the work session, it was suggested that the case be remanded by to the Planning Commission to consider the larger site plan.

On May 8, 2023, the City Council voted to remand the case to the Planning Commission to consider the larger site plan.

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.

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.

Applicable Zoning Regulations

The applicable zoning chapters include: 1171 General Provisions, 1177 Planned Industrial District, 1181 General Provisions, 1182 Landscaping and Screening, 1185 Parking and Loading.

The analysis below is divided into two discussions: the rezoning analysis and the conformance with the zoning regulations.

Rezoning Analysis:

The applicant desires to rezone the property from B-3 to PI to construct 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.

Most 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.

As discussed previously, the council had a substantial discussion about this project. Ultimately, the council has remanded this case 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 that should be designed and landscaped attractively, limit sign clutter and preserve and maintain mature trees where possible. Growth areas are those locations within the city where economic development should be encouraged and low-density residential development 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 that facilities and services are needed to support truck drivers who have exhausted their allowable driving hours. It is unclear to staff whether the rest facility proposed directly or indirectly benefits the surrounding businesses or if most users are over-the-road drivers simply passing through the community.

Conformance with Zoning Regulations:

1177 (PI) Planned Industrial District

The proposed uses are principally permitted in the PI district. The current plan meets the standards of this Chapter and indicates a minimum 15-foot buffer, up from 10-feet from the original application.

Chapter 1181 General Provisions

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The rezoning and basic development plan do not have enough detail to evaluate against the zoning requirements in this Chapter. The applicant has indicated to staff that all requirements will be met during the detailed development plan phase.

Chapter 1182 Landscaping and Screening Standards

The rezoning and basic development plan do not have enough detail to evaluate against the zoning requirements in this Chapter. Additional detail shall be provided during the detailed development plan phase.

Chapter 1185 Parking and Loading

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:

The original Planning Commission approval had the following conditions:

1. The applicant shall comply with all provisions of the zoning code.
2. All parking and loading areas shall be asphalt or concrete.
3. The applicant shall submit a phasing plan for consideration by the Planning Commission as part of the Detailed Development Plan.
4. No activities including parking, storage or site improvements shall occur until a Detailed Development Plan is approved, building constructed, and a zoning certificate issued.
5. The exterior of building shall be 100 percent masonry unless otherwise approved by the Planning Commission through the Detailed Development Plan.

Staff recommends a sixth condition prohibiting overnight on-site stay by drivers or other customers.

Recommendation

There is a need for overnight truck parking in the area, given the large number of owner-operators in the region. Since the case was initially heard in December 2022, the applicant has refined their application and operations plan. Staff 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 the 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 comply with all provisions of the zoning code.
2. All parking and loading areas shall be asphalt or concrete.
3. The applicant shall submit a phasing plan for consideration by the Planning Commission as part of the Detailed Development Plan.
4. No activities including parking, storage or site improvements shall occur until a Detailed Development Plan is approved, building constructed, and a zoning certificate issued.

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5. The exterior of building shall be 100 percent masonry unless otherwise approved by the Planning Commission through the Detailed Development Plan.
6. No overnight sleeping or staying within any vehicles shall be permitted.

Discussion on drop lot concern, building must be constructed, sanitization under construction, city gateway, building was always to be leased out, overnight sleeping.

Tom Dusa said they have always listened to concerns, always responded to what was asked, stay in truck if guard there? Controlled access, security enforcement in the future.

Mike Smith has concerns about gateway, turning left dangerous.

Action

Mr. Jeffries moved to approve the request by the applicant THOMAS E. DUSA, for approval of a Basic Development Plan and Rezoning from Commercial (B3) to Planned Industrial (PI) (RZ BDP 22-35) in accordance with the recommendation of Staff's Memorandum dated 9/8/23 and the Planning Commission amended Decision. Record attached hereto.

Seconded by Ms. Thomas. Roll call showed: YEAS: Ms. Vargo and Mr. Walton. NAYS: Mr. Cassity, Mr. Jeffries, and Ms. Thomas. Motion to approve denied 2-3.

Mr. Cassity stated not the best use, Mr. Jeffries stated not suitable for gateway parcel and Ms. Thomas agreed with both.

VII. New Business

1. **REZONING AND BASIC DEVELOPMENT PLAN - The applicant, BUC-EE'S LTD, is requesting approval of Rezoning of approx. 3.93 acres from A, B-3, and PP to PC and approval of a Basic Development Plan of approx. 38.56 acres to facilitate the construction of a Buc-ee's travel center comprised of a 74,000 SF convenience store with 120 fueling pumps. Property is located at NE Corner of I-70 / RS 235 Intersection (RZ BDP 23-24).**

Mr. Sorrell stated that the applicant seeks to construct a new 74,000 SF Buc-ee's travel center on approximately 39 acres at the northeast corner of the I-70 and SR-235. In addition to the convenience store, the proposed site plan illustrates 120 fueling pumps, 24 Tesla charging stations and 699 parking spaces.

According to Wikipedia, *"The chain is well known for the large size of its locations, alongside its product offerings of fuel, snacks (particularly beef jerky and candy), brisket, baked goods and commodities, tacos, fresh sandwiches, souvenirs, and travel items. The chain has also become well known for the cleanliness of its bathrooms, mascot, and the company's prohibition of 18-wheelers at their locations."*

The chain has since developed a highly loyal customer base and often ranks among the most favorited gas stations in the country Buc-ee's has 46 locations, mainly in Texas and across the southeast." If approved, this will be the first location in Ohio.

Site History

The Planning Commission previously zoned 35 acres of this site to planned commercial to facilitate the construction of a 6,700 SF convenience store, heavy truck repair facility with semi-truck parking.

Site Characteristics

The site currently has two buildings fronting SR 235. The remainder of the site is primarily a farm field and a detention pond on the south end of the site.

There is a significant grade change of approximately 10 feet between SR-235 and the site; otherwise, the site is flat.

Two minor site constraints have influenced the site layout. First, a 15-inch sanitary sewer line bisects the site and runs to the Clark County treatment plant. The city is extending a new sanitary sewer line south to connect to the City of Fairborn's treatment plant. Once that connection is made, the 15-inch line bisecting the site can be abandoned. The city has been coordinating with the applicant regarding the location and design of the lift station at the edge of the entrance to the parking area.

Secondly, there is a Miami Conservancy District retarding basin easement on the southern end of the site. These easements are common in the retarding basins behind each dam and control how buildings are constructed and how fill dirt is managed on-site. Simply put, the dams are designed to store a specific volume of water during major rain events, and the Conservancy District does not want that volume reduced. The applicant knows the easement and will obtain the necessary permits from the Miami Conservancy District.

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 3.93 acres to Planned Commercial (PC).

Conformance with Comprehensive Plan

The city's comprehensive plan indicates that the site is within the "Work Center Development Pattern" area. The goals of this area are to leverage the proximity of assets such as Carriage Hill Metropark, I-70, SR 235/ RT 4, and WPAFB to develop complementary uses that support or are a result of those assets. The essential elements of the plan state:

- Build off light industrial, industrial, and corporate anchors with access to highways and Wright Patterson
- Develop for density, flexibility and mix of uses

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- Build housing along the eastern edge of Carriage Hill Metropark
- While the focus is on employment, support multi-family residential and amenities where suitable
- Economize and share infrastructure where feasible
- Leverage current master development interest to create an integrated mixed-use environment.

The city continues to support the growth and development of this area through public infrastructure investment. For example, the city is expanding its sewer capacity and connecting to the Fairborn treatment plan, which will serve this area better and allow additional development. Once these improvements are complete, this will open up additional locations for more intense development, such as the Brentlinger Farm.

The city continues to leverage its assets, consistent with the comprehensive plan. The area north of I-70 has developed as a logistics and manufacturing hub due to its locational asset, proximity and access to I-70.

Staff feels the rezoning to PC and approval of the basic development plan is consistent with the comprehensive plan. The comprehensive plan encourages the city to leverage its assets. In this case, it's the proximity to I-70. Buc-ee's is choosing this location due to its size and immediate proximity to I-70, and a lesser extent Rt-4. This area has traditionally been viewed as a jobs generator, and Buc-ee's will employ nearly 200 people.

Additionally, Buc-ee's is a destination that people travel to experience. It is not an ordinary highway-oriented convenience store. If the city desires to attract a user such as this, there is no better location than this site within the city. Any other site near 201 or 202 would likely have traffic disruptions significantly impacting Huber residents. According to the traffic study, 90% of the trips generated by Buc-ee's will head east or west on I-70. Only 3% are expected to arrive or depart along SR-235 north of the site.

Basic Development Plan Analysis:

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.
- Thirty-one street trees are required. The preliminary landscaping plan shows significant tree plantings along SR 235. They are not spaced traditionally on the plan, but serve the purpose of softening the site. At this point, we do not anticipate sidewalks along the 235 frontage. Therefore, staff feels the proposed arrangement is consistent with the intent of the code.
- No lighting plan was submitted, but it will be reviewed during the detailed development plan submission.

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- The building design appears to meet the exterior material recommendation. The elevations indicate a mixture of stone and EFIS cladding. The exterior materials will be reviewed during the detailed development plan submission.
- All utilities are below ground.

Parking and Loading:

- The applicant proposes 699 parking spaces, more than the approximately 600 required by the zoning code. 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 four wall signs.

City Engineer: The City Engineer has been working with the Buc-ee's development team to coordinate the lift station location and street improvement designs.

Recommendation

Staff supports the partial rezoning 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

Discussion on extensive changes by ODOT, number of handicap spots, traffic study count based on similar store, 23,000 trips are a concern, staffing, fire concerns, timing on traffic signal, sidewalks,

Andy and Scott Radcliff from Buc-ee's spoke. It's a destination, above average wages.

More discussion on traffic study, retention pond, storm sewer

Fran spoke, awesome job bring development here, access road for locals

Action

Ms. Thomas moved to approve the request by the applicant BUC-EE'S LTD, for approval of a Rezoning of approx. 3.93 acres from A, B3 and PP to PC and approval of a Basic Development of approx. 38.56 acres (RZ BDP 3.-24) in accordance with the recommendation of Staff's Memorandum dated September 8, 2023, and the Planning Commission Decision Record attached thereto.

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

2. BASIC DEVELOPMENT PLAN - The applicant, CONTINENTAL 752 FUND, LLC, is requesting approval OF A Basic Development Plan for a 288-unit market-rate multi-family community comprised of a mix of studio, 1-, 2-, and 3-bedroom units. Property is located at 6209 Brandt Pike (BDP 23-23).

Mr. Sorrell stated that the Brandt Pike Redevelopment Plan (2017) identified a need and demand for senior housing and market-rate multi-family housing along and near the Brandt Pike corridor. The city subsequently purchased the shopping center to facilitate redevelopment. New developments within this site include: Dayton Metro Library Huber Heights Branch, Dogtown, and the shopping center will be refaced with a brick/stone façade. TIF proceeds from the proposed apartment developments and future developments may fund the façade and public infrastructure upgrades.

Within the past year, this Planning Commission approved basic and detailed development plans for 327 units on this site. That two-phase project included a 135-unit senior community and a 192-unit market-rate apartment community. The developer of both projects decided not to move forward earlier this summer.

This applicant, Continental Properties, has been looking to develop in Huber Heights and wants to move forward with their project at this site. In addition to working with Continental on their site plan, the city has also finalized the location of the new senior center, which will be next to the library along Brandt Pike. The planned roadway alignment for this area remains unchanged since the Planning Commission approved the previous plan.

This applicant requests basic development plan approval for a 288-unit market-rate apartment community.

While no height maximum height restriction exists in the PM district, the Brandt Pike Overlay District has a maximum height of three stories or 35 feet. The

proposed apartments have both two- and three-story buildings. The two-story buildings are adjacent to the homes to the west, and the three-story buildings line the new public street. This arrangement will break up the building massing along the western edge, and the closest two-story apartment buildings are approximately 120-feet from the back of the single-family homes.

The two-story buildings are approximately 30 feet tall, and the three-story apartments are about 40 feet to the highest roof peak. The three-story buildings will be slightly lower than the previously approved development and similar in scale to the library and senior center. Staff feels the five-foot variance from the maximum height is acceptable and will frame the new streetscape on the west side of the proposed park area that may be constructed east of this site. The current site plans do not indicate any screening. The grading plan indicates the site will sit approximately five feet above the rear yard elevation. The applicant has been meeting with adjacent neighbors to discuss screening and buffering. The applicant has indicated they may request to shift the development further east by 10- to 15 feet, creating an additional buffer area between the existing homes and making the rear open space usable.

Based on previous experience with this site, earthen mounds may exacerbate the flooding issues the current residents occasionally face. Staff recommends fully addressing screening and buffering at the detailed development plan phase because the final grading plan has not yet been determined.

The applicant proposes four-sided architecture with a mixture of stone, lap and batten siding. The stone material covers approximately 16% to 18% of each building's facade. The lap and batten siding will be insulated vinyl siding.

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06. Staff recommends approval of the Basic Development Plan submitted on August 16, 2023 to construct approximately 288 market-rate apartments. Staff recommends approval with the following conditions:

- 1) Street trees be provided at 40-foot intervals.
- 2) A sign package meeting code shall be submitted with the detailed development plans
- 3) A lighting plan shall be submitted with the detailed development plan
- 4) A landscaping plan shall be submitted with the detailed development plan
- 5) In place of screening along the new roadway, clustered landscaping areas shall be provided between the apartments and sidewalks.
- 6) The applicant will comply with all stormwater requirements, per the City Engineer;
- 7) The applicant shall comply with all Fire Code requirements, per the Huber Heights Fire Department.

Discussion on screening & buffering, balconies, parking spaces, 9 foot ADA stalls, runoff and grading, commitment permanent partner.

Trevor Stadler, Erin Conway and Joel Perry from Continental Properties were present.

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Discussion on playground, future plans for open area, 10 year hold, onsite employees.

With all the new units we need to look at staffed police, fire, and public works.

Mayor Gore stated at last night's meeting they talked about hiring 5 officers, 4 traffic control unit and citation software.

Action

Mr. Cassity moved to approve the request by the applicant CONTINENTAL 752 FUND, LLC, for approval of a Basic Development Plan (BDP 23-23) in accordance with the recommendation of Staff's Memorandum dated September 8, 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

No minutes to approve.

X. Reports and Calendar Review

Mr. Sorrell stated 4 text amendments; child & adult daycare, foster care, agriculture

2 minor record plans

RHM

Changing Table Building code

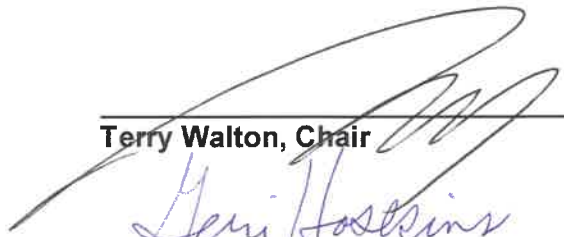
XI. Upcoming Meetings

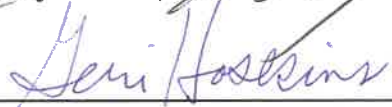
October 10, 2023

November 14, 2023

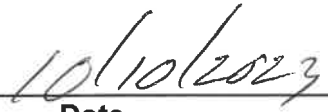
XII. Adjournment

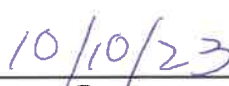
There being no further business to come before the Commission, the meeting was adjourned at approximately 8:30 p.m.



Terry Walton, Chair


Geri Hoskins, Administrative Secretary



Date


Date