



**CITY OF HUBER HEIGHTS
STATE OF OHIO**

City Council Work Session

**January 17, 2023
6:00 P.M.**

City Hall - Council Chambers - 6131 Taylorsville Road - Huber Heights, Ohio

1. **Call Meeting To Order/Roll Call**
2. **Approval Of Minutes**
 - A. January 3, 2023
3. **Work Session Topics Of Discussion**
 - A. City Manager Report
 - B. Arts and Beautification Commission Update
 - C. Motorola Equipment Purchase - Digital Evidence Storage
 - D. Cardiac Monitor/Defibrillator/CPR Devices - Lease Agreement
 - E. Increase Not to Exceed Amount - Howard Truck Repair Service
 - F. Landscape Revitalization - Bid Acceptance

- G. Huber Heights Chamber Of Commerce - Lease - Thomas Cloud Park House
- H. Case RZ 22-35 - Thomas Dusa - Rezoning/Basic Development Plan - Technology Boulevard/Artz Road
- I. Case RZ 22-41 - Baumer and Carre - Rezoning - 7767/7777 Wildcat Road
- J. Case MJC 22-43 - John Kopilchack - Major Change - Basic/Detailed Development Plan - 8501 Old Troy Pike
- K. Case TA 22-42.1 - City Of Huber Heights - Text Amendment - Home Occupations
- L. Case TA 22-42.2 - City Of Huber Heights - Text Amendment - Bed And Breakfast Establishments
- M. Case TA 22-42.3 - City Of Huber Heights - Text Amendment - Automotive/Vehicle Repair
- N. Case TA 22-42.4 - City Of Huber Heights - Text Amendment - Self Storage Facilities
- O. 2023 Sidewalk Program And Concrete Portion Of 2023 Street Program - Solicit Bids
- P. 2023 Rehabilitation Of Sewer Lines Project - Solicit Bids
- Q. Emeraldgate Water Standpipe Painting Project - Solicit Bids
- R. Purchase Of Property - 5001 Taylorsville Road - New Public Works Facility
- S. 2023 Rules Of Council
- T. City Manager Search Process

4. **Adjournment**

AI-8932

Topics of Discussion B.

Council Work Session

Meeting Date: 01/17/2023

Arts and Beautification Commission Update

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Arts and Beautification Commission Update

Purpose and Background

Representatives of the Arts and Beautification Commission will give an update presentation on the activities and work of the Arts and Beautification Commission.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.

AI-8902

Topics of Discussion C.

Council Work Session

Meeting Date: 01/17/2023

Motorola Equipment Purchase - Digital Evidence Storage

Submitted By: Maria Beisel

Department: Police

Division: Police

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Motorola Equipment Purchase - Digital Evidence Storage

Purpose and Background

Motorola currently provides software service and maintenance for the Police Division's reporting system. The digital evidence storage is available at no cost for the first year, with a five-year contract. This is a necessary component to the reporting system.

Fiscal Impact

Source of Funds: IT Budget

Cost: \$23,800

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Year 1 is at no cost. Years 2-5 will cost \$5,950 per year to be charged to IT Budget.

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA SOLUTIONS, A SOLE SOURCE VENDOR, TO PROVIDE THE POLICE DIVISION WITH A SOFTWARE SYSTEM FOR DIGITAL EVIDENCE STORAGE.

WHEREAS, in 2020, Council authorized an agreement with Motorola Solutions to provide a software system for public safety computer-aided dispatching and law enforcement report management; and

WHEREAS, Motorola Solutions currently provides software service and maintenance for the Police Division's report management system; and

WHEREAS, Motorola Solutions offers the first year at no cost with a five-year agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to enter into a five-year agreement with Motorola Solutions for the purpose of providing software for digital evidence storage.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8935

Topics of Discussion D.

Council Work Session

Meeting Date: 01/17/2023

Cardiac Monitor/Defibrillator/CPR Devices - Lease Agreement

Submitted By: Keith Knisley

Department: Fire

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Cardiac Monitor/Defibrillator/CPR Devices - Lease Agreement

Purpose and Background

The Fire Division is requesting the ability to enter into a ten-year lease agreement for cardiac monitor/defibrillator and mechanical CPR devices with Stryker. The Fire Division is seeking the ability to trade in six cardiac monitors and three mechanical CPR devices. The Fire Division will receive seven new cardiac monitors along with four new mechanical CPR devices. Cardiac monitoring/defibrillation equipment is used in many of the daily requests for EMS services and enables Fire Division personnel to provide medical treatments and several options for patient monitoring (Carbon Monoxide in the blood stream, Capnography, 12 LEAD EKGs, blood pressure, and Oxygen saturation).

The Lease agreement with Stryker is known as the ALS 360 program. The ALS 360 program provides new cardiac monitor/defibrillators and mechanical CPR devices once the contract is executed. During the life of the agreement, preventative maintenance and non-accidental damages are covered, including replacement batteries. Three to five years after execution of this agreement, the Fire Division will cycle out the equipment for the newest devices with the newest technology provided. At the end of the agreement, the Division will purchase all of the equipment for \$1 per unit.

The costs of all equipment, especially medical equipment, including the preventative maintenance and maintenance costs continue to climb. Once the ALS 360 contract is executed, costs for equipment will be secured for the next ten years. At any time in the future, the contract agreement may be amended to factor in any new equipment that may be required by the Fire Division.

Fiscal Impact

Source of Funds: Fire Division Budget

Cost: \$122,271 Per Year

Recurring Cost? (Yes/No): Yes

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Ten-year agreement.

Attachments

Proposal
Resolution

Huber Heights FD

Cash Purchase

Capital	Product	Qty	Huber Heights FD	Cash Purchase
	LP 15	7		
	Batteries & Accessories	7		
	Lucas	4		
	Accessories	4		
	LP1000	0		
	CR2	0		
	McGrath	0		
	PowerProXT	0		
	PowerPro 2	0		
	Performance Pro	0		
	PowerLoad	0		
	Performance Load	0		
	Stair Pro	0		
			\$ 850,300	\$ 1,231,200
Data/PAD	Product	Qty	Huber Heights FD	Cash Purchase
	4G Modem	7		
	Lifenet Asset	0		
	Lifenet Care	1		
	CDSTSERVICE 101-200	0		
	Verizon Data Plan 1yr	0		
	CODE-STAT Maint Subsc	0		
	LIFELINK Central	0		
	Community PAD Solution	0		
	Code Stat Data Review 10Yrs	0		
			\$ 36,800	\$ 28,100

ProCare	Product	Qty	Huber Heights FD	Cash Purchase
	LP 15 Onsite	7		
	Lucas Onsite	4		
	LP1000 Prevent	0		
	CR2 PM	0		
	PowerPro XT	0		
	PowerPro 2 Prevent	0		
	PowerPro 2 Prevent + Refresh	0		
	Performance Pro	0		
	Power Load	0		
	Performance Load	0		
	Stair Chair Prevent	0		
	LOAD Upgrade or Install	0		
			\$ 206,800	\$ 312,600
Trade in	Product	Qty	Huber Heights FD	Cash Purchase
	Trade In LP15	6	\$ (39,000)	
	Trade in Power Cot	0	\$ -	
	Trade in Lucas	3	\$ (15,000)	
	Trade in Power Load	0	\$ -	
	Trade in AED	0	\$ -	
		0	\$ -	
		0	\$ -	
		0	\$ -	
			\$ (54,000)	\$ (54,000)
	Freight		\$ 12,755	
	Total ALS360		\$ 1,052,655	\$ 1,517,900
	Annual Payment		\$ 105,265	
	\$ Buyout Estimator		\$ 1,222,715	
	Annual Payment		\$ 122,271	

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEN-YEAR ALS 360 LEASE AGREEMENT WITH STRYKER CORPORATION AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, the City of Huber Heights (the “City”) utilizes Stryker (formally DBA as Physio-Control) cardiac monitor/defibrillators and mechanical LUCAS CPR devices and the current cardiac monitoring equipment and CPR devices are reaching the useful life and need to be upgraded, and standardization of said equipment results in the most efficient and effective deployment; and

WHEREAS, the City has negotiated a ten-year lease with Stryker for \$122,271 per year to provide the City with new Cardiac Monitor/Defibrillators and CPR Devices and the terms provide new Cardiac Monitor/Defibrillators and CPR Devices after execution of the agreement and provides all new and upgraded equipment within three to five years after execution, with purchase of all equipment for \$1 per unit at the end of the ten-year agreement.

NOW, THEREFORE, BE IT RESOLVED by the City of Huber Heights, Ohio, that:

Section 1. The City Manager is hereby authorized to enter into a ten-year agreement with Stryker for \$122,271 per year to provide the City with new Cardiac Monitor/Defibrillators and CPR Devices with terms to provide new Cardiac Monitor/Defibrillators and CPR Devices after execution of the agreement and to provide all new and upgraded equipment within three to five years after execution, with purchase of all equipment for \$1 per unit at the end of the ten-year agreement on behalf of the City of Huber Heights in accordance with Section 171.12(a)(2) of the City Code of the City of Huber Heights, Ohio.

Section 2. A ten-year lease agreement with Stryker, subject only to appropriation of funds, is hereby approved for the purpose of providing new Cardiac Monitor/Defibrillators and CPR Devices to the City of Huber Heights Fire Division.

Section 3. Consistent with the provisions of the City Charter and the Huber Heights Codified Ordinances, the competitive bidding requirements are hereby waived.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8925

Topics of Discussion E.

Council Work Session

Meeting Date: 01/17/2023

Increase Not to Exceed Amount - Howard Truck Repair Service

Submitted By: Linda Garrett

Department: Public Works

Division: Public Works

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Increase Not to Exceed Amount - Howard Truck Repair Service

Purpose and Background

The Public Works Division requests authorization to increase the not to exceed amount of \$25,0000 by an additional \$20,000 for Howard Truck Repair Service for repairs to Snowplow Dump Truck #422.

Fiscal Impact

Source of Funds: Public Works Division Budget

Cost: \$45,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

TO INCREASE THE NOT TO EXCEED AMOUNT FOR THE REPAIR AND REPLACEMENT OF THE MOTOR TO A SNOWPLOW DUMP TRUCK WITH HOWARD TRUCK REPAIR SERVICE FOR CALENDAR YEAR 2023 AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS.

WHEREAS, it is necessary to maintain and repair snowplow dump trucks and other apparatus for the Public Works Division throughout a calendar year in a timely manner; and

WHEREAS, Snowplow Dump Truck #422 has been inoperable since August, 2022, and initial service estimates from Howard Truck Repair Service were under the approved spending limits; and

WHEREAS, the motor for the Snowplow Dump Truck #422 is now in need of major repair and replacement and expenditures with Howard Truck Repair Service will exceed the authorized spending limit of \$25,000.00 by an additional \$20,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to increase the not to exceed amount for Howard Truck Repair Service by \$20,000.00 to a new total of \$45,000.00 for the repair to Snowplow Dump Truck #422 to cover all additional expenses throughout Calendar Year 2023 as needed. These repairs are currently needed as Snowplow Dump Truck #422 is inoperable in its current condition.

Section 2. The competitive bidding requirements are hereby waived consistent with appropriate provisions of the Huber Heights City Charter in Administrative Code Section 171.12(a)(2).

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8928

Topics of Discussion F.

Council Work Session

Meeting Date: 01/17/2023

Landscape Revitalization - Bid Acceptance

Submitted By: Linda Garrett

Department: Public Works

Council Committee Review?: Council Work Session

Division: Public Works

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Landscape Revitalization - Bid Acceptance

Purpose and Background

The Public Works Division requests authorization to award a contract for a detailed landscape revitalization plan of specified City properties to Greentech Lawn and Irrigation in an amount not to exceed \$200,000.

Fiscal Impact

Source of Funds: Public Works Division Budget

Cost: \$200,000

Recurring Cost? (Yes/No): Yes

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR SERVICES RELATED TO PROVIDING A DETAILED LANDSCAPE REVITALIZATION PLAN OF SPECIFIED CITY PROPERTIES.

WHEREAS, the City of Huber Heights requires a detailed landscape revitalization plan of specified City properties; and

WHEREAS, the City Council, under Resolution No. 2022-R-7125, authorized the solicitation of bids for the services of providing a detailed landscape revitalization plan of specified City properties on May 9, 2022; and

WHEREAS, bids for the detailed landscape revitalization plan of specified City properties were received on January 6, 2023; and

WHEREAS, the cost for such services is estimated at an amount not to exceed \$200,000.00; and

WHEREAS, the funds for these costs are available within the Public Works Division Budget for Calendar Year 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to award a contract for services related to providing a detailed revitalization plan of specified properties in the City of Huber Heights to Greentech Lawn and Irrigation, 2985 Fenner Road, Troy, Ohio 45373. This bid and contract shall be for a period completion and shall be in an amount not to exceed \$200,000.00, subject to the availability of funds.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8936

Topics of Discussion G.

Council Work Session

Meeting Date: 01/17/2023

Huber Heights Chamber Of Commerce - Lease - Thomas Cloud Park House

Submitted By: Bryan Chodkowski

Department: Economic Development

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:**

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Huber Heights Chamber Of Commerce - Lease - Thomas Cloud Park House

Purpose and Background

The City of Huber Heights owns the real property located at 4704 Brandt Pike which it currently leases to the Huber Heights Chamber of Commerce. The Chamber of Commerce's lease for the property is set to expire effective January 24, 2023, and both the Chamber of Commerce and the City desire to continue this lessee/lessor relationship for an additional 12 months.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

The City will net \$2,400 in revenues from this lease.

Attachments

Resolution

Exhibit A

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

APPROVING A LEASE AGREEMENT WITH THE HUBER HEIGHTS CHAMBER OF
COMMERCE FOR USE OF CITY-OWNED PROPERTY LOCATED AT 4704 BRANDT PIKE.

WHEREAS, the City of Huber Heights (the “City”) owns the real property located at 4704 Brandt Pike (the “Property”); and

WHEREAS, the City currently leases the Property to the Huber Heights Chamber of Commerce (the “Chamber”); and

WHEREAS, the Huber Heights Chamber of Commerce’s lease for the Property is set to expire effective January 24, 2023; and

WHEREAS, the Huber Heights Chamber of Commerce and the City desire to continue this lessee/lessor relationship for an additional 12 months.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. A 12-month lease between the City and the Huber Heights Chamber of Commerce, attached hereto as Exhibit A as if incorporated herein for the Property is hereby approved and the City Manager is further directed to execute said lease subject to review and approval by the Law Director.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

EXHIBIT A
AGREEMENT OF LEASE

THIS AGREEMENT OF LEASE ("Lease") is entered into this ____ day of _____, 2023, by and between THE CITY OF HUBER HEIGHTS, an Ohio municipal corporation ("Landlord") and HUBER HEIGHTS CHAMBER OF COMMERCE, an Ohio Non-profit corporation ("Tenant").

WITNESSETH

1. **GRANT.** Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the residential home structure at Tom Cloud Park, located at 4704 Brandt Pike, Huber Heights, Ohio, hereto (the "Premises"). The Premises shall be delivered to the Tenant in its then existing condition, "As Is" and with "All Faults". The Landlord makes no representation concerning the condition of the Premises except as provided for herein.

2. **TERM.** The term of this lease shall be for one (1) year, beginning on January 25, 2023 (Commencement Date") and ending January 24, 2024 , except as otherwise hereinafter provided.

As Landlord is a municipality, should Landlord determine in its sole discretion that a public exigency requires the use of the Premises by the City Landlord may terminate this Lease with thirty (30) days advance notice to Tenant

3. **RENT.** The rent for the Premises during the term of the Lease shall be Two Thousand Four Hundred Dollars (\$2,400.00), payable in monthly installments of \$200.00 per month beginning on the Commencement Date, and on the first day of each month thereafter during the term of this lease. The Landlord intends to place the rent paid into an account which shall be used for major repairs to the Premises such as HVAC, roof repair/replacement or plumbing repairs such as the hot water heater.

4. **UTILITIES.** Tenant shall pay all charges against the Premises including but not limited to water, sanitary sewer, gas, heat, electricity, telephone, cable, internet, trash removal and any other utility services furnished to the Premises, including any assessment against the Premises for making such services available, and also including any deposit, fee or penalty charged by the provider in connection with such service. Landlord shall not be obligated to pay for any utilities.

5. **INSURANCE.** Tenant shall pay all charges and at all times during the term of this Lease carry, at its own expense, for the protection of the Tenant and Landlord, as their interests may appear, one or more policies of general public liability and property damage insurance, issued by one or more insurance companies acceptable to the Landlord, with minimum public liability policy limits of ONE MILLION DOLLARS (\$1,000,000) personal injury liability and FIVE HUNDRED THOUSAND DOLLARS (\$500,000) property damage liability. Such insurance policy(ies) shall name the Landlord as an insured for coverage for said building and improvements on the Premises, and as an additional insured on all other coverage, and shall provide that it may not be canceled on less than thirty (30) days prior written notice to the Landlord.

6. **ENVIRONMENTAL.** Tenant shall not cause or permit to occur any violation of any law related to environmental conditions on, under, or about the Premises, or arising from the Tenant's use or occupancy of the Premises. Tenant shall indemnify, defend, and hold harmless the Landlord from all fines, suits, procedures, claims, and actions of every kind and all costs associated therewith (including reasonable attorneys' and consultants' fees) arising out of or in any way connected a breach of this paragraph. Tenant's obligations and liabilities under this paragraph shall survive the expiration of this lease.

7. **WAIVER OF SUBROGATION.** Landlord and Tenant, for themselves and all others claiming under them including any insurer, waive all rights including rights of subrogation against the other for loss, damage, or liability resulting from a risk which is insured against by either party, to the extent of any recovery collectible under such insurance; provided, however, that this waiver shall apply only when permitted by the applicable policy of insurance.

The parties shall use good faith efforts to have any and all fire, extended coverage or any and all liability policies which may be carried endorsed with the following (or equivalent) clause: "This insurance shall not be invalidated should

the insured waive in writing prior to a loss any and all right of recovery against any party for loss occurring to the property described herein."

8. TENANT'S LIABILITY. The Tenant shall assume the risk of, be responsible for, have the obligation to insure against, and indemnify the Landlord and hold it harmless from any and all liability claims, demands, actions, damages, costs and expenses whatsoever, including attorney's fees, arising from or connected with any loss of or damage or injury to person (including death resulting herefrom) or property occurring in, on or about the Premises, except when caused by the negligent act of Landlord.

9. ALTERATIONS. Tenant shall not make any alterations to the Premises without the prior written consent of Landlord. Any changes shall be made in a workmanlike manner so as not to weaken the building or lessen its value. Tenant will pay all the bills incurred for labor and materials for work done, and will cause to be removed from the record within sixty (60) days after filing all notices and affidavits for mechanic's liens filed with respect to the Premises or any part thereof. All additions and improvements made by Tenant to the Premises shall become part thereof and shall remain the property of Landlord unless Landlord requests their removal.

10. MAINTENANCE AND REPAIRS. Tenant shall keep and maintain in good order, condition and repair, the interior of the Premises. Landlord shall keep and maintain the foundation, exterior walls and roof of the building in which the Premises are located and the structural portions of the Premises. Landlord shall be responsible for replacement of mechanicals, cutting grass and snow removal.

11. DAMAGE TO PREMISES. In the event the Premises are untenable as a result of any damage, Landlord or Tenant may terminate this Lease.

12. DEFAULT. If Tenant shall (i) breach this Lease by failing to make any payment by the due date; (ii) breach any provision of this Lease other than for the payment of rent and fail to remedy same within thirty (30) days after written notice of said breach; or (iii) assign or sublease all or a portion of its interest in the Premises except as expressly provided in this Lease; Tenant shall be in default. Upon the occurrence of any event of default set forth above, Landlord shall have all rights and remedies allowed by law, any one or more of which may be exercised by Landlord, in its absolute discretion, without further notice to or demand upon Tenant.

13. TERMINATION. Upon the expiration or other termination of this Lease, Tenant shall surrender to Landlord the Premises in good and clean condition and repair with all electrical and mechanical systems in good working order, ordinary wear and tear excepted.

14. RIGHT OF ENTRY. Landlord may enter the Premises at any reasonable time to examine the condition thereof and make any repairs thereto, charging the cost to Tenant if such repairs are Tenant's responsibility.

15. SUBLETTING AND ASSIGNMENT. Tenant may not sublet the Premises or assign this Lease without prior written consent of Landlord, which consent shall be given or withheld in Landlord's sole discretion. In the event of a permitted subletting or assignment, under this Lease, Tenant shall remain primarily liable to Landlord for the performance of all obligations of Tenant.

16. NOT JOINT VENTURE. It is mutually agreed that nothing contained in this Lease is intended, or shall be construed, as creating or establishing the relationship of partners or joint ventures between the parties or as constituting the Tenant as the agent or representative of the Landlord for any purpose or in any manner whatsoever.

17. NONWAIVER. Failure of Landlord to exercise its rights under the terms of this Lease on any one occasion shall not be construed as a waiver of any requirement of this Lease or a waiver of Landlord's right to take advantage of any subsequent or continued breach by Tenant of any covenant contained in the Lease. All remedies herein provided shall be in addition to and not in substitution for any remedies otherwise available to Landlord.

19. HOLDING OVER. In the event that Tenant shall hold over and remain in possession of the Premises with the consent of Landlord, such holding over shall be deemed to be from month to month only, and upon all of the same rents, terms, covenants, and conditions as contained herein.

20. NOTICES. All notices to be given by either party shall be given in writing and by depositing the same in the United States mail, postage prepaid, certified, return receipt requested, and addressed to the parties at the following addresses:

If to Landlord: The City of Huber Heights
6131 Taylorsville Road
Huber Heights, OH 45424
Attn: City Manager's Office

If to Tenant: Huber Heights Chamber of Commerce
4704 Brandt Pike
Huber Heights, OH 45424
Attn: _____

Should the address of either party for the purposes herein change, such party shall give written notice to the other of the new address.

21. MISCELLANEOUS. This Lease shall be construed under the laws of the State of Ohio. In the event any one or more of the provisions contained in this Lease shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Lease shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. This Lease represents the complete agreement between the parties with respect to the Premises, and supersedes any prior written or verbal agreements. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereto. This Lease shall not be binding on the Landlord until approved by Huber Heights City Council.

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be signed on the day and year first above written.

LANDLORD: **THE CITY OF HUBER HEIGHTS,**
An Ohio political subdivision

By: _____
Bryan RH Chodkowski,
Interim City Manager

TENANT: **HUBER HEIGHTS CHAMBER OF COMMERCE,**
An Ohio non-profit corporation

By: _____
Printed Name:
Title:

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this____day of_____, 2023, by Bryan RH Chodkowski, Interim City Manager of the City of Huber Heights, an Ohio political subdivision, on behalf of said subdivision.

Notary Public

STATE OF OHIO, COUNTY OF MONTGOMERY, SS:

The foregoing instrument was acknowledged before me this____day of_____, 2023, by _____, the_____, of the Huber Heights Chamber of Commerce, an Ohio non-profit corporation, on behalf of the corporation.

Notary Public

AI-8874

Topics of Discussion H.

Council Work Session

Meeting Date: 01/17/2023

Case RZ 22-35 - Thomas Dusa - Rezoning/Basic Development Plan - Technology Boulevard/Artz Road

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case RZ 22-35 - Thomas Dusa - Rezoning/Basic Development Plan - Technology Boulevard/Artz Road

Purpose and Background

The applicant, Thomas Dusa, is requesting a Rezoning to Planned Industrial (PI) and a Basic Development Plan for a truck repair facility and drop lot.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Site Plan

Elevations

Fire Assessment

Staff Report

Decision Record

Minutes

Ordinance

ZONING CHANGE REQUEST PLAN
3.303 ACRES
SEC. 6, TOWN 2, RANGE 8 M.Rs.
CITY OF HUBER HEIGHTS
MONTGOMERY COUNTY, OHIO
CURRENT ZONING: B-3
REQUESTED ZONING: PI

CIVIL SITE DEVELOPMENT NOTES:

1. THE PROPOSED USE OF THE SITE IS OVER-NIGHT SEMI TRUCK PARKING. THE PROPOSED BUILDING WILL BE USED TO SERVICE AND REPAIR TRUCKS. IT IS NOT INTENDED TO BE A REST STOP FOR THE TRUCKERS USING IT AS AN OVER-NIGHT PARKING OF THEIR SEMI'S. IN THOSE CASES, THE TRUCKERS CAN PARK THE FULL SEMI AND GET A RIDE TO THEIR RESTING PLACE, OR DROP OFF THEIR LOADED TRAILERS AND USE THEIR CABS TO REACH THEIR RESTING PLACE. THE AREA WILL BE FENCED IN FOR SECURITY.
2. THE PROPOSED BUILDING WILL BE CONSTRUCTED WITH 30% MASONRY MATERIALS ON AT LEAST THE 3 SIDES FACING PUBLIC STREETS PER PI ZONING REGULATIONS. PRIOR TO BUILDING PERMITTING & CONSTRUCTION, DETAILED PLANS SHALL BE SUBMITTED OF THE BUILDING INCLUDING ELEVATION VIEWS ILLUSTRATING THE TYPE OF MASONRY TO BE USED.
3. PUBLIC UTILITIES ARE AVAILABLE TO THE SITE INCLUDING SANITARY SEWER, POTABLE WATER, NATURAL GAS AND ELECTRICITY. WHEN THE SERVICE BUILDING IS BUILT, THE OWNER, ENGINEER AND CONSTRUCTION CONTRACTOR WILL WORK WITH UTILITY OWNERS TO COORDINATE CONNECTIONS TO THE PUBLIC UTILITIES. DETAILS TO CONNECT REQUIRED UTILITIES WILL BE SHOWN ON THE FINAL DESIGN PLANS.
4. STORM WATER WILL BE MANAGED AND DIRECTED IN A MANNER TO CONTROL THE RUN OFF AMOUNT AND QUALITY. STORM WATER CALCULATIONS WILL BE INCLUDED WITH FINAL DESIGN PLANS.

PROPOSED SITE IMPROVEMENT LEGEND

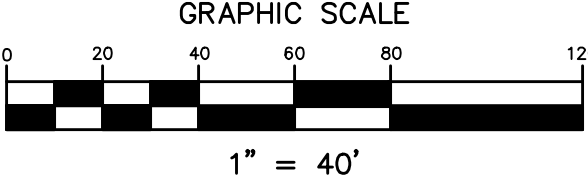
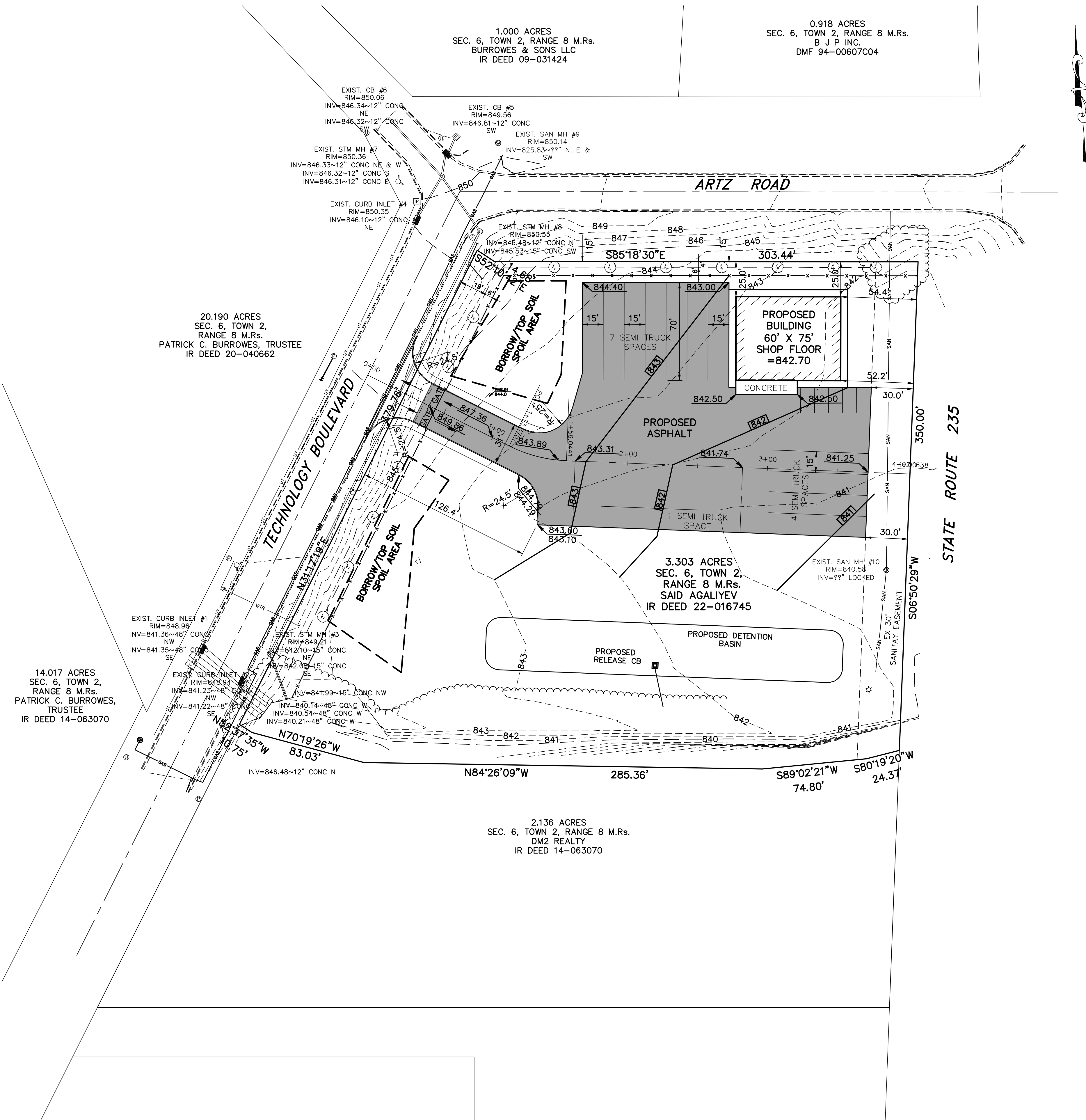
- PROPOSED PAVEMENT
- PROPOSED DRAINAGE FLOW
- PROPOSED TRAFFIC FLOW

PROPOSED SITE IMPROVEMENT NOTES

1. TREES SHALL BE PLANTED EVERY THIRTY (40) FEET (MAXIMUM) ALONG THE STREET FRONTAGES OF ARTZ ROAD AND TECHNOLOGY BOULEVARD AS SHOWN. EACH TREE AT THE TIME OF INSTALLATION SHALL HAVE A MINIMUM CALIPER OF BETWEEN TWO (2.0) AND TWO AND A HALF (2.5) INCHES AND A CLEAR TRUNK HEIGHT BETWEEN FIVE (5) AND SIX (6) FEET.
2. A NEW FENCE WILL BE ADDED ALONG THE FRONTAGES OF ARTZ ROAD AND TECHNOLOGY BOULEVARD THAT WILL MEET THE STANDARDS OF HUBER HEIGHTS, AND SUCH FENCE SHALL BE AT LEAST SIX (6) FEET IN HEIGHT.
3. DETAILED GRADING, STORM SEWER AND DRAINAGE PLANS SHALL BE PROVIDED FOR REVIEW AND APPROVAL BY CITY OF HUBER HEIGHTS PUBLIC WORKS PENDING PRELIMINARY APPROVAL OF THIS PLAN.

SYMBOL LEGEND	
	STORM MANHOLE
	CURB INLET CATCH BASIN
	CATCH BASIN
	SANITARY MANHOLE
	GAS REGULATOR
	LIGHT POLE
	POWER/TELECOM POLE W/ U/G CONNECTION(S)
	POWER POLE
	POWER/TELECOM POLE
	STOP SIGN
	TELECOM PULL BOX
	WATER VALVE
	FIRE HYDRANT
	POLE ANCHOR

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE
8-1-1 OR 800-362-2764
OHIO UTILITIES PROTECTION SERVICE
OUPS REFERENCE NUMBERS:
A 209 700 450 - SURVEY
A 209 700 466 - DESIGN



By: *Thomas E. Dusa* Reg. Engineer E-49719



PROJECT No. E3428	REVISION
	DATE
	No.
	DATE
DATE 12-1-22	SCALE 1" = 40'
DES. TED	JRC
DR. JRC	CKD.
Haley-Dusa Engineering & Surveying Group, LLC 270 Regency Ridge Drive, Suite 203 Dayton, Ohio 45424 Phone: (937) 439-4300 Fax: (937) 439-2005	
SEMI TRUCK LOT 8080 TECHNOLOGY BOULEVARD CITY OF HUBER HEIGHTS MONTGOMERY COUNTY, OHIO	
PRELIMINARY SITE PLAN	
SHEET NO.	
1	

35% OF FACADE
MASONRY (SPLIT FACE
BLOCK SHOWN)



30% OF FACADE
MASONRY (SPLIT FACE
BLOCK SHOWN)



SHEET NO.	<p align="center">SEMI TRUCK LOT 8080 TECHNOLOGY BOULEVARD CITY OF HUBER HEIGHTS MONTGOMERY COUNTY, OHIO</p>	 SMP design, Inc. Architecture Planning Design 11500 Northlake Drive, Suite 330 Cincinnati, Ohio 45245 Phone: (513) 445-9400 Email: kevin.spector@smp.design	 Haley-Dusa Engineering & Surveying Group, LLC 100 Regency Ridge Drive, Suite 203 Dayton, Ohio 45424 Phone: (317) 439-4300 Fax: (317) 439-2005	PROJECT No: E3428	No.	DATE	REVISION
				DATE 09-19-22			
				SCALE 1/8"=1'-0"			
				DES. KBS			
				DR. KBS			
				CKD.			
	PRELIMINARY BUILDING ELEVATIONS						



Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Semi Lot – Revision 1		
Occupancy Address:	Technology Blvd. & Artz Rd.		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:		HH P&D:	
MCBR MEC:		HHFD Plan:	22-196
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	9/23/2022

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. The proposed development will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017, and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.

- Fire hydrants shall be provided where any portion of the building is greater than 400 feet from existing hydrants. Ohio Fire Code 507.5.1 and HHCO 1521.06(c).
- All new places of assembly, educational, health care, detention and correctional occupancies, and business, industrial, storage or unusual structures, which are located more than 150 feet from a public street, or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with properly placed fire hydrants. HHCO 1521.01(a).
- If the property is to be fenced provisions for the Huber Heights Fire Division to obtain access shall be provided.
- A permit shall be obtained for construction from Montgomery County Building Regulations.

Please reference contact information below for questions or concerns with this document.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner

Date: December 6, 2022

Subject: Basic Development Plan and Rezoning
(Overnight truck parking and truck repair facility)

Revised drawings dated December 5, 2022

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: Thomas Dusa – Applicant
Said Agaliyev - Owner

DEVELOPMENT NAME: Technology Blvd. Trucking Facility

ADDRESS/LOCATION: South East corner of Technology Blvd. and Artz Rd.

ZONING/ACREAGE: B-3 / 3.3 Acres

EXISTING LAND USE: Vacant / Agricultural

ZONING

ADJACENT LAND: North: I-1 & PC
East: PC (recently rezoning for a fueling station and truck repair facility)
West: I-1
South: I-1

REQUEST: The applicant requests approval of a basic development plan and rezoning to Planned Industrial to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres.

ORIGINAL APPROVAL: N/A

APPLICABLE HHCC: Chapter 1171, 1177, 1181

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

On-Site Uses and Facilities

The applicant is proposing a 4,500 SF building with 12 semi-truck parking spaces. Since the first meeting the applicant has provided additional details regarding the planned uses, as well as renderings of the proposed building.

The applicant has indicated the uses will include a two-bay maintenance facility and parking for up to 12 semi-truck parking spaces. The parking spaces may be used for trucks staging for repairs or those that have been completed. The applicant has also stated the parking spaces will be available to drivers to rest. 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. Drivers will be able to drop off their truck and/or trailer and make arrangements to stay at a local hotel or other accommodations.

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 screens 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 relevant sections are cited below:

Chapter 1171 General Provisions

1171.01 Purpose.

Planned Unit Developments Districts may be permitted as amendments to the zoning map, after application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. The provisions of this chapter are adopted to unify planning and development in such districts. Applications for rezoning of land into a Planned Unit Development District shall be granted only when the basic development plan for the project is such that the public health, safety and morals shall not be jeopardized by a departure from the restrictions on corresponding uses in the standard zoning district. PUD rezonings may be approved only when a basic development plan for the area has been approved by Council. A detailed development plan shall then be approved for zoning permit to be approved for development in the District. Normally the detailed development plan shall be approved by the Planning Commission after the rezoning and basic development plan have been approved by Council. Owners shall have the option however, of submitting a combined basic and detailed development plan ("combined development plan") if they should so desire for some or all of the site.

(Ord. 93-O-602, Passed 3-22-93)

1171.05 Contents of basic development plan.

- (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:*
 - (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.*
- (Ord. 2006-O-1655, Passed 9-25-05)

Chapter 1177 (PI) Planned Industrial District

1177.01 Principal permitted uses.

Any principal permitted use in the Industrial Districts, I-1 and I-2, and PO Planned Office District shall be permitted. Manufacturing, processing, warehousing, industrial service activities, office and associated activities may be developed, operated and maintained within a single, organized development in accordance with an approved Planned Industrial Development District.

(Case 388; Ord. 2002-O-1365, Passed 8-26-02)

1177.02 Accessory uses.

Only the following accessory uses shall be permitted in this District:

- (a) Uses customarily incidental to all principal permitted uses; and
- (b) Temporary buildings and uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

(Case 388; Ord. 2002-O-1365, Passed 8-26-02)

1177.03 Development standards.

Except when specifically modified herein, the provisions of Chapter 1181, "General Provisions" shall govern. In addition, the following developmental standards shall apply:

- (a) *Minimum Land Area Requirements.*
 - (1) No minimum land area shall be required.
- (b) *Site Planning, General Design Standards and Improvement Requirements.*
 - (1) Total land occupancy by all buildings for a Planned Industrial Development District shall not exceed 75 percent of the area of the tract to be developed.

- (2) Planned Industrial Development Districts shall have access to at least one major thoroughfare as established on the Official Thoroughfare Plan.
- (3) Landscaping and use of yards shall be as follows:
 - A. Required side and rear yards shall be maintained in landscaping and shall not be used for off-street parking along all property lines which abut residential or PM districts. The landscaping shall include, at a minimum, a six-foot high wooden or vinyl fence structure, earth mound, or wall with an opaqueness of 100 percent.
 - B. Any front, side or rear yard that fronts a public street is required to be landscaped including street trees as outlined in Chapter 1181 and additional landscaping as determined appropriate by the Planning Commission.
 - C. The project area, where it abuts another business, office, or industrial district, shall be maintained in landscaping and not used for parking, to the extent of a minimum of 15-foot depth along property lines.
- (4) Off-street parking and loading spaces shall be required as set forth in Chapter 1185. In addition:
 - A. Off-street parking and loading facilities shall be provided, with area, location and design appropriate to the needs and specific uses of the industrial project. Space designated for off-street parking shall not be used for off-street loading.
 - B. Off-street parking and loading facilities shall not be located in the front yard of any property.
 - C. Off-street parking and loading shall be of sufficient size to accommodate normal peak loads.
 - D. Loading docks shall not be placed between the building and the front lot line.
- (5) There shall be a side and rear yard setback of 25 feet or equal to the heights of the principal building, whichever is greater. If adjacent to a residential district or PM District, a minimum of 75 feet.
- (6) All streets within the Planned Industrial Development District shall have a width of not less than 40 feet and shall comply with the City's construction standards.
- (7) The distribution systems for utilities are required to be underground.
- (8) Building materials. The front facade of a principal building facing any public street on any property in the PI District shall be required to be constructed of at least 30 percent masonry materials that will extend along the entire length of the facade of the principal building. For the purposes of this section, the front facade of a principal building shall include any wall of the principal building that is parallel to the public street and is located within 100 feet of the established building line. The Planning Commission shall determine the appropriateness of the proposed masonry material design. In the case of a property which has frontage on more than one public street, the facade facing the public street from which access to the property is provided shall be considered the front facade of the building. In addition to the front facade, the side or rear facades of the principal building that face Interstate 70 or a State Route shall be constructed of at least 30 percent masonry materials that shall be clearly visible to Interstate 70 or the State Route unless a sufficient landscaping buffer is provided and is determined appropriate by Planning Commission. Recommended masonry materials include brick, split face

block, tilt-up concrete, dryvit or any similar material determined appropriate by the Planning Commission.

- (9) Street tree requirement. Please refer to Chapter 1181 for street tree requirements.
- (10) Trash container enclosures. Please refer to Chapter 1181 for trash container enclosure requirements.

1177.04 Conditions.

All uses shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities, which shall all be off-street. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

(Case 388; Ord. 2002-O-1365, Passed 8-26-02)

Chapter 1181 General Provisions

1181.17 Street trees.

Any property that is zoned commercial, industrial, institutional or multi-family and that abuts a public street right-of-way and is being developed shall have one street tree per 40 feet of frontage planted at least four feet from the edge of the sidewalk on private property as determined appropriate by the City Engineer. If the location of the proposed street trees is determined inappropriate by the City Engineer, the City Engineer shall determine a location that is appropriate for the planting of the street trees. The City Engineer shall also approve the type of and the caliper of street trees that are to be planted. A list of appropriate trees and required caliper is available in the City Engineer's office.

(Case 389; Ord. 2001-O-1240, Passed 2-12-01)

1181.18 Screening of service structures.

Service structures shall be screened in all zoning districts. For the purposes of this section, service structures shall include but not be limited to loading docks, storage tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, cooling towers, roof top units and other equipment or elements providing service to a nonresidential (excluding agricultural uses) or multi-family building or site. Structures may be grouped together; however, screening height shall be based upon the tallest of the structures. Service structures located in the public right-of-way or public right-of-way easement shall be exempt from these provisions.

(a) Screening Requirements.

- (1) Rooftop utilities screening. All mechanical equipment located on the roof or around the perimeter of the building shall be screened by the following means and with materials that are comparable and compatible with that of the exterior building materials. Roof top mechanical units must be screened to the full height of the unit and also be fully screened from view from surrounding public rights-of-way. A sight distance analysis may be required by the City to determine the necessary height or design of rooftop utilities screening. If due*

to factors unique to the property or the project, it is physically impossible or impractical to screen these utilities, the Board of Zoning Appeals, may approve alternative solutions that render them aesthetically compatible with the principal structure, except for development within a planned unit development district for which the Planning Commission would have authority to approve any alternative solutions.

- A. A raised parapet or other architectural feature is an integral part of the building as a method of screening for rooftop mechanical equipment or to soften rooftop view.*
- B. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.*

(2) Waste Handling Screening. All waste, recycling and related handling equipment shall be stored and kept in four-sided enclosure constructed of a brick, stone, decorative concrete material or a material compatible with the material of the principle structure.

- A. Curbs to protect screening material. Whenever screening materials is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, a curb to contain the placement of the container shall be provided within the screening material on these sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.*

(3) Screening of other service structures. A continuous (having 100 percent opacity) planting, hedge, fence, wall of earth, which would enclose any service structure on all sides is required, unless such structure must be frequently moved, in which case screening on all but one side is required. The height of the screening material shall be one foot more than the height of the enclosed structure but shall not be required to exceed 12 feet in height. Whenever a service structure is located next to a building wall or landscaping material, such walls or screening material, may fulfill the screening requirement for that side of the service structure if that wall or screening material is of sufficient height to meet the height requirement set out in this section. Plant material used to screen a service structure shall be an evergreen species which retains its needles throughout the year. Deciduous plant material cannot be used to fulfill this screening requirement. The height of the evergreen plant material at installation must be equal to, or greater than, two-thirds of the height of the service structure(s), and meet the height and opacity requirements within four years.

1181.21 Lighting standards.

- (a) Intent. This section intends to regulate outdoor lighting in order to: establish appropriate minimum levels of illumination, prevent unnecessary glare, and reduce both spill-over onto adjacent properties and unnecessary transmission of light into the night sky. It is not intended to eliminate the need for an applicant to seek professional assistance to determine appropriate lighting for the use and design proposed.*

(b) *Approved Lighting Plan.* Whenever the installation or modification of outdoor lighting is proposed or, for a commercial, industrial, multi-family or special use of a site plan approval, the enforcing officer shall review and approve all proposed lighting as part of the approval process. These standards shall also apply to modifications to existing lighting fixtures, whether or not site plan approval is required.

(1) A lighting plan submitted for review shall contain the following:

- A. A site plan showing the location of all existing and proposed buildings, landscaping, streets, drives, parking areas and exterior lighting fixtures;
- B. Specifications for all proposed and existing lighting fixtures. These include: photometric data, fixture height, mounting and design, glare control devices, type and color rendition of lamps, and hours of operation. A photometric plan illustrating the levels of illumination at ground level shall account for all light sources that impact the subject site, including spill-over illumination from neighboring properties; and
- C. Relevant building elevation drawings showing all fixtures, the portions of the walls to be illuminated, illuminance levels of walls and the aiming of points of any remote fixtures.

(2) A proposed lighting plan shall be reviewed based upon the following considerations:

- A. Whether the lighting is designed to minimize glare;
- B. Whether light will be directed beyond the boundaries of the area to be illuminated or onto adjacent properties or streets;
- C. Whether the lighting will cause negative impacts on residential districts and uses;
- D. Whether the plan will achieve appropriate levels of illumination for the use proposed;
- E. Whether the lighting is in harmony with the character of the surrounding area and the illumination levels of neighboring properties; and
- F. Whether the lighting is in keeping with the city's goal of prohibiting unnecessary illumination of the night sky.

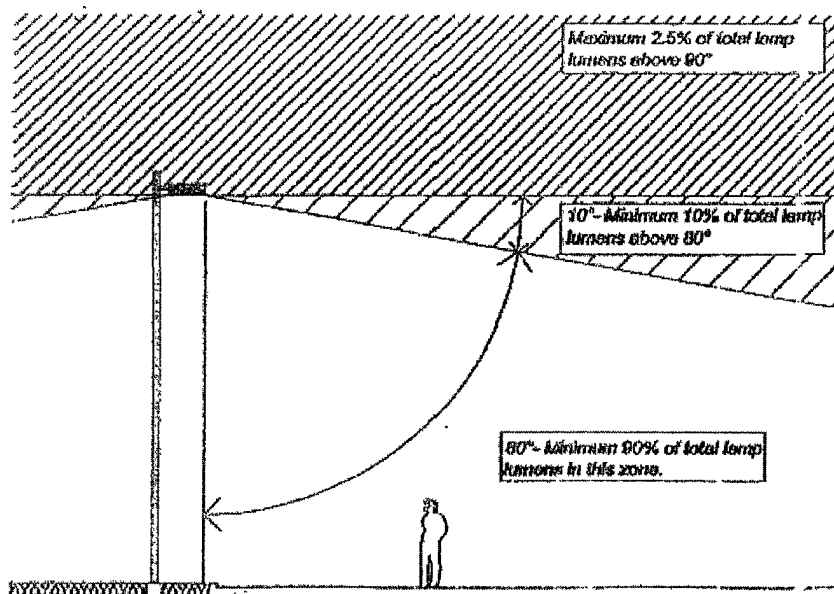
(c) *Required Conditions.* When site plan or zoning permit approval is required for the installation or modification of exterior lighting, the following conditions shall apply:

(1) Light fixtures shall not be mounted in excess of the maximum height limitation of the district in which they are located. Those maximum heights are listed below:

•	B-1, B-2, B-3, and EP	25' maximum mounting height
•	O-1	20' maximum mounting height
•	I-1 and I-2	35' maximum mounting height
•	Planned Unit Developments	Established by the City at the detailed plan approval stage (if not addressed, maximum mounting height shall be 25')

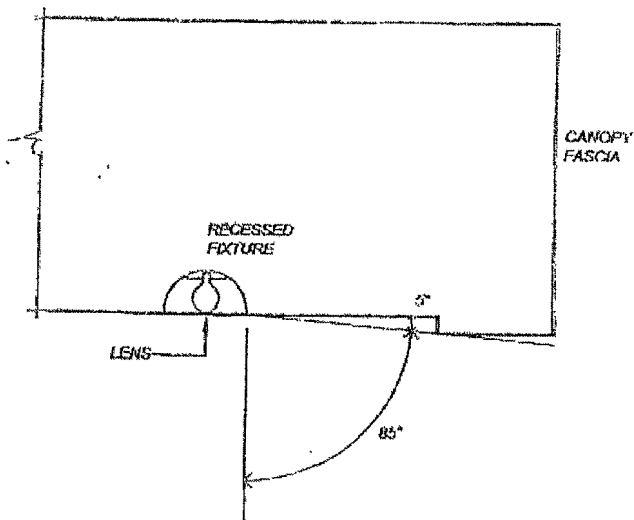
Electrical service to light fixtures shall be placed underground.

- (3) No flashing lights or intermittent illumination shall be permitted.
- (4) Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall landscaping, fencing and similar screening methods be considered acceptable means for reducing glare.
- (5) Outdoor lighting shall be designed to achieve uniform illumination levels. The ratio of the average light level of the surface being lit to the lowest light level of the surface being lit, measured in foot-candles, shall not exceed 4:1. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. The average illumination is determined by: adding the foot-candle value of all the points in the photometric grid, and dividing the sum by the total number of points.
- (6) The use of true color rendering lamps, such as metal halide, is required instead of the utilization of high- and low-pressure sodium lamps.
- (7) Only necessary lighting for security purposes and limited operations shall be permitted after a site's hours of operation.
- (8) Lighting for security purposes shall be directed only onto the area to be secured.
 - A. All fixtures shall be located, shielded and aimed so that light is not cast toward adjacent properties or streets or unnecessarily transmitted into the night sky.
 - B. Fixtures mounted on the building and designed to illuminate the facade are preferred.
- (9) Parking lot lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision and comfort in parking areas. Full cut-off fixtures shall be used to prevent glare and direct illumination away from adjacent properties and streets. Designs that result in even levels of illumination across a parking area are preferred



Cut-off fixture as defined by IESNA.

- (10) The illumination of gasoline service stations and convenience stores shall be the minimum level necessary to facilitate such uses. Unnecessary lighting for the purposes of attraction and advertising shall not be permitted.
- A. Areas away from gasoline pump islands that are used for parking and vehicle storage shall be illuminated in accordance with the parking area requirements of subsection (9) above.
 - B. Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with (i.e., no more than one inch beyond) the casing so that light is directed down and not sideways. All canopy lighting shall be shielded to provide a cut-off angle of 85 degrees. Fixtures shall not be mounted on the top or sides of canopies.



This illustration provides an example of a fixture with an 85-degree cut-off. Other designs that achieve the same cut-off requirement are also acceptable.

Chapter 1182 Landscaping and Screening Standards

1182.01 General information.

- (a) *Applicability.* All of the requirements of this chapter of the Zoning Code are applicable to all new developments located in all zoning districts except for those located in ER, R-1, R-2, R-3, R-4, R-4B, RMV, A, WO, and C districts. For new developments located in ER, R-1, R-2, R-3, R-4, R-4B, RMV, A, WO, and C districts, only the requirements listed in the schedule of required buffers, detailed in figure 4 in Section 1182.05, shall apply. Property owners are under a continuing obligation to ensure that their property is maintained in accordance with these requirements.

- (b) *Application Process. For PUD applications and standard zoning permit applications certain landscape information must be provided.*
 - (1) *In a PUD application, proposals in the re-zoning and basic development plan stage need to illustrate conceptual buffering and screening requirements on the basic development plan.*
 - (2) *In a PUD application in the detailed development plan stage and final plat stage, a detailed landscape plan shall be submitted as outlined in 1182.02.*

Chapter 1185 Parking and Loading

1185.02 Off-street parking standards.

- (a) *General Standards. Off-street parking facilities shall be used solely for the parking of motor vehicles except as otherwise permitted in this chapter. Other approved accessory structures such as landscaping islands, light poles, shopping cart racks, and ATMs are considered as part of the off-street parking facilities. All motor vehicles shall be in operating condition by persons on the premises in connection with any use of the premises allowed by the Zoning Ordinance.*
- (b) *Parking of motor vehicles on a residentially zoned premises shall be on a continuous hard surface, as defined by the term "hard surface driveway" in Chapter 1123.*
- (c) *Garage sales may be conducted on off-street parking facilities located on a residentially zoned premises.*
- (d) *Festival and fund-raising activities sponsored by nonprofit organizations, as well as activities/events organized by government agencies, may be conducted on off-street parking facilities.*
- (e) *Planned unit developments may be approved to permit other uses of off-street parking facilities.*

(Case 293; Ord. 90-O-450, Passed 12-3-90; Ord. 96-O-922, Passed 10-28-96)

1185.03 Size and design.

- (a) *Off-street parking spaces shall meet or exceed the minimum design standards for parking lot layouts as set forth in this chapter. The minimum size for an off-street parking space shall be 18 feet in length by ten feet wide.*
- (b) *Off-street parking requirements and limitations for semis are defined in HHCO Chapter 1193.*
- (c) *Minimum Design and Construction Standards.*
 - (1) *Off-street parking may be open to the sky, or enclosed in a building or structure, either above or below ground. Off-street parking areas shall meet City and, as set forth by the City Engineer, Southwest Ohio Engineers Association (S.W.O.E.A) standards. Such standards shall include, but not be limited to, driveway widths, island design, curbs, barriers, grades, turning radii, vertical clearance, stacking, and waiting areas and drainage.*
 - (2) *Nonresidential uses (including multi-family residential uses).*

- A. *Each off-street parking space shall open directly into an aisle or driveway of adequate width and design for safe and efficient vehicular access to the parking space. No parking space shall open directly onto any public street.*
- B. *An aisle or driveway shall not be used for parking of vehicles.*
- C. *All off-street parking areas shall be graded and have a continuous hard surface of asphalt or concrete. When approved by the City Engineer the off-street parking areas for impound lots, junked vehicle yards, dormant semi-truck parking areas, and certain storage areas may be composed of granular aggregate and a double chip seal or a fabric type pavement with aggregate base and surface stabilization or a slurry seal pavement with aggregate base as shown on the attached sketches. A chip sealed lot or a slurry seal lot or a fabric type lot shall be resealed at a minimum of five-year intervals or as designated by the City Engineer.*

1185.06 Landscaping required.

All parking lots exceeding 20 parking spaces shall have interior landscaped areas in the overall design. This requirement shall be satisfied only by those landscaped areas encompassed by the perimeter of the parking lot. Required parking or paving setbacks, screening areas, or other landscaping required by this Zoning Ordinance shall not be utilized to meet any requirement of these landscaping provisions.

- (a) *Any parking lot having a capacity of at least 20 parking spaces shall be required to have not less than five percent of the interior of the parking lot landscaped.*
- (b) *The landscaped area shall include at least one tree (not less than one and three-fourths inch caliper, measured at chest height of a species approved by the City Engineer or his designee) for every 100 square yards of interior landscaped area, living plantings aesthetically located and maintained.*
- (c) *All landscaped areas shall be designed and located in a manner that clearly defines internal streets, traffic lanes and parking areas and to standards acceptable to the Department of Engineering, Zoning and Planning.*
 - (1) *Landscaped areas shall have a minimum width of five feet.*
 - (2) *A turning radius shall be constructed where a landscaped area defines an intersection of streets, traffic lanes or parking stalls.*
 - (3) *Concrete curbing shall be placed around the perimeter of all landscaped areas.*
 - (4) *Intersection sign distance shall be maintained at all entrance and exit points to a public street and all internal intersections of streets and traffic lanes.*

(Ord. 90-O-450, Passed 12-3-90)

1185.12 Computation.

- (a) *Number of Spaces Rounded Up. When determination of the number of off-street parking spaces required by this chapter results in a fraction that is less than a whole, such fraction shall be rounded up to a whole number and counted as one parking space.*
- (6) *Road service and commercial entertainment uses.*

- A. *Automobile accessories sale or installation: two spaces for every service bay, plus one space for every 400 square feet of sales area.*
- B. *Automobile filling station and auto repair, painting, and body shop: two spaces for each service bay, plus one space for each employee on the largest shift, and also one space for each service vehicle; with a minimum of six spaces, plus one space for every 125 square feet of retail floor area if a convenience store is an accessory use.*
- C. *Automobile washing facility: one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car-washing device or stall, or 15 off-street waiting spaces for an assembly-line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.*

Standards for Approval

1171.06 – General Standards For Approval

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 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, streetlight 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 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 for the purpose of constructing a repair facility and truck drop lot. Both uses would share 12 semi-truck parking spaces. 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. Drivers who chose to use the drop lot would Uber to a hotel or make other accommodation arrangements.

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.

Recently, 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 of 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.

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 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. Additional maintenance facilities are likely in demand for this area, given the large presence of logistical companies. It is unclear to staff whether the rest facility proposed directly or indirectly benefit the surrounding businesses or locally based independent truck owners / operators, or if the majority of 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 revised plan indicates a 15-foot perimeter buffer yard, and increase from 10-feet, which meets code. All other standards for this Chapter are met including:

- Street trees are indicated along Technology Boulevard and Artz Road, as required;
- Building setbacks are appropriate
- The proposed building façade has at least 30% masonry materials.

Chapter 1181 General Provisions

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 details shall be provided during the detailed development plan phase. However, the plans indicate potential locations for fencing and street trees along Artz Road and Technology Boulevard.

Chapter 1185 Parking and Loading

Since the exact programming of the unknown at this time, the required number of spaces cannot be calculated. At a minimum, four (4) automobile parking spaces will be required and five (5) are indicated. However, the site is just over three (3) acres and there should be room to accommodate all required parking once they are determined.

Other Considerations:

The applicant has provided additional details since the last meeting which have alleviated some staff concerns. The applicant has provided conceptual building designs and clarified the intended uses of the site. Staff are still concerned that unless a building is constructed and programmed, this location will simply become a trailer drop lot with no value-added services for drivers or surrounding businesses.

Additional Comments:

Fire: See Attached.

City Engineer:**Recommendation**

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

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 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.

Planning Commission Action

Planning Commission may take the following actions with a motion to:

- 1) Approve the rezoning and basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.



Planning Commission Decision Record

WHEREAS, on August 22, 2022, the applicant, Thomas E. Dusa, requested approval of a Basic Development Plan and Rezoning to PI – (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road, further identified as Parcel Number P70 03903 0007 of the Montgomery County Auditor's Map (Case RZ BDP 22-35), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Jeffries moved to approve the request by the applicant, Thomas E. Dusa, for approval of a Basic Development Plan and Rezoning to PI – (Planned Industrial) to construct a truck repair facility and truck/trailer drop lot on approximately three (3) acres. Property is located at the South East Corner of Technology Blvd and Artz Road (Case RZ BDP 22-35), in accordance with the recommendation of Staff's Memorandum dated December 6, 2022, as amended with 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. Exterior of building should be 100% masonry unless otherwise approved by Planning Commission at the Detailed Development Plan.

RZ BDP 22-35 – Decision Record

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO APPROVE A REZONING TO PLANNED INDUSTRIAL (PI) AND A BASIC DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF TECHNOLOGY BOULEVARD AND ARTZ ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBER P70 03903 0007 ON THE MONTGOMERY COUNTY AUDITOR’S MAP AND TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION (CASE RZ BDP 22-35).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case RZ BDP 22-35 and on December 13, 2022, recommended approval by a vote of 3-0 of the Rezoning and Basic Development Plan; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Rezoning to Planned Industrial (PI) and a Basic Development Plan (Case RZ BDP 22-35) is hereby approved in accordance with the Planning Commission’s recommendation and 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. Exterior of building shall be 100% masonry unless otherwise approved by the Planning Commission through the Detailed Development Plan.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8870

Topics of Discussion I.

Council Work Session

Meeting Date: 01/17/2023

Case RZ 22-41 - Baumer and Carre - Rezoning - 7767/7777 Wildcat Road

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case RZ 22-41 - Baumer and Carre - Rezoning - 7767/7777 Wildcat Road

Purpose and Background

The applicants, Richard Baumer and Staci Carre, are requesting approval of a Rezoning from Light Industrial (I-1) to Residential (R-1).

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Map

Staff Report

Decision Record

Minutes

Ordinance



BAUMER PROPERTY 7767 WILDCAT RD.

1 in = 188 ft

Date: 10/19/2022

OCT 18 2022
By RZ 22-41



Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, Interim City Planner
Community Planning Insights

Date: December 6, 2022

Subject: RZ 22-41 (Request to Rezone Two Residential Parcels from I-1 to R-2)

Application dated October 18, 2022

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: Richard Baumer – Applicant / Owner
Staci Carre - Applicant / Owner

DEVELOPMENT NAME: N/A

ADDRESS/LOCATION: 7767 & 7777 Wildcat Road

ZONING/ACREAGE: I-1 (Approximately 4 acres)

EXISTING LAND USE: Residential

**ZONING
ADJACENT LAND:** Residential, Industrial, Planned Commercial

REQUEST: The applicant, at staff's suggestion, requests approval of a rezoning of approximately 4 acres from I-1 to R-1 to allow future expansion of an existing residence and facilitate a conforming use.

ORIGINAL APPROVAL: N/A

APPLICABLE HHCC: Chapter 1130, 1144

CORRESPONDENCE: In Favor –
In Opposition –

STAFF ANALYSIS AND RECOMMENDATION:

Overview:

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

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

Applicable Zoning Regulations

The applicable zoning chapters include: 1130 Amendments, 1144 "R-1" Residential District.

Zoning Standards Analysis:

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

Staff Analysis of Standards for approval

1130.07 Recommendation by planning commission.

After the public hearing required by this chapter is closed, the Planning Commission shall recommend to Council that the requested amendment be:

- (a) Granted as requested;
- (b) Denied;
- (c) Granted as modified by, or subject to such conditions as deemed appropriate by, the Planning Commission. The Planning Commission may, as a condition of approval, modify the proposed amendment or impose any additional requirements or conditions it deems appropriate.

(Case 295; Ord. 96-O-921, Passed 10-28-96)

STAFF RECOMMENDATION

It is the staff's opinion the rezoning from I-1 to R-1 is appropriate for these two lots. The residential structures are currently occupied and the owners plan to maintain the properties as residential uses.

Planning Commission Action

Planning Commission may take the following actions with a motion:

- 1) Recommend approval of the rezoning, with or without conditions;
- 2) Recommend denial of the rezoning (the Commission should state the specific reasons for denial); or
- 3) Table the application for additional information.



Planning Commission Decision Record

WHEREAS, on October 18, 2022, the applicants, Richard Baumer and Staci Carre, requested approval of a Rezoning of approximately 4 acres from I-1 (Industrial) to R1 (Residential). Properties are located at 7767 and 7777 Wildcat Road, further identified as Parcel Numbers P70 04009 0024 and P70 04009 0028 of the Montgomery County Auditor's Map (Case RZ 22-41), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Jeffries moved to approve the request by the applicants, Richard Baumer and Staci Carre, for approval of a Rezoning of approximately 4 acres from I-1 (Industrial) to R1 (Residential). Properties are located at 7767 and 7777 Wildcat Road (Case RZ 22-41), in accordance with the recommendation of Staff's Memorandum dated December 6, 2022, with the following conditions:

1. Grant as requested

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO APPROVE A REZONING FROM LIGHT INDUSTRIAL (I-1) TO RESIDENTIAL (R-1) FOR THE PROPERTIES LOCATED AT 7677 AND 7777 WILDCAT ROAD AND FURTHER IDENTIFIED AS PARCEL NUMBERS P70 04009 0024 AND P70 04009 0028 ON THE MONTGOMERY COUNTY AUDITOR’S MAP AND TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION (CASE RZ 22-41).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case RZ 22-41 and on December 13, 2022, recommended approval by a vote of 3-0 of the Rezoning; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Rezoning from Light Industrial (I-1) to Residential (R-1) (Case RZ 22-41) is hereby approved in accordance with the Planning Commission’s recommendation and following conditions:

1. Grant as requested

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8872

Topics of Discussion J.

Council Work Session

Meeting Date: 01/17/2023

Case MJC 22-43 - John Kopilchack - Major Change - Basic/Detailed Development Plan - 8501 Old Troy Pike

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case MJC 22-43 - John Kopilchack - Major Change - Basic/Detailed Development Plan - 8501 Old Troy Pike

Purpose and Background

The applicant, John Kopilchack, is requesting approval of a Major Change to the Basic and Detailed Development Plan to construct an addition to the existing medical facility.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Drawings

Fire Assessment

Staff Report

Decision Record

Minutes

Ordinance

GENERAL NOTES

- ALL ROADWORK AND STORM DRAINAGE CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CITY SPECIFICATIONS AND STANDARD DRAWINGS. IF NO CITY STANDARD IS AVAILABLE, THEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION "CONSTRUCTION & MATERIALS SPECIFICATIONS" (LATEST EDITION) AND STANDARD DRAWINGS SHALL BE USED.
- ALL UTILITY TRENCH EXCAVATION WITHIN THE EXISTING AND PROPOSED RIGHT-OF-WAY AND EASEMENTS SHALL BE BACKFILLED WITH GRANULAR FILL MATERIAL IN ACCORDANCE WITH CITY SPECIFICATIONS AND COMPACTED BEFORE SUB-GRADE APPROVAL.
- ALL UNDERGROUND UTILITY SERVICE LATERALS ARE TO BE INSTALLED FROM MAIN TO RIGHT-OF-WAY LINE BEFORE STREETS ARE SURFACED.
- ALL CATCH BASINS (CURB AND GUTTER INLET) TO BE HUBER HEIGHTS TYPE "D" OR ODOT TYPE 3A, UNLESS OTHERWISE SPECIFIED. THE CASTING HOOD SHALL "HAVE DUMP NO WASTE" LETTERING AND FISH IMAGE.
- ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE ASTM C-76, CLASS IV, UNLESS OTHERWISE NOTED.
- ALL MANHOLES TO BE TYPE "A", UNLESS OTHERWISE NOTED.
- CHANNEL BOTTOMS OF ALL MANHOLES.
- CURB RAMPS TO BE LOCATED AS INDICATED ON PLANS AND CONSTRUCTED IN ACCORDANCE WITH CITY SPECIFICATIONS.
- ALL FIELD TILE ENCOUNTERED SHALL BE REPLACED OR CONNECTED TO THE STORM SEWER SYSTEM.
- ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATION ACCORDING TO THE BEST AVAILABLE INFORMATION. FORTY-EIGHT (48) HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES: THE OHIO UTILITIES PROTECTION SERVICE (OUPS) AT 1-800-362-2764; THE DAYTON POWER & LIGHT CO. AT 937-866-3303; AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVING THIS PROJECT AND ARE NON-MEMBERS OF OUPS.

OHIO UTILITIES PROTECTION SERVICE (OUPS)

100 FEDERAL PLAZA EAST,
LOWER LEVEL
YOUNGSTOWN, OH 44503
1-800-362-2764

AT&T

3233 WOODMAN DR.
DAYTON, OHIO 45420
937-296-3606 (7AM-5PM)
1-800-572-4747 (AFTER 5PM)

UNITED WATER

6244 CHAMBERSBURG ROAD
HUBER HEIGHTS, OH 45424
937-233-3292

THE OWNER OF THE UNDERGROUND UTILITY SHALL WITHIN 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND LEGAL HOLIDAYS, AFTER NOTICE IS RECEIVED, STAKE, MARK OR OTHERWISE DESIGNATE THE LOCATION OF THE UNDERGROUND UTILITY FACILITIES IN THE APPROXIMATE DEPTH AT WHICH THEY WERE INSTALLED. THE MARKING OR LOCATING SHALL BE COORDINATED TO STAY APPROXIMATELY TWO DAYS AHEAD OF THE PLANNED CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORKFORCE.

- THE CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO CONTROL SOIL EROSION AND SEDIMENTATION THROUGH THE LIFE OF THE CONTRACT. THESE MAY INVOLVE THE USE OF HAY AND STRAW BALES, DIKES, SEDIMENT PITS, MULCHES, FILTER FABRICS AND OTHER DEVICES AND METHODS. PARTICULAR CARE SHALL BE TAKEN TO AVOID EROSION AND SEDIMENTATION ON EXISTING PAVED AND GRAVELED AREAS.
- ROOF AREA DRAIN LINES SHALL NOT BE EXTENDED THROUGH CURBS BUT SHALL BE DIRECTLY CONNECTED TO THE STORM SEWER SYSTEM.
- CONCRETE APRONS FOR TYPE B CATCH BASINS SHALL HAVE VANES PROVIDED IN THE CONCRETE TO DIRECT WATER TOWARDS OPENINGS. SEE DETAILS SHEET 2.
- ALL METAL CASTINGS SHALL BE PAINTED WITH TWO COATS OF BLACK ASPHALTUM PAINT.
- THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES AND SHALL BE CONSIDERED AN INTREGAL PART OF THESE CONSTRUCTION PLANS.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ASSURE STABILIZATION OF ALL TRENCHES DURING ROAD CONSTRUCTION.
- ALL HANDICAP RAMPS SHALL CONFORM TO THE LATEST ADA STANDARDS AND REGULATIONS, INCLUDING 2'x4' TERRA COTTA COLORED COMPOSITE WARNING PAD WITH TRUNCATED DOME SURFACE AS APPROVED BY THE CITY.
- ALL DISTURBED AREAS SHALL HAVE TEMPORARY SEEDING AND MULCHING. ALL AREAS THAT ARE PLANNED TO BE BARE FOR MORE THAN 45 DAYS SHALL BE SEEDED WITHIN 7 DAYS.
- ALL STORM DRAINAGE PIPES TO BE R.C.P., OR APPROVED EQUAL
- AND CONFORMING TO AND BE INSTALLED TO THE MANUFACTURER'S SPECS.
- ANY VARIANCE BETWEEN THESE PLANS AND WHAT IS FOUND IN THE FIELD OR DURING CONSTRUCTION SHOULD BE ADDRESSED TO THE ENGINEER IN CHARGE OF THE PROJECT AT VAN ATTA ENGINEERING, INC. AND CONFIRMED BY THE CITY OF HUBER HEIGHTS ENGINEERING DIVISION.
- ANY DISTURBED DRAINAGE CONDUIT SHALL BE REPAIRED OR REPLACED AS APPROVED BY THE ENGINEERING DEPARTMENT. CONTRACTOR TO MAINTAIN STORM SEWER FLOWS AT ALL TIMES.
- TRAFFIC CONTROL ON ALL PUBLIC ROADS IS REQUIRED TO CONFORM TO "THE OHIO MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS". ANY WORK ON A THOROUGHFARE OR WORK REQUIRING CLOSURES REQUIRES 48 HOUR NOTIFICATION AND APPROVAL OF THE CITY ENGINEERING DIVISION.
- SAFETY REQUIREMENTS, OUTLINED IN THE STATE OF OHIO "CONSTRUCTION SAFETY CODE" FOR THIS TYPE OF WORK WILL BE ENFORCED AND THE CONTRACTOR SHALL COMPLY WITH THE PROVISIONS OF THE CODE ISSUED AS A GENERAL ORDER BY THE INDUSTRIAL COMMISSION OF OHIO.
- WHERE POTENTIAL GRADE CONFLICTS MIGHT OCCUR WITH EXISTING UTILITIES, THE CONTRACTOR SHALL UNCOVER SUCH UTILITIES SUFFICIENTLY IN ADVANCE OF CONSTRUCTION IN ORDER THAT EXACT ELEVATIONS MAY BE DETERMINED AND THE NECESSARY ADJUSTMENT MADE. COST OF THE ABOVE, IF ANY, WILL BE INCLUDED IN THE PRICE BID FOR THE PERTINENT ITEM.
- PROPER TRANSITION TO BE PROVIDED FROM END OF PROPOSED STORM SEWERS, DITCHES, ROADWAY, ETC. TO EXISTING GRADE. RESTORATION OF DISTURBED AREAS ADJACENT TO THIS PLAT IS THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL ACQUIRE ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
- ALL JOINTS BETWEEN ASPHALT PAVEMENT CONCRETE WALK, CURB, CONCRETE PAVEMENT AND CATCH BASINS SHALL BE SEALED WITH HOT AC-20.
- CONCRETE CURB SHALL HAVE A MINIMUM OF 1/8" CONTRACTION JOINT CONSTRUCTED AT 5'-0" INTERVALS, THE DEPTH OF THE JOINT SHALL AVERAGE 2" OR MORE. EXPANSION JOINT STRIPS THE DEPTH OF THE CURB SHALL BE USED AT THE BEGINNING AND END OF CURVES, AT 300' MAXIMUM INTERVALS AND WHENEVER IT BECOMES NECESSARY TO SUSPEND WORK FOR 30 MINUTES OR MORE.

STORM SEWER NOTES

- ALL STORM SEWER MATERIAL SHALL BE CONCRETE, PER CITY OF HUBER HEIGHTS SPECS
- MANHOLES SHALL BE ODOT No.1 OR TYPE E.
- CATCH BASIN LATERALS 12" TO 18" TO BE C-76, CL.4.
CATCH BASIN LATERALS 21" TO 42" TO BE C-76, CL.3.

UTILITY NOTE:

ALL UTILITY LINES SHALL BE UNDERGROUND, INCLUDING CABLE, ELECTRIC AND TELEPHONE.

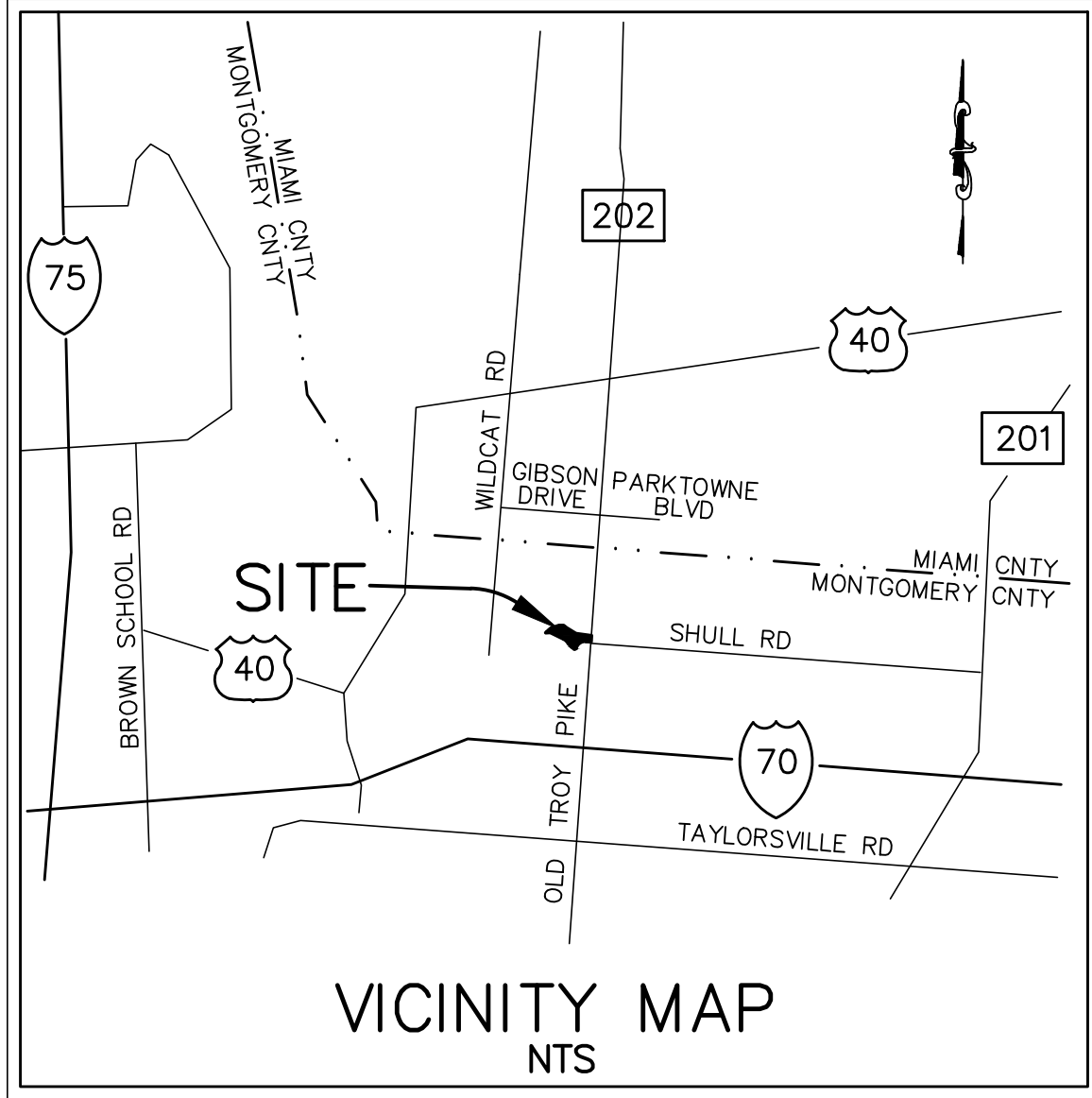
DAYTON CHILDREN'S HOSPITAL HUBER HEIGHTS OFFICE EXPANSION

LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.Rs.

CITY OF HUBER HEIGHTS

MONTGOMERY COUNTY, OHIO

NOVEMBER, 2022

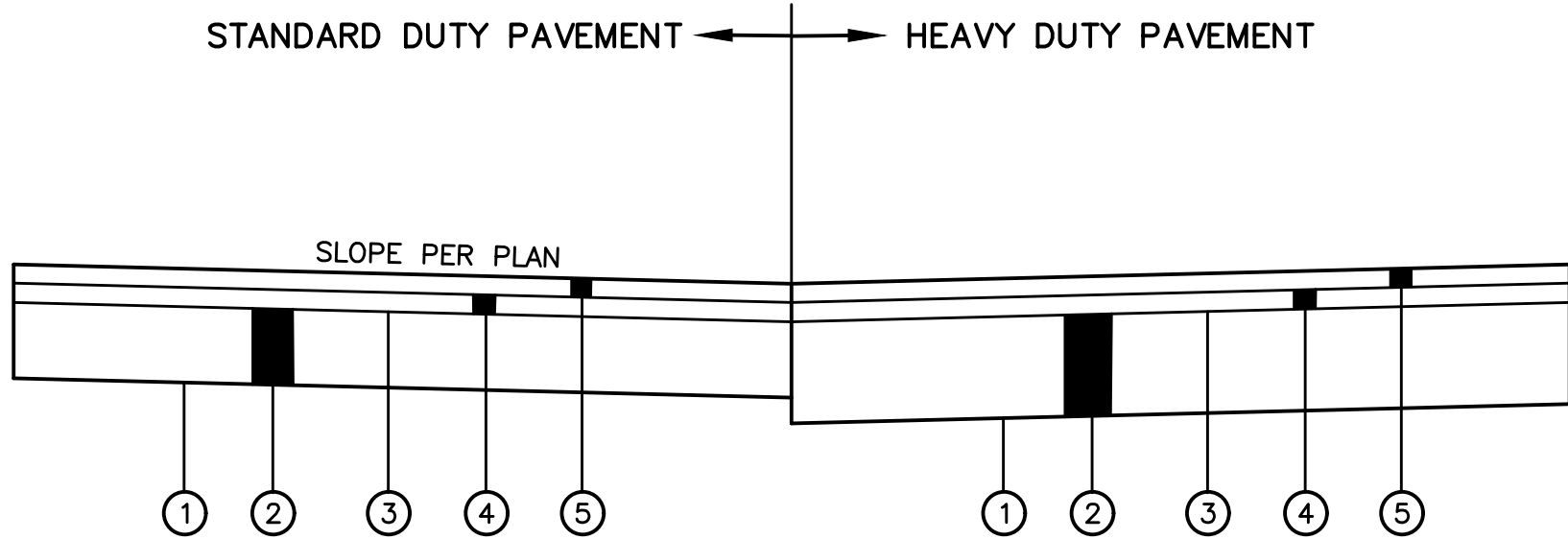


VICINITY MAP
NTS

INDEX

- COVER SHEET
- EXISTING TOPOGRAPHY/DEMOLITION PLAN
- SITE/UTILITY PLAN
- GRADING/EROSION CONTROL PLAN
- EROSION CONTROL NOTES/DETAILS

STANDARD DUTY PAVEMENT ← → HEAVY DUTY PAVEMENT



- ITEM 203 - SUBGRADE COMPACTION
- ITEM 304 - GRANULAR BASE ~ 8" COURSE
- ITEM 408 - PRIME COAT MC-30 OR RT-2 @ 0.5 GAL/SY TO BE APPLIED IMMEDIATELY AFTER ITEM 304
- ITEM 448 - ASPHALTIC CONCRETE ~ 1-1/2" COURSE
- ITEM 448 - ASPHALTIC CONCRETE ~ 1-1/2" COURSE

- ITEM 203 - SUBGRADE COMPACTION
- ITEM 304 - GRANULAR BASE ~ 10" COURSE
- ITEM 408 - PRIME COAT MC-30 OR RT-2 @ 0.5 GAL/SY TO BE APPLIED IMMEDIATELY AFTER ITEM 304
- ITEM 448 - ASPHALTIC CONCRETE ~ 2-1/2" COURSE
- ITEM 448 - ASPHALTIC CONCRETE ~ 1-1/2" COURSE

PAVEMENT SECTION (INTERIOR SITE)

NTS

(THE SOILS REPORT FOR THIS PROJECT SHALL BE REFERENCED AT ALL TIMES.)

(PSI REPORT DATED FEBRUARY 28, 2014, PROJECT #0105683)

THE TYPICAL SECTION SHALL BE CONFIRMED JUST PRIOR TO BIDDING AND JUST PRIOR TO COMMENCEMENT OF CONSTRUCTION WITH THE MOST CURRENT GEOTECHNICAL REPORT

NO.	DATE	DESCRIPTION	BY	

APPROVALS

HUBER HEIGHTS CITY ENGINEER

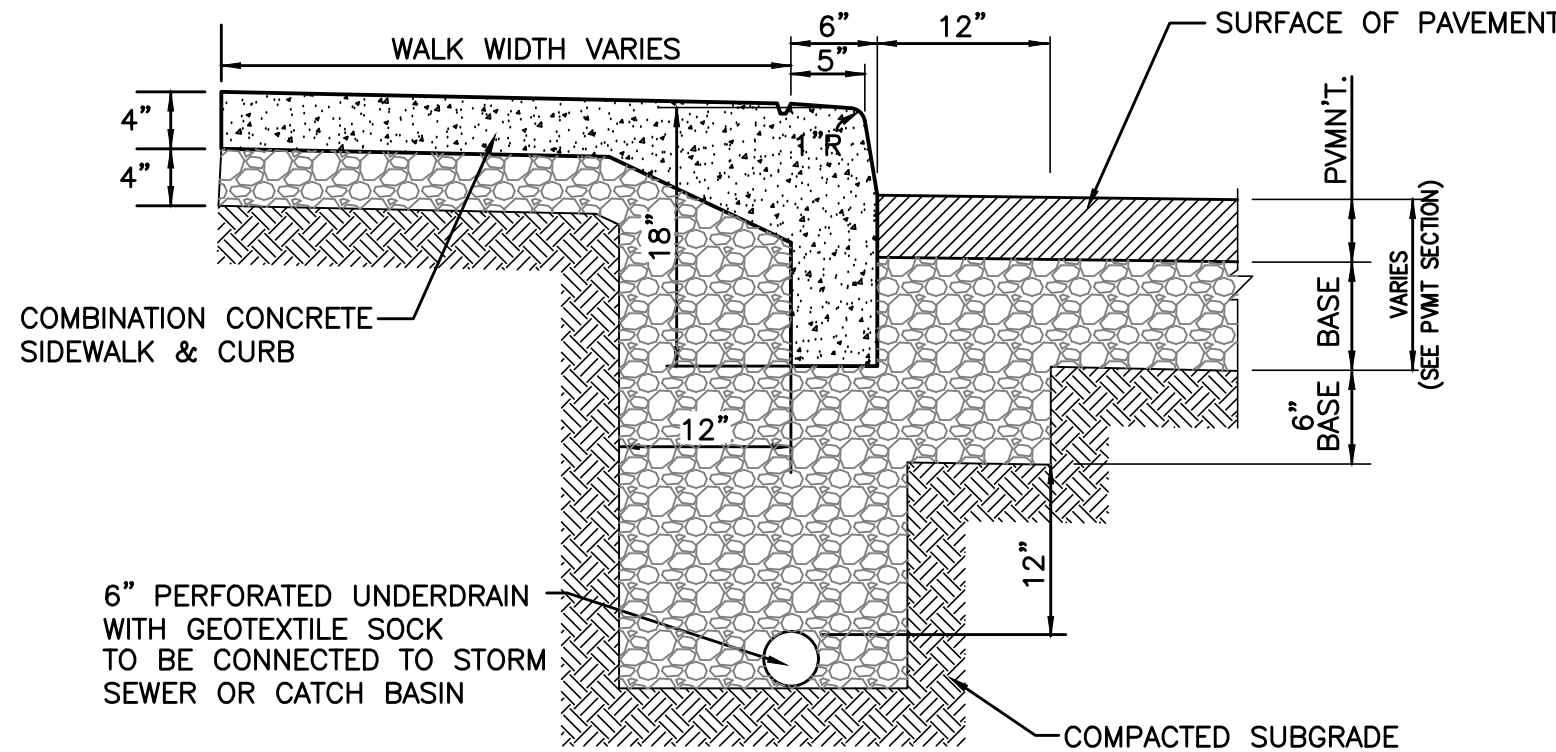
DATE

WATER NOTES

- THE CONTRACTOR SHALL BE QUALIFIED TO CONSTRUCT WATER MAINS. ALL WATER LINES AND APPURTENANCES SHALL BE CONSTRUCTED ACCORDING TO CITY OF HUBER HEIGHTS SPECIFICATIONS.
- WATER MAINS, BENDS AND FITTINGS SHALL BE DUCTILE CAST IRON PIPE AND CONFORM TO ANSI A-21.51 (AWWA C-151), CLASS 53. BENDS AND TEES SHALL BE RESTRAINED USING BOTH MEGA LUGS AND CONCRETE THRUST BLOCKS FOR THE LENGTH DETERMINED BY THE CITY INSPECTOR.
- ALL WATER MAINS SHALL HAVE 4'-6" MINIMUM COVER.
- NO SERVICE CONNECTIONS SHALL BE MADE TO THE WATER MAIN UNTIL THE MAIN LINE HAS BEEN INSPECTED, TESTED, DISINFECTED AND RELEASED FOR TAPS.
- NO CONSTRUCTION SHALL COMMENCE UNTIL ALL PERMITS HAVE BEEN ISSUED.
- ALL UTILITY TRENCHES WITHIN THE EXISTING OR PROPOSED PAVEMENT OR EASEMENTS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL CONFORMING TO ODOT 310 IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
- NO ADDITIONS, DELETIONS, OR REVISIONS TO THE WATER FACILITIES ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL BY THE CITY OF HUBER HEIGHTS.
- ONLY CITY OF HUBER HEIGHTS OR UNITED WATER PERSONNEL SHALL OPERATE MAIN LINE WATER VALVES.
- ALL FIRE HYDRANTS SHALL BE LOCATED 2' FROM AND WITHIN 5' OF THE CURB OR EDGE OF PAVEMENT AND 4" OPENING TO FACE THE STREET. (SEE NOTES 15 & 16 BELOW)
- WATER LINES CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18" BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE. IF WATER CROSSES BELOW SANITARY SEWERS, THE SEWER MUST BE WATER MAIN MATERIAL FOR THAT SPAN.
- ALL SERVICE LATERALS ARE TO BE INSTALLED FROM MAIN TO RIGHT OF WAY OR EASEMENT BEFORE STREETS ARE SURFACED.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING WATER MAINS BEFORE CONSTRUCTION OF NEW WATER MAIN AT PROPOSED CONNECTIONS.
- ALL GATE VALVES ARE TO BE LOCATED AT TEES OR CROSSES WITH A 1' MAXIMUM NIPPLE BETWEEN TEE OR CROSS AND VALVE. ALL PLUGS ARE TO BE CONNECTED TO VALVES EXCEPT WHERE SHOWN ON PLANS. PLUGS SHALL BE TAPPED WITH A 3/4" SHUT OFF VALVE FOR RELEASE OF AIR AND FOR FLUSHING.
- ALL VALVES SHALL HAVE RIGHT HAND (CLOCKWISE) OPENING DIRECTION.
- GATE VALVES SHALL HAVE RESILIENT SEATS RATHER THAN BRASS SEATS. OPERATING RODS SHALL HAVE O-RING WATER SEALS RATHER THAN PACKING GLANDS.
- ALL FIRE HYDRANTS SHALL BE MUELLER CENTURION 200 MODEL A-425 WITH TWO (2) TWO (2) AND ONE-HALF (1 1/2) INCH INCH DISCHARGE NOZZLES AND ONE (1) FIVE (5) INCH STEAMER DISCHARGE NOZZLE. THE FIVE (5) INCH STEAMER DISCHARGE NOZZLE SHALL HAVE A FIVE (5) INCH STORTZ QUICK CONNECTION.
- THE FIRE HYDRANT BREAKAWAY FLANGE SHALL BE LOCATED 4" ABOVE THE TOP OF CURB.
- FIRE HYDRANTS SHALL BE PRIMED WITH RED OXIDE PRIMER AND PAINTED WITH TWO (2) COATS OF RED ENAMEL FROM THE BREAK-AWAY FLANGE TO THE TOP OF THE HYDRANT. LOWER SECTIONS OF THE HYDRANT, INCLUDING THE BARREL SHALL BE PAINTED WITH AN ASPHALTUM PAINT.
- WATER SERVICE LINES SHALL BE 1" TYPE K COPPER PER CITY STANDARDS. METER YOKES AND METER VAULTS SHALL BE PER MONTGOMERY COUNTY STANDARDS.
- BOLLARDS, WHERE REQUIRED, SHALL BE CONCRETE FILLED 8" DIAMETER POSTS WITH FOUNDATIONS SET 42" BELOW GRADE IN A CONCRETE FILLED EXCAVATION.
- ALL HYDRANTS SHALL HAVE CITY OF DAYTON THREADS RATHER THAN NATIONAL STANDARD THREADS EXCEPT FOR THE STREAMER CONNECTION WHICH SHALL BE A STORTZ FITTING.

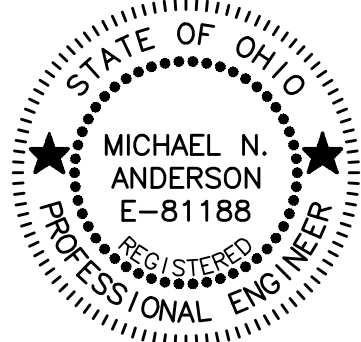
SANITARY NOTES

- THE CONTRACTOR SHALL BE QUALIFIED TO CONSTRUCT SANITARY SEWERS. ALL SUCH WORK SHALL BE CONSTRUCTED ACCORDING TO CITY OF HUBER HEIGHTS SPECIFICATIONS.
- SANITARY SEWER PIPE AND FITTINGS SHALL BE PVC S3034 SDR 26.
- SANITARY SEWER PIPE JOINTS SHALL CONFORM TO ASTM D 3212 FOR PVC.
- ROOF DRAINS, FOUNDATION DRAINS AND OTHER CLEAN WATER CONNECTIONS TO THE SANITARY SEWER SYSTEM ARE PROHIBITED.
- NO CONSTRUCTION SHALL COMMENCE UNTIL ALL PERMITS HAVE BEEN ISSUED.
- ALL UTILITY TRENCHES WITHIN THE EXISTING OR PROPOSED PAVEMENT OR EASEMENTS SHALL BE BACKFILLED WITH COMPACTED GRANULAR MATERIAL CONFORMING TO ODOT 310 IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
- NO ADDITIONS, DELETIONS OR REVISIONS TO THE SANITARY SEWER ARE TO BE MADE WITHOUT PRIOR WRITTEN APPROVAL BY THE CITY OF HUBER HEIGHTS.
- WATER LINES CROSSING ANY AND ALL SEWERS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 18" BETWEEN THE OUTSIDES OF THE WATER MAIN PIPE AND THE SEWER PIPE. ONE FULL LENGTH OF WATER MAIN PIPE SHALL BE CENTERED AT THE POINT OF CROSSING SUCH THAT BOTH JOINTS WILL BE EQUIDISTANT AND AS FAR FROM THE SEWER AS POSSIBLE. IF WATER CROSSES BELOW SANITARY SEWERS, THE SEWER MUST BE WATER MAIN MATERIAL FOR THAT SPAN.
- ALL SERVICE LATERALS SHALL BE PVC SCHEDULE 40 AND ARE TO BE INSTALLED FROM MAIN TO RIGHT OF WAY OR EASEMENT BEFORE STREETS ARE SURFACED.
- ALL MANHOLES SHALL BE PRECAST IN ACCORDANCE WITH CITY STANDARDS. MANHOLE STEPS SHALL BE ALUMINUM OR PLASTIC. CONCRETE ADJUSTING SECTIONS SHALL BE PARGED ON BOTH INTERIOR AND EXTERIOR SURFACES. ALL MANHOLE FRAMES AND LIDS SHALL BE DUCTILE OR CAST IRON TRAFFIC BEARING AND WATERTIGHT UNLESS DIRECTED OTHERWISE BY CITY ENGINEER.
- FORCE MAIN 3" OR LARGER TO BE DUCTILE IRON PIPE WITH A POLYETHYLENE INNER LINER. FORCE MAIN 2 1/2" OR SMALLER TO BE NEOPRENE MATERIAL WITH FUSED JOINTS.



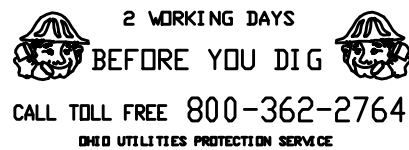
COMBINATION CURB/WALK
UNDERDRAIN

NTS

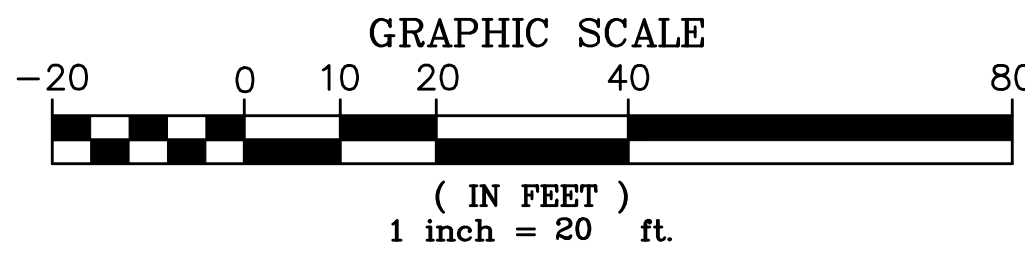
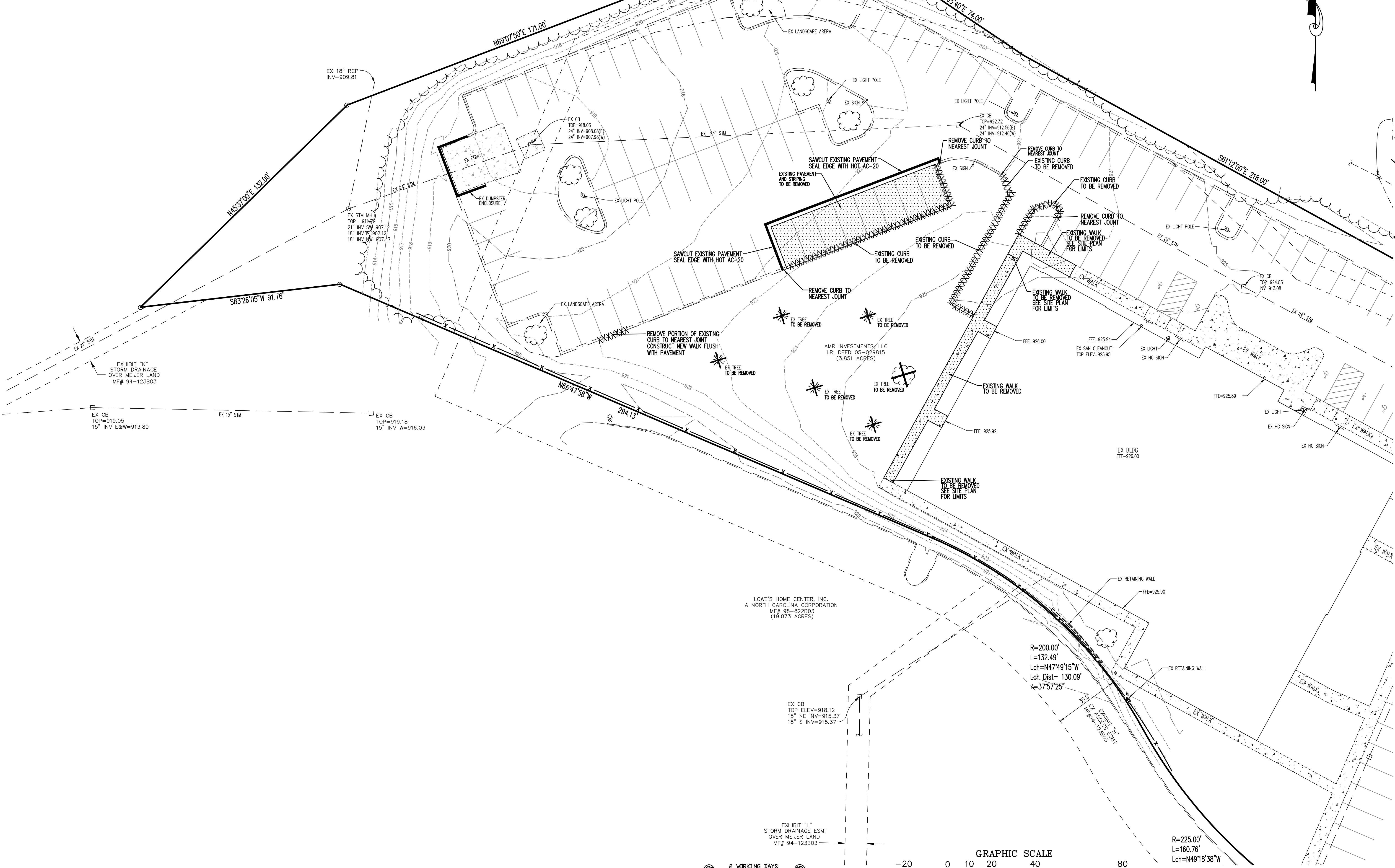


Michael N. Anderson 11/15/22

MICHAEL N. ANDERSON
OHIO PROFESSIONAL ENGINEER #81188



DAYTON OSTEOPATHIC HOSPITAL
D/B/A GRANDVIEW HOSPITAL AND MEDICAL CENTER
AN OHIO NOT FOR PROFIT CORPORATION
MF# 98-416A09
(5.902 ACRES)



EXISTING TOPOGRAPHY/DEMOLITION PLAN
DAYTON CHILDREN'S HOSPITAL
HUBER HEIGHTS OFFICE EXPANSION
LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.Rs.
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

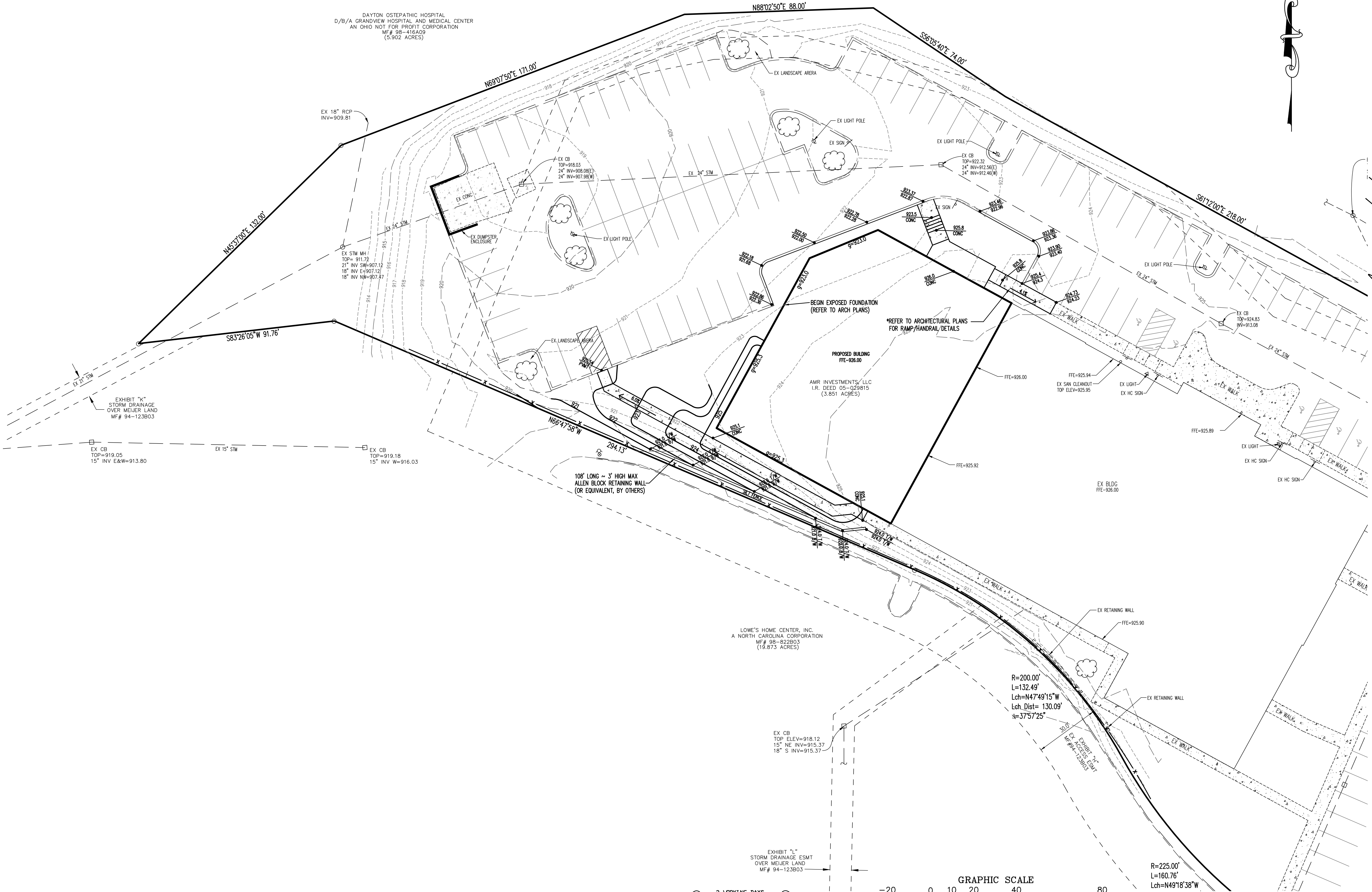
DATE: NOVEMBER, 2022
SCALE: AS SHOWN
PROJECT No. 7864
FILE No.
SHEET NO.

STATE OF OHIO
MICHAEL N. ANDERSON
E-81188
REGISTERED PROFESSIONAL ENGINEER

VANATTAENGINEERING INC
570 Congress Park Dr • Dayton, OH 45469
Phone: 937.438.5890
Fax: 937.438.5645

SYNERGY BUILDING SYSTEMS
3500 PENNAKON BLVD.
SUITE 500
BEAVERCREEK, OHIO 45431
(937) 428-3143

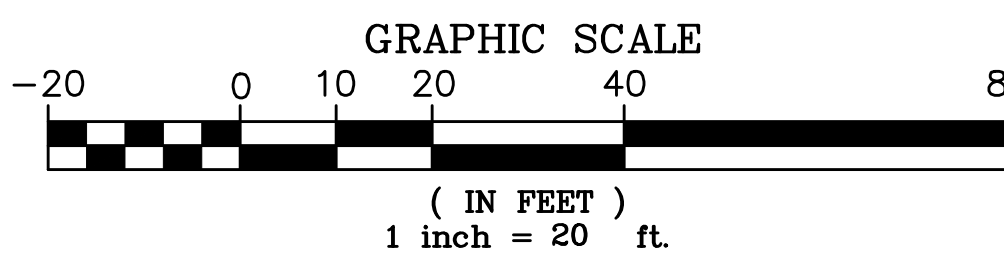
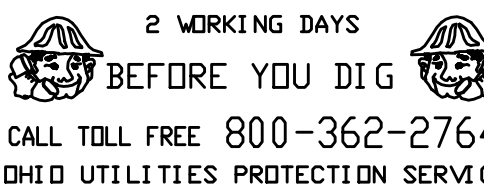
DAYTON OSTEOPATHIC HOSPITAL
D/B/A GRANDVIEW HOSPITAL AND MEDICAL CENTER
AN OHIO NOT-FOR-PROFIT CORPORATION
MF# 98-416A09
(5.902 ACRES)



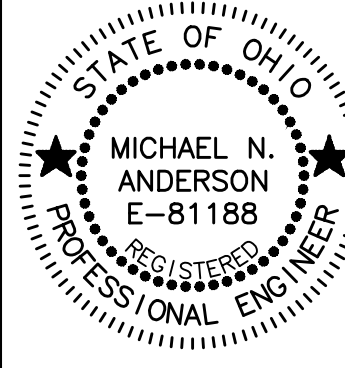
GRADING & EROSION CONTROL PLAN
DAYTON CHILDREN'S HOSPITAL
HUBER HEIGHTS OFFICE EXPANSION

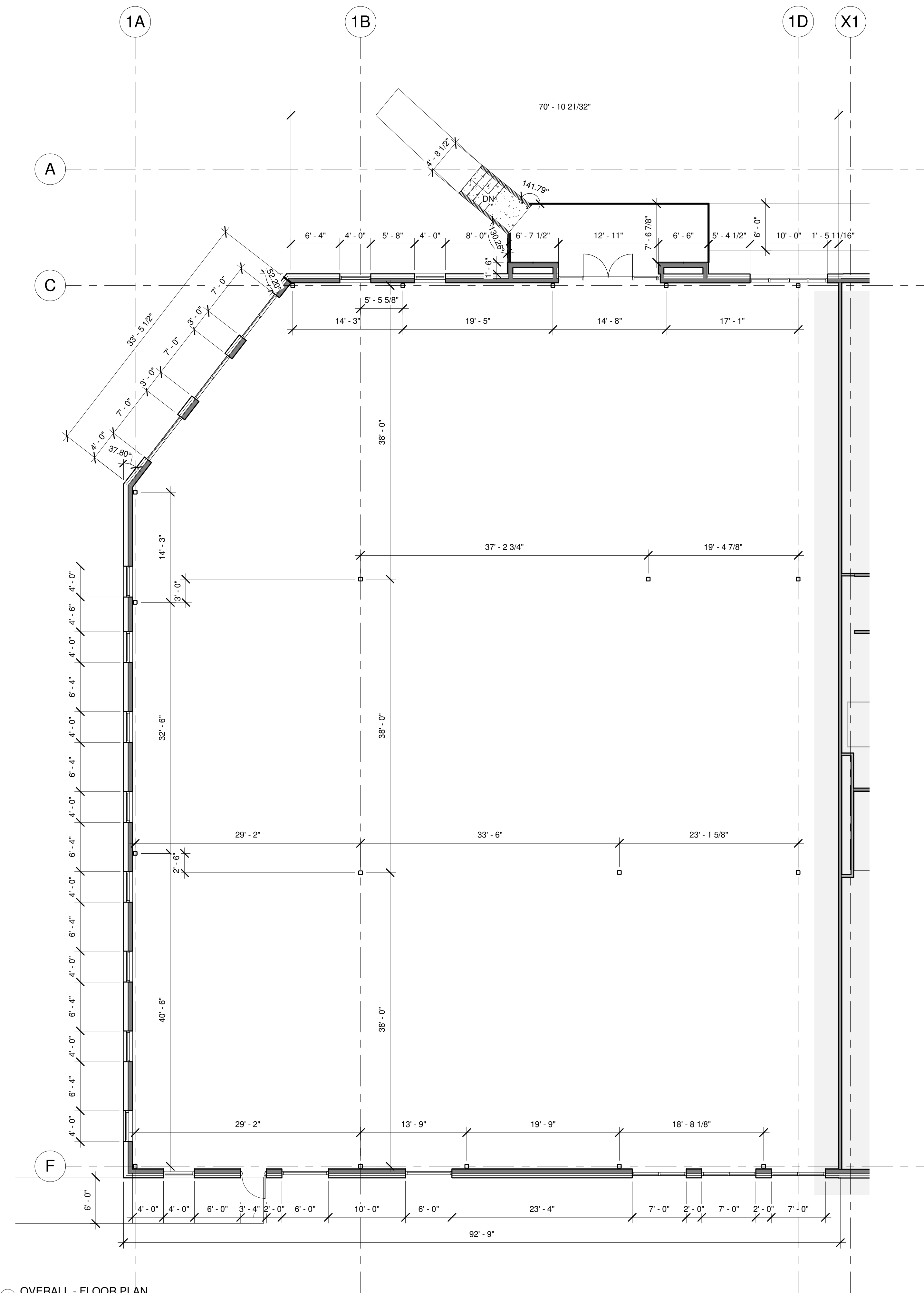
LOCATED IN SECTION 30, TOWN 2, RANGE 8, M.R.s.
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

DATE: NOVEMBER, 2022
SCALE: AS SHOWN
PROJECT No. 7864
FILE No.
SHEET NO.

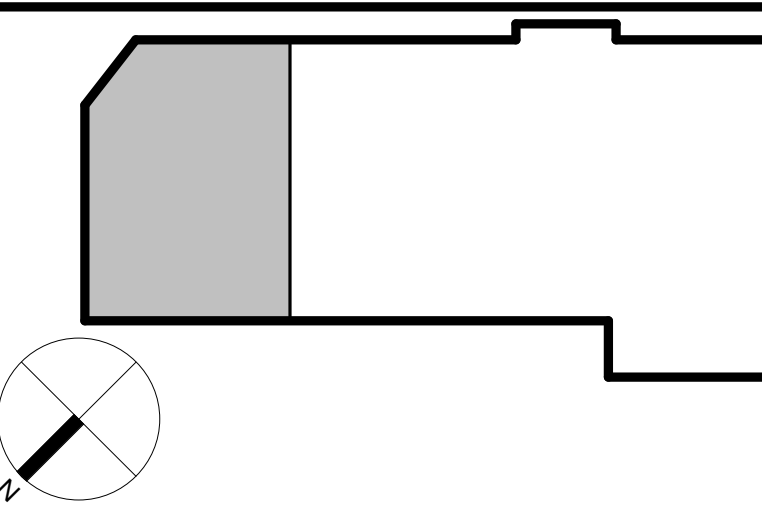


Michael, Jr. 11/15/22





① OVERALL - FLOOR PLAN
1/8" = 1'-0"



KEY PLAN

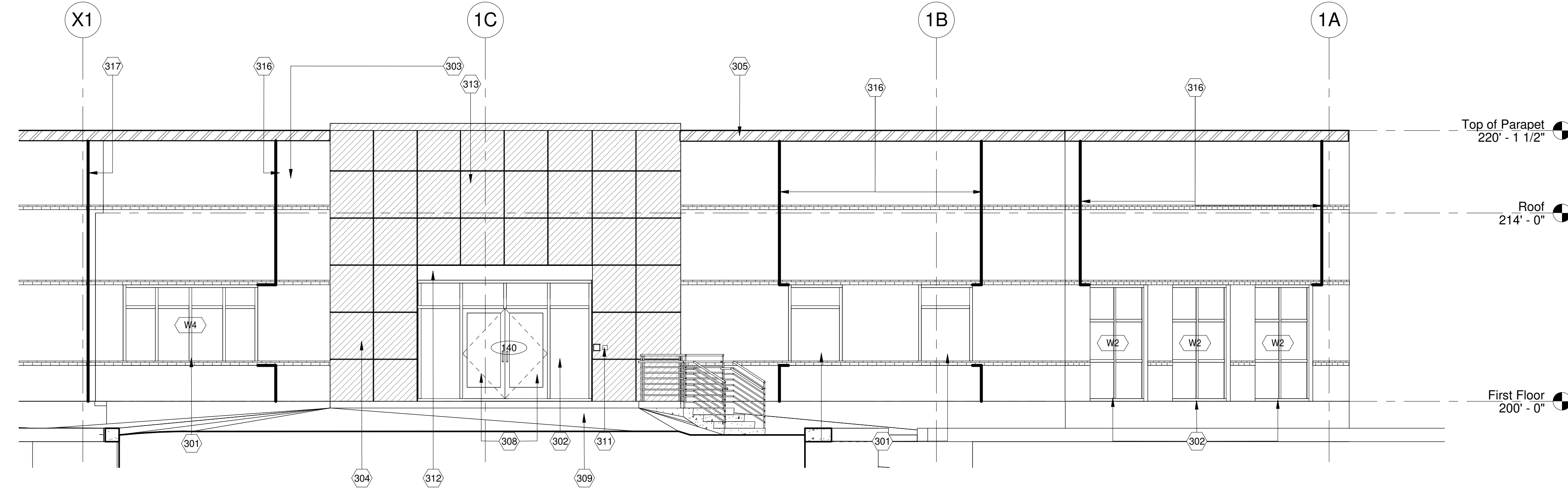
DATE: 11/15/2022



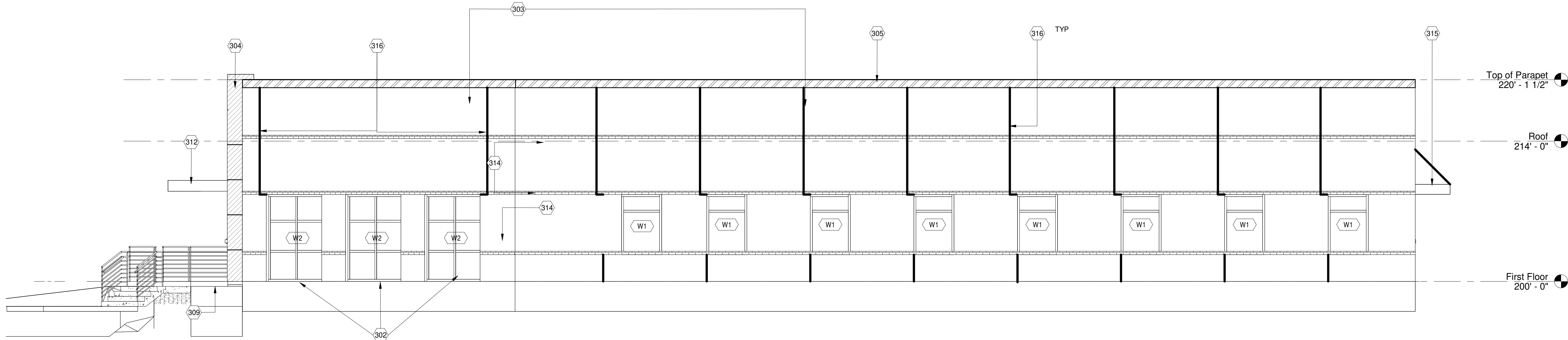
BEHAVIORAL HEALTH EXPANSION - FLOOR PLAN (EXTERIOR WALLS ONLY)
HUBER HEIGHTS - MEDICAL OFFICE BUILDING

DRAWING NOTES

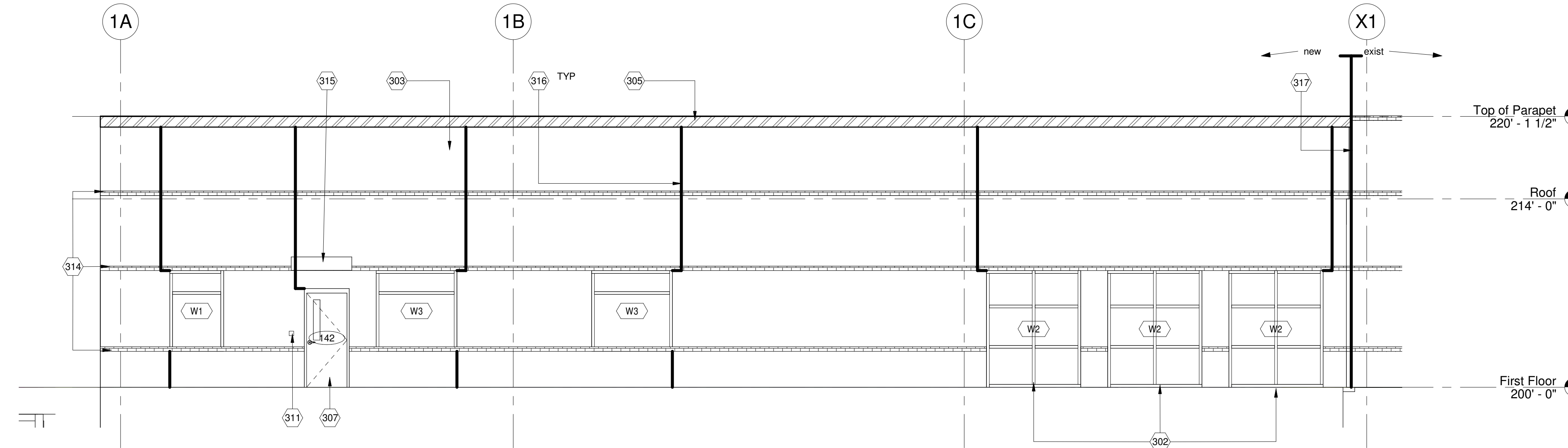
- 301 INSTALL NEW LOW-E INSULATED ALUMINUM AND GLAZING STOREFRONT WINDOW "W-1", REFER TO WINDOW ELEVATIONS.
- 302 INSTALL NEW LOW-E INSULATED ALUMINUM AND GLAZING STOREFRONT WINDOW "W-2", REFER TO WINDOW ELEVATIONS.
- 303 NEW BRICK MASONRY WALL, COLOR TO MATCH EXISTING MASONRY, REFER TO EXTERIOR FINISH LEGEND.
- 304 NEW EXTERIOR METAL PANEL VENEER, COLOR TO MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.
- 305 CONTINUOUS "HICKMAN STYLE" WALL COPING CAP, COLOR TO MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.
- 307 NEW HOLLOW METAL DOOR AND FRAME, PAINT TO MATCH EXISTING ADJACENT EXTERIOR WALL.
- 308 NEW INSULATED ALUMINUM AND GLAZING STOREFRONT ENTRY DOOR.
- 309 NEW EXTERIOR CONCRETE STAIR AND RAMP.
- 311 WALL MOUNTED SECURITY ACCESS DOOR CARD READER IN WEATHER PROOF HOUSING, REFER TO ELECTRICAL DRAWINGS.
- 312 NEW EXTERIOR METAL PANEL CANOPY, MATCH EXISTING, REFER TO EXTERIOR FINISH LEGEND.
- 313 LOCATION OF NEW EXTERIOR BUILDING SIGNAGE, INSTALL MIN. 3/4" FRT PLYWOOD BRACING BEHIND THE METAL PANELS FOR ATTACHMENT SUPPORT.
- 314 NEW BRICK MASONRY ACCENT BAND, MATCH EXISTING LOCATION AND COLOR, REFER TO EXTERIOR FINISH LEGEND.
- 315 NEW WALL MOUNTED METAL PANEL DOOR AWNING, MATCH EXISTING.
- 316 MASONRY CONTROL JOINT W/ BACKER ROD AND MORTAR COLOR COMPATIBLE SEALANT.
- 317 BUILDING EXPANSION JOINT WITH MASONRY COLOR COMPATIBLE COMPRESSIBLE FILLER.



1 NORTH ELEVATIONS
3/16" = 1'-0"



3 WEST ELEVATION
3/16" = 1'-0"



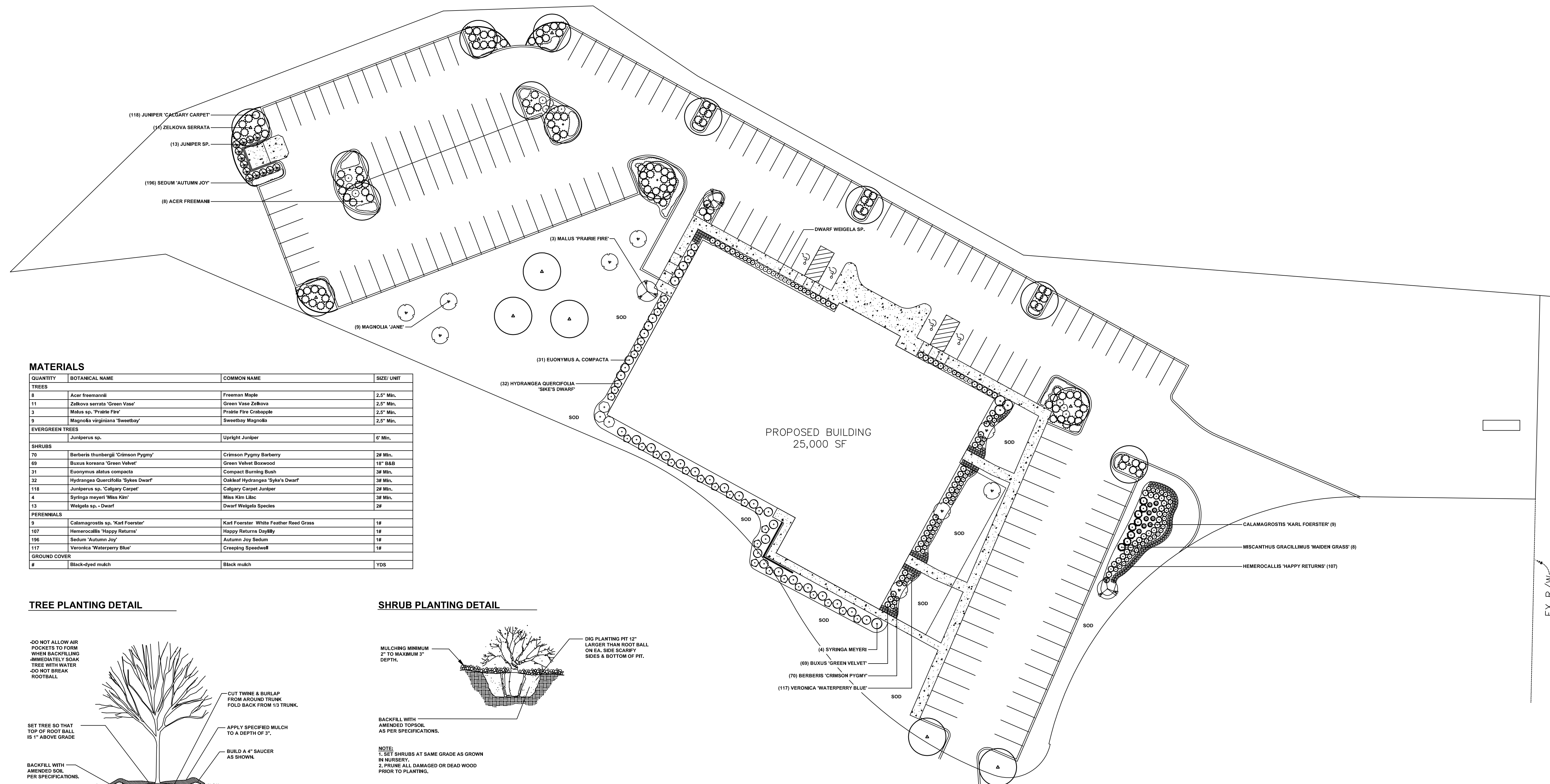
2 SOUTH ELEVATION
3/16" = 1'-0"







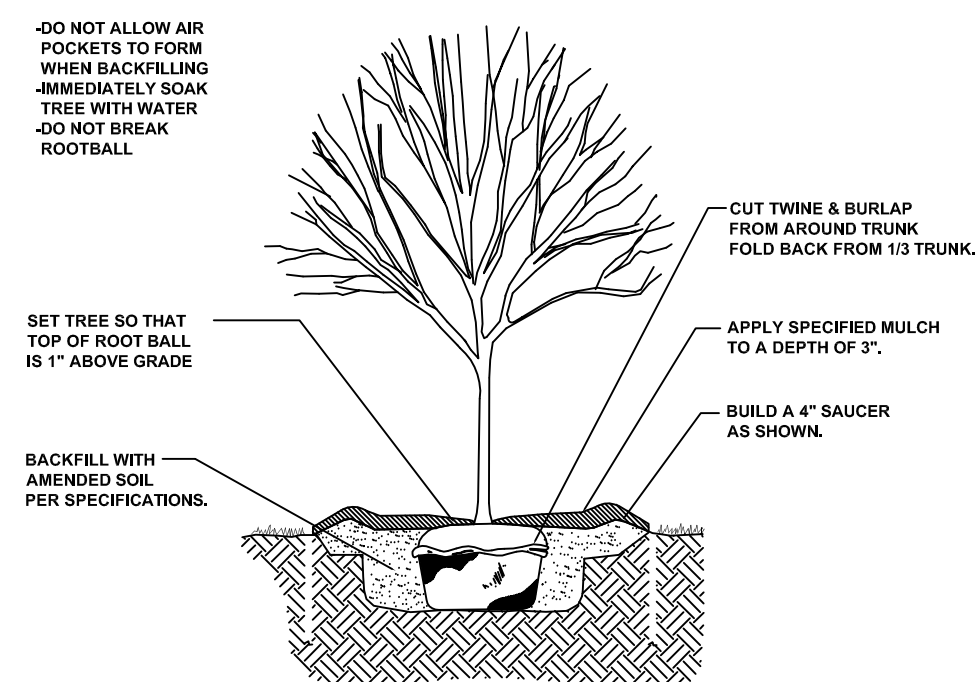
ORIGINAL LANDSCAPE PLAN



MATERIALS

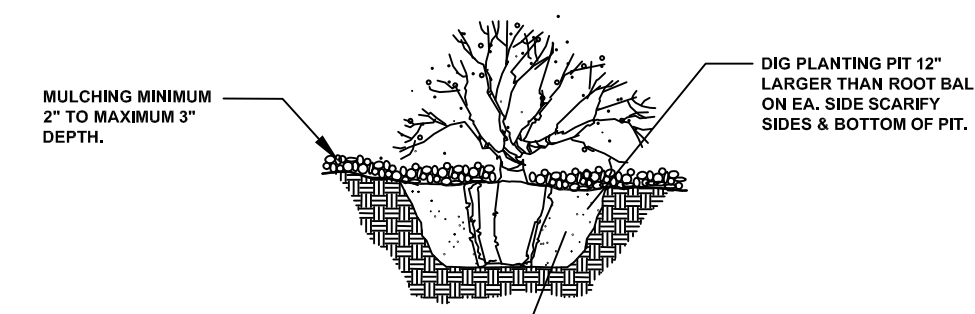
QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE/UNIT
TREES			
8	Acer freemanii	Freeman Maple	2.5' Min.
11	Zalkova serrata 'Green Vase'	Green Vase Zelkova	2.5' Min.
3	Malus sp. 'Prairie Fire'	Prairie Fire Crabapple	2.5' Min.
9	Magnolia virginiana 'Sweetbay'	Sweetbay Magnolia	2.5' Min.
EVERGREEN TREES			
	Juniperus sp.	Upright Juniper	6' Min.
SHRUBS			
70	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	2' Min.
69	Buxus koreana 'Green Velvet'	Green Velvet Boxwood	18" BAB
31	Euconymus alatus compacta	Compact Burning Bush	3' Min.
32	Hydrangea Quercifolia 'Sylka Dwarf'	Oakleaf Hydrangea 'Sylka's Dwarf'	3' Min.
118	Juniperus sp. 'Calgary Carpet'	Calgary Carpet Juniper	2' Min.
4	Syringa meyeri 'Miss Kim'	Miss Kim Lilac	2' Min.
13	Wegelia sp. - Dwarf	Dwarf Wegelia Spikes	2'
PERENNIALS			
9	Calamagrostis sp. 'Karl Foerster'	Karl Foerster White Feather Reed Grass	1#
127	Hemerocallis 'Happy Returns'	Happy Returns Daylily	1#
196	Sedum 'Autumn Joy'	Autumn Joy Sedum	1#
117	Veronica 'Waterperry Blue'	Creeping Speedwell	1#
GROUND COVER			
#	Black-dyed mulch	Black mulch	YDS

TREE PLANTING DETAIL



NOTE:
PRUNE DAMAGED OR DEAD
WOOD PRIOR TO PLANTING.

SHRUB PLANTING DETAIL

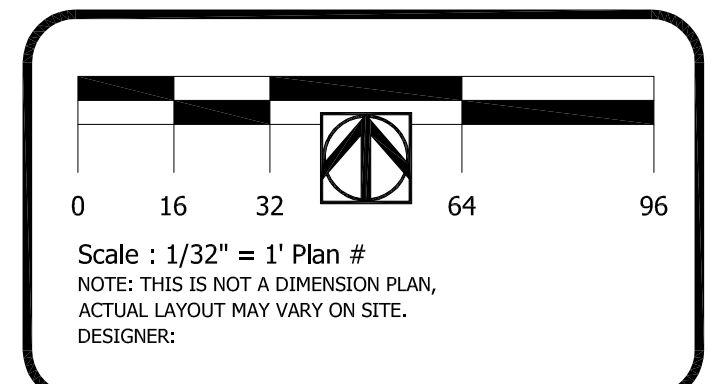


BACKFILL WITH _____
AMENDED TOPSOIL
AS PER SPECIFICATIONS.

NOTE:
1. SET SHRUBS AT SAME GRADE AS GROWN IN NURSERY.
2. PRUNE ALL DAMAGED OR DEAD WOOD PRIOR TO PLANTING.

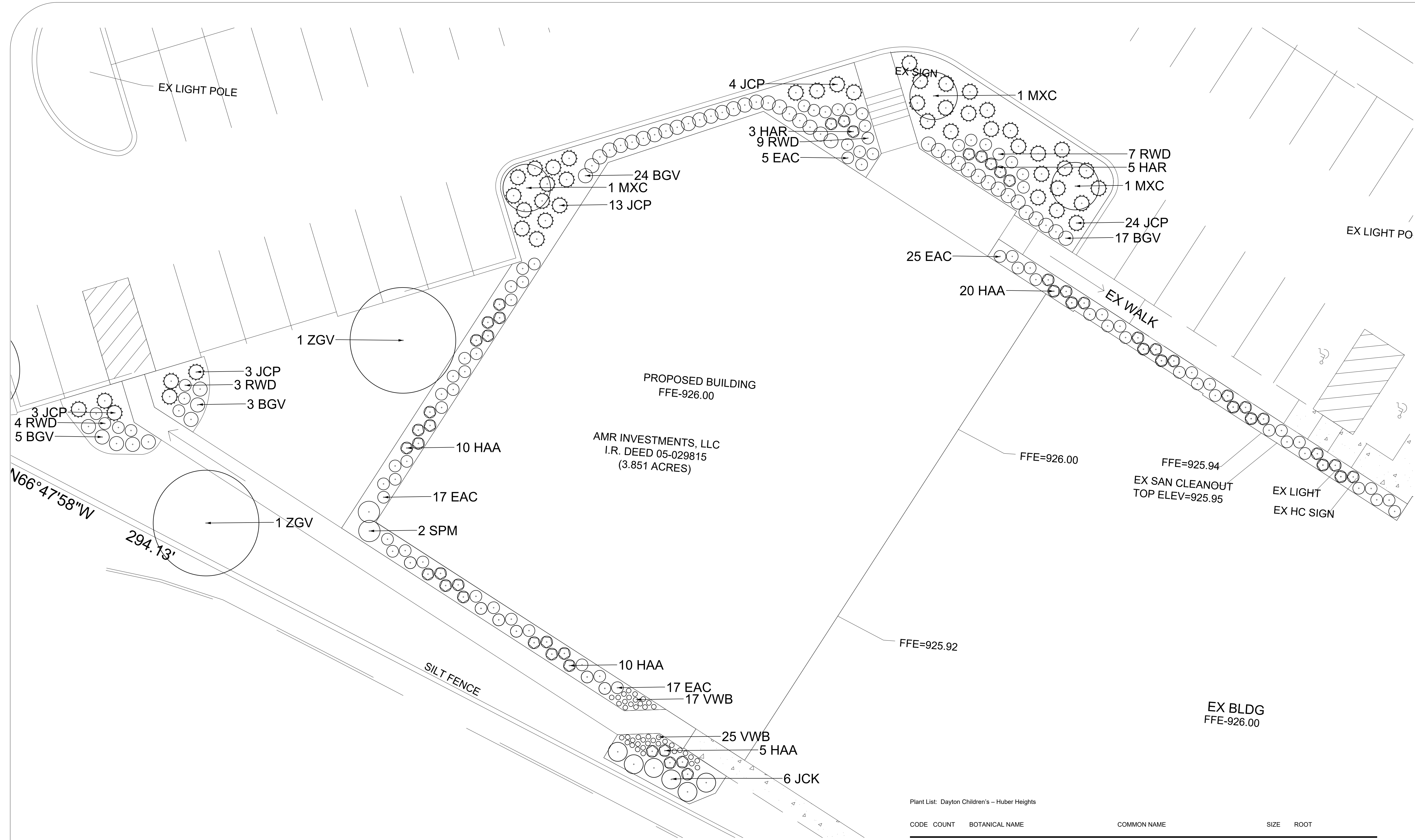
Proposed Children's Medical Center
8501 Old Troy Pike
Huber Heights, OH 45424

No.	Revision/Issue	Date



The Siebenthaler Company
3001 Catalpa Drive
Dayton, Ohio 45405
(937) 274-1154 office
(937) 274-9448 fax

Project X_PlantingLayout	
Start Date 8/13/2014	Sheet
Scale Scale	



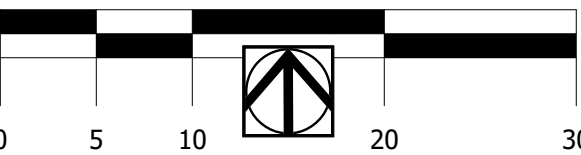
Plant List Dayton Children's - Huber Heights

CODE	COUNT	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
TREES					
MXC	3	Malus 'Coralburst'	Coralburst Crabapple	1.5"	B&B
ZGV	2	Zelkova 'Green Vase'	Green Vase Zelkova	1.5"	B&B
SHRUBS					
BGV	49	Buxus k. 'Green Velvet'	Green Velvet Boxwood	18"	B&B
EAC	64	Euonymus a. compacta	Compact Burning Bush	2'	B&B
HAA	45	Hydrangea arb 'Annabelle'	Wee White Smooth Hydrangea	#3	cont.
HAR	8	Hydrangea arb 'Invincible Ruby'	Invincible Ruby Smooth Hydrangea	#3	cont.
JCK	6	Juniper ch 'Keteleeri'	Keteleeri Chinese Juniper	5'	B&B
JCP	47	Juniperus con 'Pacific Blue'	Pacific Blue Shore Juniper	#3	cont.
RWD	23	Rosa gc 'White Drift'	White Drift Rose	#3	cont.
SPM	2	Syringa pat 'Miss Kim'	Miss Kim Lilac	2'	B&B
PERENNIALS					
VWB	42	Veronica 'Waterperry Blue'	Waterperry Blue Speedwell	#1	cont.

* Please note: In the case of a discrepancy in plant sizes between this plant list and the cost estimate, the cost estimate size will override this list.

Dayton Children's - Huber Heights
8501 Troy Pike
Huber Heights, OH 45424

No.	Revision/Issue	Date



Scale : 1"=10' Plan #24442
NOTE: THIS IS NOT A DIMENSION PLAN,
ACTUAL LAYOUT MAY VARY ON SITE.
DESIGNER: ZACK OSTERDAY





2074 BEAVER VALLEY RD.
BEAVERCREEK, OH 45434
(937) 274-1154
www.siebenthaler.com

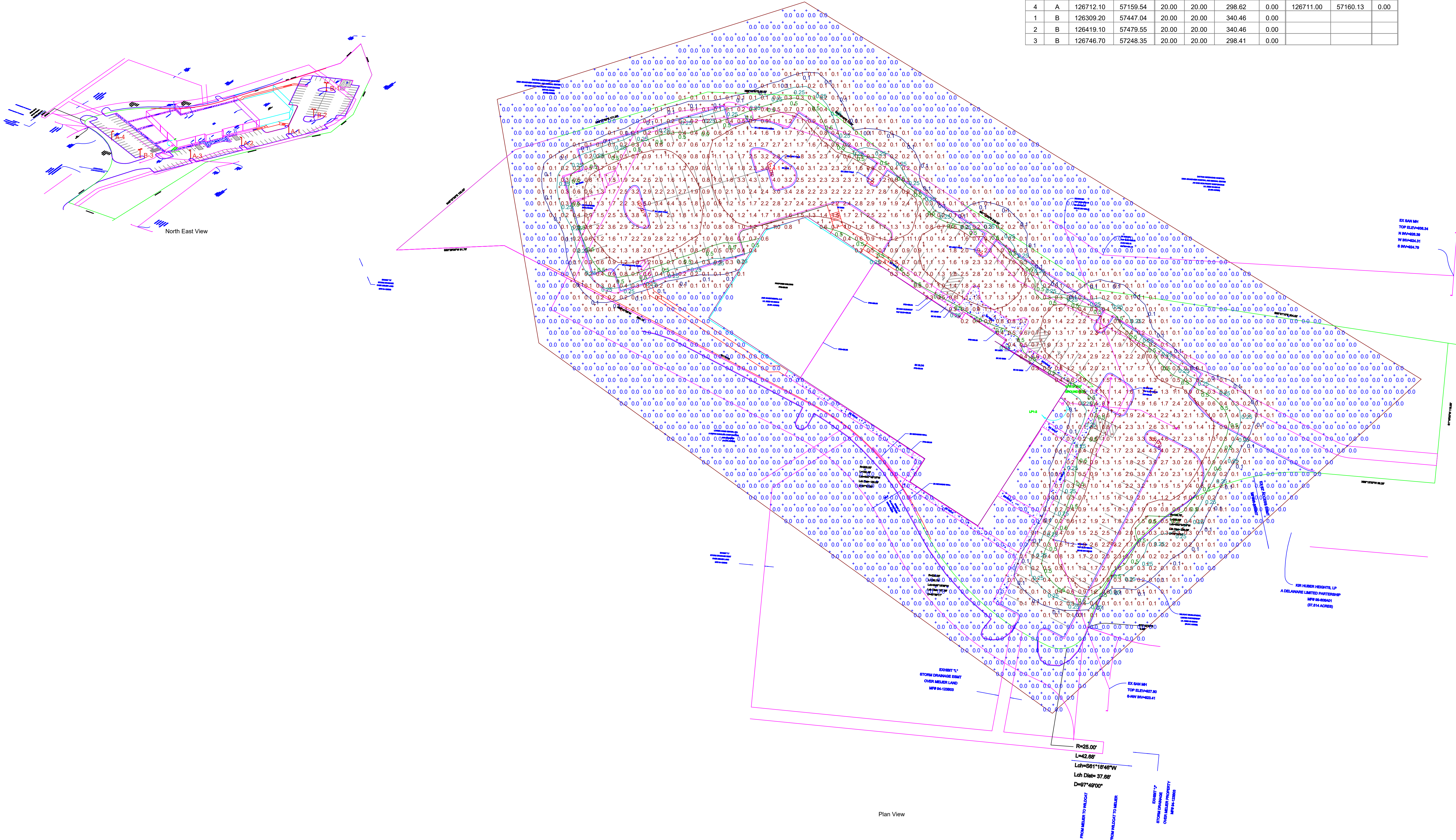
Project X_Base	
Start Date 6/16/2022	Sheet
Scale 1"=10'	

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	0.5 fc	4.7 fc	0.0 fc	4.0 - 1	2.3 - 1

Schedule															
Symbol	Label	Image	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	Lumen Multiplier	LLF	Wattage	Efficiency	Distribution
	A		4	COOPER LIGHTING - MCGRAW-EDISON EXISTING	GLEON-AE-02-LED-E1-T4W	GALLEON LED AREA AND ROADWAY LUMINAIRE (2) 70 CRI, 4000K, 1A LIGHTSQUARES WITH 16 LEDS EACH AND TYPE IV WIDE OPTICS		32	GLEON-AE-02-LED-E1-T4W.ies	326	1	325.9752		100%	
	B		3	COOPER LIGHTING - MCGRAW-EXISTING	GLEON-AE-02-LED-E1-T4W	GALLEON LED AREA AND ROADWAY LUMINAIRE (2) 70 CRI, 4000K, 1A LIGHTSQUARES WITH 16 LEDS EACH AND TYPE IV WIDE OPTICS		32	GLEON-AE-02-LED-E1-T4W.ies	326	1	325.9752		100%	

Luminaire Locations											
		Location						Aim			
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z	
1	A	126507.00	57470.09	20.00	20.00	209.58	0.00	126506.40	57469.01	0.00	
2	A	126599.40	57409.32	20.00	20.00	209.58	0.00	126598.80	57408.23	0.00	
3	A	126699.00	57342.98	20.00	20.00	209.58	0.00	126698.40	57341.89	0.00	
4	A	126712.10	57159.54	20.00	20.00	298.62	0.00	126711.00	57160.13	0.00	
1	B	126309.20	57447.04	20.00	20.00	340.46	0.00				
2	B	126419.10	57479.55	20.00	20.00	340.46	0.00				
3	B	126746.70	57248.35	20.00	20.00	298.41	0.00				



EXISTING SITE LIGHTING
WITH NEW EXPANSION

Designer
Geoffrey Fisher
Date
10/05/2022
Scale
1"=40'-0"
Drawing No.
E01
Summary
Site Lighting



Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Dayton Children's - Addition		
Occupancy Address:	8501 Old Troy Pike		
Type of Permit:	HHP&D Site Plan		
Additional Permits:	Choose an item.		
Additional Permits:	Choose an item.		
MCBR BLD:	Not Yet Assigned	HH P&D:	
MCBR MEC:		HHFD Plan:	22-267
MCBR ELE:		HHFD Box:	
REVIEWER:	Susong	DATE:	11/22/2022

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted for permit. The proposed addition will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.

Requirements: (Site Plan)

- **Proposed driveways are acceptable and appear to meet Ohio Fire Code requirements for turn radius.**
- **Existing fire department connection for the fire sprinkler system shall not be blocked by fencing, landscaping, etc.**
- **A permit shall be obtained for construction from Montgomery County Building Regulations.**

Please reference contact information below for questions or concerns with this document.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statutes and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, City Planner
Community Planning Insights

Date: December 6, 2022

Subject: Major Change to Basic and Detailed Development Plan

Application dated November 17, 2022

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: John Kopilchack – Applicant
Mills Development 1, LLC - Owner

DEVELOPMENT NAME: Dayton Children’s Huber Heights Addition

ADDRESS/LOCATION: 8501 Old Troy Pike

ZONING/ACREAGE: Planned Commercial (PC) / 3.8 Acres

EXISTING LAND USE: Dayton’s Children’s Medical Center

ZONING
ADJACENT LAND: PC (West, South and East)
PP (North)

REQUEST: The applicant requests a change to the combined basic and detailed development plan to construct an 10,60 SF addition to the existing medical facility.

ORIGINAL APPROVAL: The original combined basic and detailed development plan was approved in October, 2014.

APPLICABLE HHCC: Chapter 1171, 1176

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

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

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

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

Conformance with Zoning Regulations

The use conforms with all requirements of Chapter 1176 and the current PUD. The applicant is requesting an amendment to facilitate the addition of 10,600 SF to an existing building. The addition is in the rear and not easily seen from Old Troy Pike.

Staff feels the impact on parking is negligible. With this expansion the zoning code requires 156 spaces, 153 spaces will be provided. The applicant has stated that similar sized and programmed medical facilities around the region they have constructed typically have approximately 140 spaces.

Landscaping

The proposed landscaping for the building expansion is similar in design and scale to the existing landscaping.

Building Materials

The building will be clad with a brick exterior, similar to the existing building.

Standards for Approval

1171.06 – General Standards For Approval

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

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

Additional Comments:

Fire: No comments received.

City Engineer: No comments received.

Recommendation

Staff recommends approving the major change to the basic and detailed development plan submitted as submitted in the application and plans dated November 17, 2022.

Planning Commission Action

Planning Commission may take the following actions with a motion to:

- 1) Approve the basic development plan application, with or without conditions.
- 2) Deny the basic development plan.
- 3) Table the application in order to gather additional information.



Planning Commission Decision Record

WHEREAS, on November 17, 2022, the applicant, John Kopilchack, requested approval of a Major Change to the combined basic and Detailed development plan to construct a 10,600 SF addition to the existing medical facility. Property is located 8501 Old Troy Pike, further identified as Parcel Number P70 04006 0156 of the Montgomery County Auditor's Map (Case MJC 22-43), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Ms. Vargo moved to approve the request by the applicant, John Kopilchack, for approval of a Major Change to the combined basic and Detailed development plan to construct a 10,600 SF addition to the existing medical facility. Property is located at 8501 Old Troy Pike (Case MJC 22-43), in accordance with the recommendation of Staff's Memorandum dated December 6, 2022, with the following conditions:

1. Approve as submitted.

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

TO APPROVE A MAJOR CHANGE TO THE BASIC AND DETAILED DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 8501 OLD TROY PIKE AND FURTHER IDENTIFIED AS PARCEL NUMBER P70 04006 0156 ON THE MONTGOMERY COUNTY AUDITOR'S MAP AND TO ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION (CASE MJC 22-43).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case MJC 22-43 and on December 13, 2022, recommended approval by a vote of 3-0 of the Major Change to the Basic and Detailed Development Plan; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. The application requesting approval of a Major Change to the Basic and Detailed Development Plan (Case MJC 22-43) is hereby approved in accordance with the Planning Commission's recommendation and following conditions:

1. The applicant shall receive final Engineering approval prior to a zoning certificate being issued.
2. The applicant shall address all Fire Division comments prior to a zoning certificate being issued.
3. Prior to the issuance of a zoning permit, the applicant shall enter into a PUD Agreement with the City for the purpose, but not the sole purpose, of establishing the development obligations of the applicant and requiring the submittal of a performance bond, cash bond, or letter of credit to insure the installation of landscaping as approved. The bond or letter of credit shall be in an amount equal to the applicant's estimate of the cost of installation as approved by the Planning Department and shall remain in effect until such time as the landscaping has been completed as determined by the Planning Department. Upon completion of the installation of landscaping as required by the approved landscape plan, the applicant may request release of the performance bond or letter of credit. Following an inspection by the Planning Department and upon determination by the department that the landscaping has been completed in accordance with the approved landscaping plan, 80% of the performance bond or letter of credit may be released. However, the performance bond or letter of credit will not be released until a maintenance bond lasting three growing seasons, or letter of credit equal to 20% of the initial performance bond or letter of credit to ensure maintenance of the landscaping, is submitted to and accepted by the Planning Department. The term of the maintenance bond shall be three growing seasons.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8876

Topics of Discussion K.

Council Work Session

Meeting Date: 01/17/2023

Case TA 22-42.1 - City Of Huber Heights - Text Amendment - Home Occupations

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case TA 22-42.1 - City Of Huber Heights - Text Amendment - Home Occupations

Purpose and Background

The applicant, the City Of Huber Heights, is requesting approval of an amendment to Section 1123.53 of the Huber Heights Codified Ordinances for Home Occupations.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Ordinance

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission
From: Aaron K. Sorrell, City Planner
Date: December 6, 2022
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: City of Huber Heights
DEVELOPMENT NAME: N/A
ADDRESS/LOCATION: Text Amendments
ZONING/ACREAGE: N/A
EXISTING LAND USE: N/A
**ZONING
ADJACENT LAND:** N/A
REQUEST: The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
ORIGINAL APPROVAL: N/A
APPLICABLE HHCC: Chapter 1123, 1142
CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

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

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

Current Definition:

1123.53 Home occupation.

Home occupation means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

Proposed Definition:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

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

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

Bed and Breakfast Establishments

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

Zoning Text Amendment #2: I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

Definition

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

Indoor Automotive / Vehicle Repair

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

Zoning Text Amendment #3: I recommend the following development standards for indoor automotive / vehicle repair:

1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Self-Storage Facilities

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

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

Text Amendment #4: I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

I suggest the following definition:

Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Planning Commission Action

The planning commission may make any changes to the recommended text amendments.



Planning Commission Decision Record

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123.53 of the Huber Heights City Code (Case TA 22-42.1), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Jeffries moved to recommend approval of the application by the City of Huber Heights requesting amendments to Section 1123.53 the Huber Heights City Code (Case TA 22-42) as follows:

Section 1123.53 of the Codified Ordinances is amended to read as follows:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment, or supplies used for a business, or serve as a location where more than four

- employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
 - 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
 - 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
 - 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
 - 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
 - 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
 - 12) The following are examples of permitted types of home occupations:
 - (i) Clerical and other similar business services;
 - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
 - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - (iv) Artists, sculptors, photographers, and other providers of home crafts;
 - (v) Barber shop/beauty salon with a maximum of one chair;
 - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (vii) Any similar use as determined by the Zoning Inspector.

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING HOME OCCUPATIONS (CASE TA 22-42.1).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case TA 22-42.1 and on December 13, 2022, recommended approval by a vote of 3-0 the proposed text amendment to City Council; and

WHEREAS, after review by the Law Director, certain changes to Section 1123.53 as proposed by the Planning Commission were required to be put in Section 1181.26, yet all provisions as recommended by the Planning Commission, other than the new section number remain the same; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions, Section 1123.53 – Home Occupations is amended to read as follows:

1123.53 - Home Occupations

Home occupation means an occupation conducted in a dwelling unit or accessory building. Home occupations are subject to the standards in Section 1181.26.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1181 – General Provisions is hereby amended to add new Section 1181.26 – Home Occupations as follows:

1181.26 - Home Occupations.

(a) Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this zoning Ordinance:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.

- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:
 - (i) Clerical and other similar business services;
 - (ii) Instruction in music, dance, or other types of teaching with a maximum number of two students at a time;
 - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
 - (iv) Artists, sculptors, photographers, and other providers of home crafts;
 - (v) Barber shop/beauty salon with a maximum of one chair;
 - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (vii) Any similar use as determined by the Director of Planning and Zoning, or their designee.

Section 3. All provisions in Chapters 1123 and 1181 not expressly changed herein shall remain in full force and effect.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8878

Topics of Discussion L.

Council Work Session

Meeting Date: 01/17/2023

Case TA 22-42.2 - City Of Huber Heights - Text Amendment - Bed And Breakfast Establishments

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case TA 22-42.2 - City Of Huber Heights - Text Amendment - Bed And Breakfast Establishments

Purpose and Background

The applicant, The City of Huber Heights, is requesting approval to amend Section 1123 of the Huber Heights Codified Ordinances to add Bed and Breakfast Establishments and to read as any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Ordinance

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission
From: Aaron K. Sorrell, City Planner
Date: December 6, 2022
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER:	City of Huber Heights
DEVELOPMENT NAME:	N/A
ADDRESS/LOCATION:	Text Amendments
ZONING/ACREAGE:	N/A
EXISTING LAND USE:	N/A
ZONING ADJACENT LAND:	N/A
REQUEST:	The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
ORIGINAL APPROVAL:	N/A
APPLICABLE HHCC:	Chapter 1123, 1142
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

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

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

Current Definition:

1123.53 Home occupation.

Home occupation means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

Proposed Definition:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

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

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

Bed and Breakfast Establishments

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

Zoning Text Amendment #2: I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

Definition

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

Indoor Automotive / Vehicle Repair

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

Zoning Text Amendment #3: I recommend the following development standards for indoor automotive / vehicle repair:

1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Self-Storage Facilities

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

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

Text Amendment #4: I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

I suggest the following definition:

Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Planning Commission Action

The planning commission may make any changes to the recommended text amendments.



Planning Commission Decision Record

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123 and 1142 of the Huber Heights City Code (Case TA 22-42.2), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Ms. Vargo moved to recommend approval of the application by the City of Huber Heights requesting amendments to Sections 1123 and 1142 the Huber Heights City Code (Case TA 22-42) as follows:

- 1) Add Bed and Breakfast Establishments to the list of Special Uses in Section 1142.03(g).
- 2) Add the following development standards to Section 1123.141 of the Codified Ordinances to read as follows:

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.

- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING BED AND BREAKFAST ESTABLISHMENTS (CASE TA 22-42.2).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case TA 22-42.2 and on December 13, 2022, recommended approval by a vote of 3-0 to City Council the proposed text amendments; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions is amended to add a new Section 1123.141 as follows:

1123.141 - Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1142 – Agricultural District, Section 1142.03 – Special Uses is amended to add a new Section 1142.03(g) as follows:

(g) Bed and Breakfast Establishments

Section 3. All provisions in Chapters 1123 and 1142 not expressly changed herein shall remain in full force and effect.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8880

Topics of Discussion **M.**

Council Work Session

Meeting Date: 01/17/2023

Case TA 22-42.3 - City Of Huber Heights - Text Amendment - Automotive/Vehicle Repair

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case TA 22-42.3 - City Of Huber Heights - Text Amendment - Automotive/Vehicle Repair

Purpose and Background

The applicant, the City of Huber Heights, is requesting approval to amend Section 1142 of the Huber Heights Codified Ordinances regarding Automotive/Vehicle Repair.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Ordinance

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission
From: Aaron K. Sorrell, City Planner
Date: December 6, 2022
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER:	City of Huber Heights
DEVELOPMENT NAME:	N/A
ADDRESS/LOCATION:	Text Amendments
ZONING/ACREAGE:	N/A
EXISTING LAND USE:	N/A
ZONING ADJACENT LAND:	N/A
REQUEST:	The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
ORIGINAL APPROVAL:	N/A
APPLICABLE HHCC:	Chapter 1123, 1142
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

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

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

Current Definition:

1123.53 Home occupation.

Home occupation means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

Proposed Definition:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

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

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

Bed and Breakfast Establishments

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

Zoning Text Amendment #2: I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

Definition

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

Indoor Automotive / Vehicle Repair

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

Zoning Text Amendment #3: I recommend the following development standards for indoor automotive / vehicle repair:

1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Self-Storage Facilities

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

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

Text Amendment #4: I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

I suggest the following definition:

Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Planning Commission Action

The planning commission may make any changes to the recommended text amendments.



Planning Commission Decision Record

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendment to Sections 1142 of the Huber Heights City Code (Case TA 22-42.3), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Ms. Vargo moved to recommend approval of the application by the City of Huber Heights requesting amendment to Sections 1142.03(h) the Huber Heights City Code (Case TA 22-42) as follows:

1142.03(h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.

- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by a 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. **Pending Business**

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

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

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

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

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

Bed and Breakfast Establishments

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

Indoor Automotive / Vehicle Repair

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING AUTOMOTIVE/VEHICLE REPAIR FACILITIES (CASE TA 22-42.3).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case TA 22-42.3 and on December 13, 2022, recommended denial by a vote of 2-1 to City Council the proposed text amendment; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Eleven, Planning and Zoning Code, Chapter 1142 – Agricultural District, Section 1142.03 – Special Uses is amended to add a new Section 1142.03(h) as follows:

1142.03(h) - Automotive/Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the Ohio Revised Code, shall be prohibited.
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8 foot solid fence or dense evergreen vegetation with a height of at least 8 feet within two years of planting.

Section 2. All provisions in Chapter 1142 not expressly changed herein shall remain in full force and effect.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8882

Topics of Discussion N.

Council Work Session

Meeting Date: 01/17/2023

Case TA 22-42.4 - City Of Huber Heights - Text Amendment - Self Storage Facilities

Submitted By: Geri Hoskins

Department: Planning

Division: Planning

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: SmartBoard

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Case TA 22-42.4 - City Of Huber Heights - Text Amendment - Self Storage Facilities

Purpose and Background

The applicant, the City of Huber Heights, is requesting approval of a text amendment to Section 1123, Section 1156, and Section 1176 of the Huber Heights Codified Ordinances regarding self-storage facilities, mini-warehouses, and mini-storage warehouses.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Staff Report

Decision Record

Minutes

Ordinance

Memorandum

Staff Report for Meeting of December 13, 2022

To: Huber Heights City Planning Commission
From: Aaron K. Sorrell, City Planner
Date: December 6, 2022
Subject: Proposed Zoning Text Amendments

Department of Planning and Zoning

City of Huber Heights

APPLICANT/OWNER: City of Huber Heights
DEVELOPMENT NAME: N/A
ADDRESS/LOCATION: Text Amendments
ZONING/ACREAGE: N/A
EXISTING LAND USE: N/A
**ZONING
ADJACENT LAND:** N/A
REQUEST: The City is proposing a number of zoning text amendments meant to enhance the future development of the city.
ORIGINAL APPROVAL: N/A
APPLICABLE HHCC: Chapter 1123, 1142
CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

From time to time the zoning text should be reviewed for necessary amendments due to changing development and design values, updated laws and policies, and/or to ease administration or lessen regulatory burden. The amendments suggested below are due in part from discussions with the City Council, Planning Commission and staff review of the code. The planning commission is making a recommendation to the City Council on whether these proposed amendments should be adopted. Since it requires a supermajority to overturn the recommendation of the planning commission, the commission should consider grouping recommendations into two or more decision orders: the amendments favored by the planning commission and those they are against.

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

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

Current Definition:

1123.53 Home occupation.

Home occupation means an occupation conducted in a dwelling unit, provided that:

- (a) Only members of the family residing on the premises shall be engaged in a home occupation, thus permitting no employees therein.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory buildings may not be used for the home occupation.
- (c) There shall be no visible evidence of the conduct of a home occupation.
- (d) No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Zoning Ordinance and shall not be located in a required front yard.
- (e) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment may be used which causes fluctuations in line voltage off the premises.

- (f) There shall be no stock in trade kept or commodities sold on the premises.

I recommend the following updated and expanded definition for home occupations. I have bolded areas that are substantial expansions from the current definition.

Proposed Definition:

1123.53 Home Occupations

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- 1) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to home occupation must take place within the enclosed building.
- 2) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- 3) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- 4) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place.
- 5) No building or structure shall be used to: operate a business, store equipment or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site, where such employees do not work anywhere on the property.
- 6) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.
- 7) One, non-illuminated sign with a maximum square footage of four-square feet is permitted, without a permit, if it is mounted flat against the wall of the principal building.
- 8) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- 9) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- 10) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- 11) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- 12) The following are examples of permitted types of home occupations:

- (i) Clerical and other similar business services;
- (ii) Instruction in music, dance or other types of teaching with a maximum number of two students at a time;
- (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
- (iv) Artists, sculptors, photographers, and other providers of home crafts;
- (v) Barber shop/beauty salon with a maximum of one chair;
- (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- (vii) Any similar use as determined by the Zoning Inspector.

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

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

Bed and Breakfast Establishments

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

Zoning Text Amendment #2: I recommend the following definition and development standards for Bed and Breakfast Establishments within the Agricultural District:

Definition

1123.141 Bed and Breakfast Establishments

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

The following standards shall apply to any bed and breakfast establishment:

- 1) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling or accessory structure, unless otherwise approved by the BZA.
- 2) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

- 3) No more than four bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- 4) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- 5) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- 6) Meals provided for cost in a bed and breakfast establishment, shall only be served to the guests who are lodging at the bed and breakfast establishment.
- 7) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

Add to Special Use table:

1142.03 (g) Bed and Breakfast Establishments

Indoor Automotive / Vehicle Repair

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

Zoning Text Amendment #3: I recommend the following development standards for indoor automotive / vehicle repair:

1142.03 (h) Automotive / Vehicle Repair (Indoor)

The following standards shall apply to any automotive or vehicle repair use:

- 1) Activities shall be limited to the servicing of motor vehicles with minor repair work, including engine and transmission repair. All activities shall be performed in an enclosed building.
- 2) Bodywork and painting shall be prohibited.
- 3) The storage of non-operational vehicles for longer than one week shall be prohibited. Vehicles must be able to move at least 100 feet under their own power within 24 hours' notice by the City. All vehicles shall be required to have a valid license plate.
- 4) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited
- 5) The building shall be set back a minimum of 40 feet from any adjacent residential lot and 200 feet from any adjacent residential structure. The parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 35 feet from any adjacent residential lot.
- 6) Parking areas within 100 feet of an adjacent residential lot shall be screened along said lot line by an 8-foot solid fence, or dense evergreen vegetation with a height of at least 8' feet within two years of planting.

Self-Storage Facilities

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

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

Text Amendment #4: I suggest we use the State of Ohio's definition for "Self-Service Storage Facilities" to define self-storage facilities, mini-warehouse, and mini-storage warehouse. Operators of these facilities use the state's definition because the state regulates how foreclosures and forfeitures of stored goods are handled.

Ohio Revised Code 5322.01 states:

"Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

I suggest the following definition:

Section 1123.9301 "Self Storage Facilities, "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Additionally, I suggest stand-alone self-storage facilities be principally permitted in the I-1, I-2, and PI Districts. The Planning Commission may wish to allow indoor self-storage facilities as a Special Use when existing buildings are being repurposed such as a vacant Wal-Mart, K-Mart, etc.

Suggested Amendments for each district:

I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Planning Commission Action

The planning commission may make any changes to the recommended text amendments.



Planning Commission Decision Record

WHEREAS, on October 19, 2022, the City of Huber Heights requested amendments to Section 1123, Section 1156, and Section 1176 of the Huber Heights City Code (Case TA 22-42.4), and;

WHEREAS, on December 13, 2022, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

Mr. Jeffries moved to recommend approval of the application by the City of Huber Heights requesting amendments to Section 1123, Section 1156, Section 1176 the Huber Heights City Code (Case TA 22-42) as follows:

Section 1123 of the Codified Ordinances is amended to read as follows:
Section 1123.9301 "Self-Storage Facilities", "mini-warehouse" and "mini-storage warehouse" are defined as Self-Service Storage Facilities as defined in ORC 5322.01.

Section 1156 of the Codified Ordinances is amended to read as follows:
I-1 District: 1156.02(a)(18) Self-Service Storage Facilities

Section 1176 of the Codified Ordinances is amended to read as follows:
PC District: 1176.05 (d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

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

Terry Walton, Chair
Planning Commission

Date

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

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

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

Staff Present: Aaron K. Sorrell, Interim City Planner, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. **Opening Remarks by the Chairman and Commissioners**

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

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

Self-Storage Facilities

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

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

Action

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

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

Action

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

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

Action

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

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

Action

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

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

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

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

The land is currently zoned B-3. The surrounding lands are predominantly zoned I-1 and used for manufacturing or logistics purposes. There is a significant amount of agricultural / vacant land immediately east of this site in Clark County that has development potential but limited access to SR 235 and I-70.

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

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

Tom Dusa was present.

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

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

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

VII. New Business

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

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

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

David Williams from Kap Signs was present.

Action

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

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

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

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

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

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

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

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

Mr. John Kopilchack was present.

Action

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

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

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

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

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

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

Mr. Richard Baumer was present.

Discussion on appropriate zoning.

Action

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

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

VIII. Additional Business

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

IX. Approval of the Minutes

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

X. Reports and Calendar Review

Approval of 2023 Meeting Schedule

Action

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

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

XI. Upcoming Meetings

January 10, 2023

XII. Adjournment

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

Planning Commission Meeting
December 13, 2022

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date

CITY OF HUBER HEIGHTS
STATE OF OHIO

ORDINANCE NO. 2023-O-

AMENDING CERTAIN SECTIONS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CITY CODE OF HUBER HEIGHTS REGARDING SELF STORAGE FACILITIES (CASE TA 22-42.4).

WHEREAS, the citizens of Huber Heights require the efficient and orderly planning of land uses within the City; and

WHEREAS, the City Planning Commission has reviewed Case TA 22-42.4 and on December 13, 2022, recommended approval by a vote of 3-0 the proposed text amendment to City Council; and

WHEREAS, the City Council has considered the issue.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Huber Heights, Ohio that:

Section 1. Part Eleven, Planning and Zoning Code, Chapter 1123 – Definitions is amended to add a new Section 1123.9301 as follows:

1123.9301 - Self-Storage Facilities

“Mini-warehouse” and “mini-storage warehouse” are defined as Self-Service Storage Facilities as defined in Ohio Revised Code Section 5322.01.

Section 2. Part Eleven, Planning and Zoning Code, Chapter 1156 – Light Industrial and Mixed Use District, Section 1156.02 – Uses is amended to add a new Section 1156.02(a)(18) as follows:

(18) Self-Service Storage Facilities

Section 3. Part Eleven, Planning and Zoning Code, Chapter 1176 – Planned Commercial District, Section 1176.05 – Special Uses is amended to add a new Section 1176.05(d) as follows:

(d) Indoor Self-Service Storage Facilities as part of an adaptive reuse of an existing building.

Section 4. All provisions in Chapters 1123, 1156, and 1176 not expressly changed herein shall remain in full force and effect.

Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8931

Topics of Discussion 0.

Council Work Session

Meeting Date: 01/17/2023

2023 Sidewalk Program And Concrete Portion Of 2023 Street Program - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

2023 Sidewalk Program And Concrete Portion Of 2023 Street Program - Solicit Bids

Purpose and Background

At this time, it is necessary to secure construction bids for the remaining portions of the 2023 Sidewalk Replacement Program. In August, 2022, the City Council passed legislation declaring the necessity of making these sidewalk repairs. Since that time, property owners have had the option of doing the work themselves, utilizing a bonded contractor, and few homeowners have elected to perform the sidewalk work with their own contractor.

This legislation allows the City to solicit bids for the 2023 Sidewalk Replacement Program. This year's program includes Damascus Drive, Glen Ivy Drive, Grovehill Drive, Highbury Road, Leawood Drive, Mandrake Drive, Millhoff Drive, Moberly Place, and Treon Place.

This legislation also allows for the receipt of bids for the concrete portion of the 2023 Street Improvement Program.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

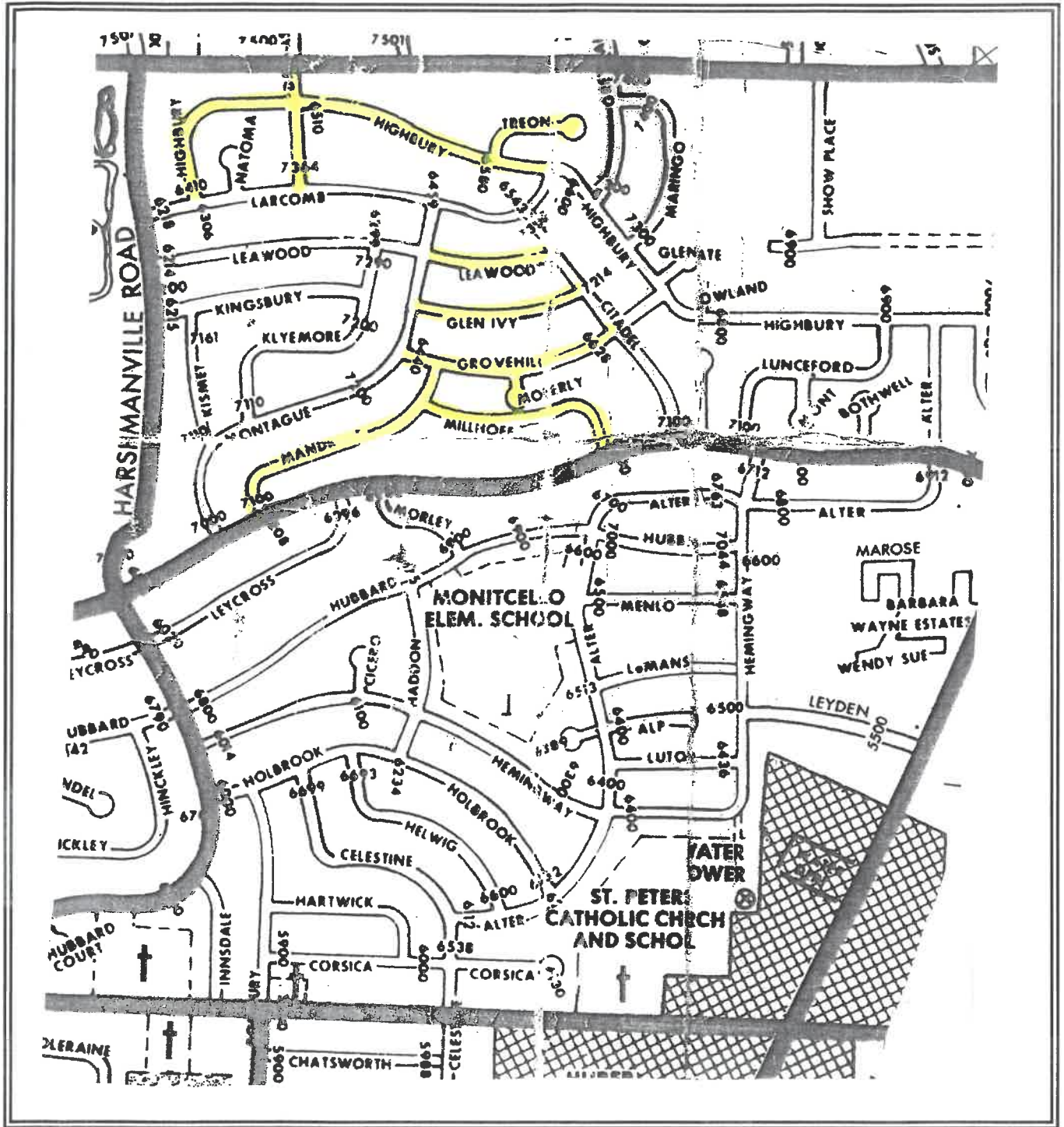
Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

Map

Resolution



Project Location Map 2023 SIDEWALK PROGRAM

Huber Heights, Ohio

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE 2023 SIDEWALK REPLACEMENT PROGRAM AND THE CONCRETE PORTION OF THE 2023 STREET IMPROVEMENT PROGRAM.

WHEREAS, City Council has previously authorized the Resolution Of Necessity No. 2022-R-7158 for the 2023 Sidewalk Replacement Program; and

WHEREAS, City Staff believe it prudent to bid the concrete portion of the 2023 Street Improvement Program with other concrete related construction work; and

WHEREAS, City Council has agreed to a Request For Proposals (RFP) process to be facilitated by City Staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the construction of the 2023 Sidewalk Replacement Program and the concrete portion of the 2023 Street Improvement Program. The cost of the 2023 Sidewalk Replacement Program portion of this work shall not exceed \$150,000.00; the cost of the concrete portion of the 2023 Street Improvement Program shall not exceed \$950,000.00.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8927

Topics of Discussion P.

Council Work Session

Meeting Date: 01/17/2023

2023 Rehabilitation Of Sewer Lines Project - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering

Division:

Engineering

Council Committee Review?: Council Work Session

Date(s) of Committee Review: 01/17/2023

Audio-Visual Needs: None

Emergency Legislation?: No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

2023 Rehabilitation Of Sewer Lines Project - Solicit Bids

Purpose and Background

This legislation will allow soliciting, advertising and receiving bids for the 2023 Rehabilitation Of Sewer Lines Project. Lining the sanitary sewer will be done as a corrective action to eliminate groundwater infiltration, improve the flow capacity, increase the strength of the pipes, and reduce sewage treatment costs. The Sewer Fund will be utilized to construct this project at a cost not to exceed \$350,000.

Fiscal Impact

Source of Funds: Sewer Fund

Cost: \$350,000

Recurring Cost? (Yes/No): Yes

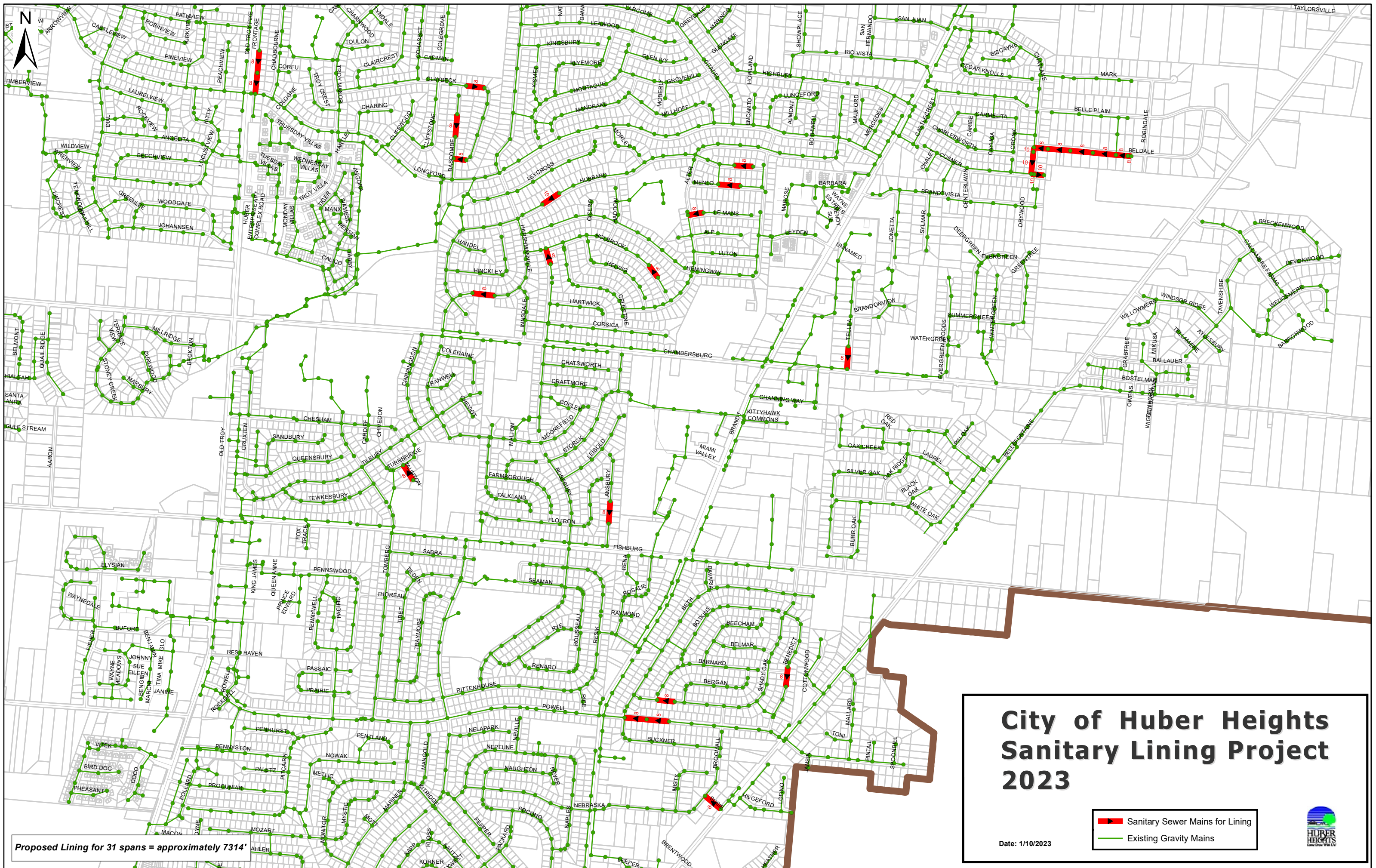
Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments



Map

Resolution



City of Huber Heights Sanitary Lining Project 2023

Date: 1/10/2023

-  Sanitary Sewer Mains for Lining
-  Existing Gravity Mains



CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE CONSTRUCTION OF THE 2023 REHABILITATION OF SEWER LINES PROJECT.

WHEREAS, City Council has determined that there is a need to improve the sanitary sewer system by eliminating the inflow and infiltration; and

WHEREAS, City Staff have identified sanitary sewer lines within the City which are in urgent need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the construction of the 2023 Rehabilitation Of Sewer Lines Project at a cost not to exceed \$350,000.00.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8929

Topics of Discussion Q.

Council Work Session

Meeting Date: 01/17/2023

Emeraldgate Water Standpipe Painting Project - Solicit Bids

Submitted By: Hanane Eisentraut

Department: Engineering **Division:** Engineering

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Emeraldgate Water Standpipe Painting Project - Solicit Bids

Purpose and Background

This legislation will allow soliciting, advertising and receiving bids for the painting of the Emeraldgate Water Standpipe. The Water Fund will be utilized to construct this project at a cost not to exceed \$550,000.

Fiscal Impact

Source of Funds: Water Fund

Cost: \$550,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): Yes

Financial Implications:

Attachments

Map
Resolution



1 in = 188 ft

City of Huber Heights

Date: 1/10/2023



CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO SOLICIT, ADVERTISE AND RECEIVE BIDS FROM QUALIFIED FIRMS FOR THE PAINTING OF THE EMERALDGATE WATER STANDPIPE.

WHEREAS, the Emeraldgate Water Standpipe is in need of rehabilitation; and

WHEREAS, City Council is determined to proceed with this repainting during the 2023 construction season; and

WHEREAS, the Emeraldgate Water Standpipe Painting Project is included in the City’s Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized to solicit, advertise and receive responses from qualified firms for the Emeraldgate Water Standpipe Painting Project at a cost not to exceed \$550,000.00.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of Ohio Revised Code.

Section 3. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights

Passed by Council on the _____ day of _____, 2023;
_____Yeas; _____Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

.

AI-8930

Topics of Discussion R.

Council Work Session

Meeting Date: 01/17/2023

Purchase Of Property - 5001 Taylorsville Road - New Public Works Facility

Submitted By: Bryan Chodkowski

Department: Public Works

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

Purchase Of Property - 5001 Taylorsville Road - New Public Works Facility

Purpose and Background

The City's Public Works Division is currently collocated on property with the City's Fire Division and operates out of a building constructed in 1955. This cooperative condition, coupled with the use of a building from 1955 which is no longer functionally or structurally sufficient to support the current and future needs of the Public Works Division, compels the City to construct a new public works facility to meet the needs of the Public Works Division. The property located at 5001 Taylorsville Road is currently for sale and meets several key features necessary for a new Public Works Division facility, including relevance to surrounding land use, direct access to major thoroughfares, and proximity to City Hall. Approval of this legislation would authorize the purchase of 5001 Taylorsville Road for use as the site for the City's future Public Works Division facility.

Fiscal Impact

Source of Funds: Capital Improvement Fund

Cost: \$525,000

Recurring Cost? (Yes/No): No

Funds Available in Current Budget? (Yes/No): No

Financial Implications:

The purchase price of the Property shall be Five Hundred Twenty-five Thousand (\$525,000.00) Dollars; excluding fees, expenses, and charges customarily paid by the purchaser of commercial real estate for transactions conducted in Montgomery County, Ohio. Funds necessary to acquire the Property shall be drawn from the Capital Improvement Fund, on advance from the General Fund, until such time as permanent financing is secured by the City through the issuance of bonds at a future date.

Attachments

Resolution

CITY OF HUBER HEIGHTS
STATE OF OHIO

RESOLUTION NO. 2023-R-

AUTHORIZING THE CITY MANAGER TO PURCHASE MONTGOMERY COUNTY PARCEL NUMBER P70 01922 0001, COMMONLY ADDRESSED AS 5001 TAYLORSVILLE ROAD, FOR THE PURPOSES OF CONSTRUCTING A NEW CITY PUBLIC WORKS DIVISION FACILITY.

WHEREAS, the City of Huber Heights (the “City”) has identified the need to construct a new Public Works Division facility as its current facility, constructed in 1955, is no longer functionally or structurally sufficient to support current and future public works activities; and

WHEREAS, the City has identified Montgomery County Parcel Number P70 01922 0001, commonly addressed as 5001 Taylorsville Road (the “Property”), as an ideal site for a new Public Works Division facility due to its location relative to surrounding land uses, major thoroughfares, and City Hall; and

WHEREAS, the Property is currently listed for sale by Equity Commercial Real Estate;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Huber Heights, Ohio that:

Section 1. The City Manager is hereby authorized and directed to execute an agreement, subject to review and approval of the Law Director, with Equity Commercial Real Estate to purchase the Property for the purposes of constructing a new Public Works Division facility. The purchase price of the Property shall be Five Hundred Twenty-Five Thousand Dollars (\$525,000.00); excluding fees, expenses, and charges customarily paid by the purchaser of commercial real estate for transactions conducted in Montgomery County, Ohio.

Section 2. Funds necessary to acquire the Property shall be drawn from the Capital Improvement Fund, on advance from the General Fund, until such time as permanent financing is secured by the City through the issuance of bonds at a future date.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall go into effect upon its passage as provided by law and the Charter of the City of Huber Heights.

Passed by Council on the _____ day of _____, 2023;
_____ Yeas; _____ Nays.

Effective Date:

AUTHENTICATION:

Clerk of Council

Mayor

Date

Date

AI-8934

Topics of Discussion S.

Council Work Session

Meeting Date: 01/17/2023

2023 Rules Of Council

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/03/2023 and 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

2023 Rules Of Council

Purpose and Background

At least annually, City Council reviews, updates and approves the Rules of Council by a motion of the City Council at a City Council Meeting. The current 2022 Rules of Council are attached for consideration and review. This agenda item is for a discussion on the Rules of Council for 2023.

After the discussion of the 2023 Rules of Council, the City Council requested draft revisions to the 2023 Rules of Council regarding summer meeting schedules and public participation at meetings. These requested draft revisions have been provided for review and discussion (see attached).

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

2022 Rules Of Council

Draft Revisions - Summer Meeting Schedule

Draft Revisions - Public Participation

City of Huber Heights **RULES OF COUNCIL**

(Adopted by the Huber Heights City Council on January 10, 2022)



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I. POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 4.01, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 4.06 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

1. Making policy necessary for the operation of the City.
2. Appointing a City Manager and establishing a salary for the City Manager (Section 6.01, City Charter).
3. Appointing a Clerk of Council (and Deputy Clerk of Council) and establishing a salary for the Clerk(s) (Section 4.08, City Charter).
4. Appointing a Law Director and establishing a salary for the Law Director (Section 7.05, City Charter).
5. Obtaining reports from the City Manager concerning conditions, efficiencies, needs, and other affairs and related City matters.
6. Evaluating and approving the City budget and appropriations and their modifications.
7. Evaluating the effectiveness of City programs and the performance of the City Manager, the Clerk of Council, and the Law Director.
8. Informing the public of City activities and needs.
9. Regulating its own organization and membership (Sections 4.02, 4.03, 4.05, 4.06, 4.07, 4.10 and 4.13, City Charter).

Council shall adopt, by a simple majority vote of its members currently holding office, its own Rules of Council which shall not conflict with the City Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council then holding office. The Rules of Council shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of Council (Section 4.14, City Charter).

II. MEETINGS

- A. Regular City Council Meetings:** Regular Council City Meetings will be held on the second and fourth Mondays of each month (except for December) unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be

adjusted to address the holiday. Meetings will begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building.

- B. **Special City Council Meetings:** Special City Council Meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- C. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. Council Work Sessions will be generally held on the Tuesday of the week prior to the Regular Council City Meetings unless the day falls on a City holiday. If such a conflict occurs, the meeting schedule will be adjusted to address the holiday. Council Work Sessions will generally begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building. Council Work Sessions may also be called for any purpose at other dates and times by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- D. **Committee of the Whole:** Council may schedule committee meetings of the entire Council as a Committee of the Whole meeting. Committee of the Whole meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.
- E. **Between Regularly Scheduled City Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager, the Law Director, or the Clerk of Council; may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.
- F. **Public Notification of Meetings:** The Clerk of Council will make public notice of all Regular or Special City Council Meetings, Council Work Sessions, and other

meetings of Council at least twenty-four (24) hours in advance of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice at the City Hall building.
2. Posting of the public notice on the City of Huber Heights official website.
3. Posting of the public notice on the City of Huber Heights official Facebook and Twitter accounts.
4. Distribution of the public notice by email via the Internet through an electronic distribution list maintained by the Clerk of Council that includes media outlets and individual members of the public who have requested notification in advance (see below).

The public may also obtain notice of the date, time, place, and purpose of all Regular or Special City Council Meetings, Council Work Sessions, and other meetings of Council by contacting the Office of the Clerk of Council.

Any person may obtain advance notification of all Council meetings by email via the Internet through an electronic distribution list maintained by the Clerk of Council at no charge. This request should be made in writing to the Clerk of Council. Any such request shall be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules of Council.

G. Executive Session Meetings: Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22, the Ohio Sunshine Law. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may motion that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22 and passed by a majority or unanimous vote (depending on the purpose of the Executive Session), is required for Council to recess to Executive Session.

All other Council meetings must also comply with the requirements of Ohio Revised Code Section 121.22 as described above.

Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the Regular City Council Meetings or Special City Council Meetings, as well as Council Work Sessions and other Council meetings, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Ohio Revised Code. In addition, the

aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

- H. Pre-Meeting Information:** Two (2) business days prior to scheduled City Council Meetings, Council Work Sessions, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to the Office of the Clerk of Council through the AgendaQuick system and approved by the City Manager on the Wednesday immediately preceding each meeting by 5:00 P.M. The Law Director will also be provided all of this information to allow for proper legal review.
- I. Recesses and Adjournments:** City Council Meetings, Council Work Sessions, or other Council meetings may be adjourned or recessed to another time, date, or place without giving the notice required in paragraph B, Special Meetings, above (Section 4.13 (C), City Charter). Short recesses (5-15 minutes) may be designated by the Presiding Officer during regular or special meetings without a vote of Council. Other recesses require a simple majority vote of Council.
- J. Presiding Officer:** The Mayor presides over Regular City Council Meetings, Special City Council Meetings, Council Work Sessions, Committee of the Whole meetings, or other Council meetings; however, in the absence of the Mayor, the Vice Mayor presides (Section 4.04, City Charter). In the absence of the Mayor and the Vice Mayor or at the discretion of the Mayor or Vice Mayor, the Council may elect a Councilmember to serve as Presiding Officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues in Regular City Council Meetings or Special City Council Meetings except in cases of tie votes (Section 4.04, City Charter). The Mayor is a non-voting member of all Council appointed committees (Section 4.04, City Charter). The Vice Mayor serves as a Councilmember with all voting and other rights accorded that position (Section 4.04, City Charter).
- K. Clerk of Council:** The Clerk of Council (with the assistance of the Deputy Clerk of Council) serves as Council administrator. The Clerk attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by Council and required by law (Section 4.08, City Charter). The job duties and functions of the Clerk of Council and the Deputy Clerk of Council are also defined in the applicable position descriptions. These job duties and functions are further defined through the day to day general supervision and

assignment of duties, tasks, and responsibilities by the Clerk of Council to the Deputy Clerk of Council.

L. Quorum and Majority Votes:

1. Quorum: Five (5) members of Council, other than the Mayor, shall constitute a quorum for all Council meetings. Confronted with a lack of a quorum, a smaller number of Councilmembers may convene and may compel the attendance of absent members and may adjourn meetings to a subsequent date (Section 4.12, City Charter).
2. Majorities: In determining a simple, a two-thirds (2/3), or a three-fourths (3/4) majority vote of Council, the Mayor is counted. Majorities are based on the total number of Councilmembers holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number nine (9) as denominator. Thus, five (5) constitutes a simple majority, six (6) a two-thirds (2/3) majority, and seven (7) a three-fourths (3/4) majority.

M. Attendance, Absences, and Removals: Councilmembers are required and expected to attend all Regular City Council Meetings and Special City Council Meetings. Absences from Council meetings may be excused for reasonable cause. All absences from meetings will be communicated through the Clerk of Council's Office. For the official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority vote.

Unexcused absences from three (3) consecutive Regular City Council Meetings may result in the removal of a Councilmember. A two-thirds (2/3) majority of the Councilmembers then holding office, exclusive of the Councilmember being considered for removal, is required (Section 13.08, City Charter).

A Councilmember or the Mayor may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of a two-thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.

N. Agendas:

1. Preparation: The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the City Manager and the Presiding Officer. The Presiding Officer may also solicit input from Councilmembers and the Mayor for the agendas for all Council meetings. Any three (3) Councilmembers may also compel an item to be placed on the agenda for Council Work Sessions as described under Section II, C. of this document.
2. Review: Council will be previously apprised and informed of all proposed legislation/motions and/or other matters of significance on the agendas through Council Work Sessions, other Council meetings, or written

communications from the City Manager or the Clerk of Council (except for emergency situations) or as otherwise determined by Council.

3. Format:

A. Regular City Council Meetings of Council will follow this format unless changed by any five (5) Councilmembers:

1. Call the Meeting to Order
2. Invocation
3. Flag Ceremony
4. Pledge of Allegiance
5. Roll Call
6. Approval of Minutes
7. Special Presentations/Announcements *
8. Citizens Comments **
9. Citizens Registered to Speak on Agenda Items **
10. City Manager Report
11. Pending Business
12. New Business
13. City Official Reports and Comments
14. Executive Session
15. Adjournment

* Usually reserved to accommodate non-profit or citizen groups whose purpose is to make a short, formal presentation.

** Citizens wishing to reserve time to speak must complete a Citizens Comments Request.

B. Council Work Sessions will normally follow this format:

1. Call the Meeting to Order/Roll Call
2. Approval of Minutes
3. City Manager Report
4. Work Session Topics of Discussion
5. Executive Session
6. Adjournment

O. Public Participation at Meetings: The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. Members of the public desiring to speak at Council Work Sessions or other Council meetings may approach the podium and be recognized at the discretion of the Presiding Officer. Citizens

granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision of such agenda items. Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the Presiding Officer. Regarding pending legislation, citizen comments will be heard only after the reading of the legislation and explanation by City Staff and discussion by Council.

- P. Minutes:** The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Council may, by a simple majority vote, direct that more detailed minutes be kept for all or part of a meeting.
- Q. Councilmember Decorum:** During all official meetings of the Council, whether Committee Meetings, Council Work Sessions, Regular City Council Meetings, or Special City Council Meetings, the members of Council in attendance will represent the City in a professional manner by directing their comments to the business of the Council and the policy implications of such business.

Disparaging comments about a specific member of Council's personhood, political affiliations, or matters of a personal nature will be ruled out of order by the Presiding Officer. For repeated offenses, the Presiding Officer shall put the question of whether the offender shall be removed from the meeting which shall be determined by a vote of three-fourths (3/4) of Councilmembers then present (excluding the offender) without debate.

In no way is this section designed to eliminate the natural and appropriate disagreement or communication of such disagreements between Councilmembers on particular views, positions, directions, or political and/or philosophical positions of individual Councilmembers. Additionally, this section is not designed to limit any First Amendment rights of individual Councilmembers in their private or political capacities outside of official City meetings.

III. LEGISLATION

- A. The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. A motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter (Section 5.01, City Charter). All motions of Council require seconds. Voting records by individual Councilmembers on each item voted on are to be kept by the Clerk of Council.

Article V of the City Charter prescribes procedures that must be adhered to in regard to legislation. The Law Director assures that any proposed legislation fulfills all legal requirements.

Step 1. If determined appropriate, the Presiding Officer will refer proposed legislation to a Council Work Session for Council to review the proposed legislation and to make any recommendations regarding the proposed legislation. Council may also refer the matter to additional Council Work Session(s) to review the proposed legislation in between the ongoing reading(s) of the legislation. In most cases, the proposed legislation will have already been reviewed by a Council Work Session prior to being placed on the meeting agenda for a Regular City Council Meeting or Special City Council Meeting. After discussion on proposed legislation, the Presiding Officer will inquire if there any objections from Councilmembers to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. If there are any objections to placing the proposed legislation on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading, the Presiding Officer may continue the discussion on the proposed legislation to determine an appropriate course of action.

Step 2. The proposed legislation is placed on the agenda of a Regular City Council Meeting or Special City Council Meeting for a first reading. A copy of all proposed legislation, except personnel-related actions, will be posted on the bulletin board in City Hall. The Clerk of Council will endeavor to have legislation posted as soon as available prior to the meeting. All readings of legislation are made by title only unless a majority of Council approves by an adopted motion a full text reading. No discussion by Councilmembers will occur until after a motion is on the floor and the motion is seconded. Each resolution must be read on one separate Council meeting day. Each ordinance must be read on two separate Council meeting days, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers then holding office (Section 5.04, City Charter). Approval or rejection of a proposed resolution usually takes place immediately after this first reading, but the resolution can be read at additional readings at the discretion of Council.

Step 3. A second reading is held for a proposed ordinance, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers

then holding office (Section 5.04, City Charter). Approval or rejection of the proposed ordinance usually takes place immediately after this second reading but the ordinance can be read at additional readings at the discretion of Council.

Step 4. When approved by Council, the legislation is assigned an index number from the legislation journal and typed in final form by the Clerk of Council. An annual indexing system is used. Ordinances are coded “O” and Resolutions “R”; for example, 2017-O-1000 and 2017-R-1000. The legislation is then authenticated by the signatures of the Clerk of Council and the Presiding Officer (Section 5.08(A), City Charter) after the City Council Meeting when available or in a forthwith manner. Amended legislation or legislation not available for authentication by the Clerk of Council and the Presiding Officer during or immediately following the City Council Meeting will also be authenticated forthwith. Motions by Council (beginning in 2009) are also assigned an index number and typed in final form by the Clerk of Council using an annual indexing system. Motions are coded “M”; for example, 2017-M-1000.

Step 5. Any legislation which is enacted by less than a two-thirds (2/3) majority vote must be presented to the Mayor for approval except those enacted by the Mayor having cast the deciding vote. If the Mayor does not approve (i.e., vetoes) the legislation, the Mayor shall return it after its passage or adoption, with any objections in writing, to the Council at the next Regular City Council Meeting. The Mayor's written objections shall be entered upon the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money. If the Mayor does not return such ordinance or resolution with written objections within the time limited in this Section, it shall take effect in the same manner as if the Mayor had signed it, unless the Council, by adjournment, prevents its return. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it as herein provided with any written objections, the Council may reconsider it no later than the Regular City Council Meeting, and if such ordinance or resolution upon such reconsideration is approved by a two-thirds (2/3) vote of the members of Council then holding office, it shall take effect as if signed by the Mayor. If Council does not reconsider the Mayor's veto as herein provided, the content of the legislation in question may be considered thereafter in the same way all new legislation is considered (Section 5.12, City Charter).

Step 6. Legislation is published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its passage in public places within the City or places of public access as determined by Council. The designated public places are:

1. Legislative Bulletin Board - City Hall Building
2. Legislative Public Binder - City Hall Building
3. Clerk of Council's Office

4. Huber Heights Public Library
5. Huber Heights Police Station
6. City of Huber Heights Official Website

Step 7. The Clerk of Council certifies in the legislative journal the dates that publication occurred.

- B. Effective Date of Legislation:** Any resolutions take effect immediately upon adoption by Council, unless a later date is specified. Ordinances dealing with appropriations of money; annual tax levies for current expenses of the City; certain improvements petitioned for by owners; questions to be submitted to the electorate or determinations to proceed with elections; approval of revisions, codifications, recodifications, or rearrangements of the City Code; and, any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified. All other ordinances take effect thirty (30) days after adoption by Council, unless a later date is specified. The thirty (30) day effective date of legislation is calculated by counting from the date after adoption by Council of the ordinance with the effective date being the thirty-first (31st) day after date of adoption by Council of the ordinance.
- C. Emergency Legislation:** Emergency ordinances are those necessary for the immediate preservation of the public peace, health, safety or welfare, or an emergency in the operation of the City. Emergency ordinances must contain a statement, “the emergency clause”, describing the necessity for the emergency. A vote of two-thirds (2/3) of Councilmembers holding office is required to approve emergency ordinances (Section 5.06, City Charter). Any emergency ordinances take effect immediately upon adoption by Council, unless a later date is specified.
- D. Copies of Ordinances and Resolutions:** The Clerk of Council shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The Clerk of Council shall charge the established rate in the Huber Heights Public Records Policy for such copies.

IV. MOTIONS

Unless there is a conflict with these Rules of Council or the City Charter, Roberts Rules of Order will be used as guidance during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject (**requires majority vote**).
2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:
 - a. To adjourn (**requires majority vote**).
 - b. To recess (**requires majority vote**).

- c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council **(decision of Presiding Officer)**.
- d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order **(decision of Presiding Officer)**.
- e. To lay on the table to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed **(requires majority vote)**.
- f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.
- g. To limit or extend limits of debate **(requires two thirds vote)**.
- h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.
- i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.
- j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. No motions can be made to amend an amendment. A rejected amendment may not be moved again in the same form **(requires majority vote)**.
- k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or “kills” the main motion for the duration of the session **(requires majority vote)**.
- l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in “a”, “b”, “c” and “f” are decided without debate.

3. **Motion to Take Matter From Committee:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.

4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter (**requires majority vote**).

V. **COUNCIL WORK SESSIONS/COMMITTEES**

- A. **Council Work Sessions:** Council Work Sessions are working committee meetings of Council and are not utilized for legislative action or other formal Council actions appropriate to Regular or Special City Council Meetings. The Council Work Sessions shall consist of the Mayor and all of the Councilmembers. Council Work Sessions shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.

Proposed legislation/motions and/or other matters of significance will generally be reviewed initially through assignment to a Council Work Session. Exceptions to the review of proposed legislation/motions and/or other matters of significance through assignment to a Council Work Session can be made by Council for routine matters, including approval of expenses legislation and end of the year legislation. Council may also opt to review proposed legislation/motions and/or other matters of significance that arise in emergency situations at Regular City Council Meetings or Special City Council Meetings without assignment to a Council Work Session.

All Council Work Sessions shall comply with the requirements of Ohio Revised Code Section 121.22 under Ohio's Open Meetings Act. It shall be the responsibility of the Presiding Officer to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy of all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- B. **Committee of the Whole:** The working business of the Council may also be conducted through Committee of the Whole meetings. The Committee of the Whole shall consist of the Mayor and all of the Councilmembers. The Committee of the Whole meetings shall be supported by the Clerk of Council, the City Manager, the Law Director, and City Staff as directed by the City Manager.
- C. **Special Committees:** The Mayor may appoint temporary special committees, unless objected to by Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to

specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed by the Mayor shall be advisory only. The Mayor shall be a non-voting ex-officio member of all special committees. A Special Committee Chair will be elected by the members of the special committee to act as the Presiding Officer of meetings of the special committee. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under the Ohio's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Office of the Clerk of Council of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Office of the Clerk of Council to ensure and/or prepare written minutes of all such meetings and to maintain a copy all meeting notices, information, and minutes in the Office of the Clerk of Council's records.

- D. Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, ongoing reports shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote of Council.

VI. COMPENSATION AND EXPENSES

Council may increase or decrease the compensation of its members by ordinance or resolution. However, no Councilmember shall benefit from any increase in compensation enacted during such Councilmember's current term of office (with the exception of increases or decreases in fringe benefits). Any ordinance or resolution changing the compensation of Council shall be adopted no later than June 1 of any odd numbered year (Section 4.10, City Charter).

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Vice Mayor before such expenses are reimbursable. Those who use a personal vehicle during authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Office of the Clerk of Council after approval by the Mayor (or Vice Mayor for the Mayor's travel expenses) for processing by the Finance Department.

VII. IN-SERVICE TRAINING

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of

information that enhance a Councilmember's ability to perform Council duties. Councilmembers shall be reimbursed for these expenses.

VIII. LAW DIRECTOR AND OTHER LEGAL COUNSEL

No legal services shall be performed by the Law Director except as authorized by the City Charter and City Council, or as requested by the City Manager, the Clerk of Council, and Senior City Staff. City Council, through the Council Work Sessions or any other Council meetings including the Committee of the Whole as determined by City Council, shall be responsible for administration and management of the Law Director and the Law Department. All administrative matters involving the Law Director shall be brought before the appropriate Council meeting including the Council Work Session or the Committee of the Whole. Conflicts of interest shall be resolved between Law Director and City Council through the appropriate Council meeting including the Council Work Session or Committee of the Whole.

The Law Director shall attend all Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of official business. The Law Director shall attend meetings of other City bodies when, in the Law Director's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The chairs of City boards, committees, and commissions generally should request, through the City Manager, the attendance of the Law Director at any meetings, if necessary. Communication will also be forwarded to City Council by the City Manager regarding the attendance of the Law Director regarding such meetings.

Preliminary drafts of legislation should be submitted to the Law Director for review as part of the legislative process established in Section III of the Rules of Council. In addition, the Law Director will draft legislation at the specific direction of the City Manager, the Clerk of Council, or from Council meetings and shall review all legislation for legal form and propriety.

The Law Director will provide Council, the City Manager, and the Clerk of Council with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The Law Director will provide Council with a quarterly activity report, including a verbal and written update on all significant active legal actions (such as civil suits, etc.). Between these reports, the Law Director will advise Council and the City Manager of any matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the Law Director will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.

IX. COUNCIL/ADMINISTRATION COMMUNICATIONS

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager (Section 4.06(C), City Charter).

Requests to the City Manager for routine information, which involve minimal extra work by City Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the City Staff will be shared by the City Manager with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmembers inquiries to the Law Director for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins and will be detailed on the Law Director's billing statements.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the City Staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of City Staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, a goal setting session shall be held every six (6) months.

X. INVESTIGATIONS

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, federal and state law, and in consultation with the Law Director.

XI. BOARDS AND COMMISSIONS

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and

commissions. A simple majority vote of Councilmembers currently holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Huber Heights Board and Commission Handbook.

XII. CONFLICTS OF INTEREST AND ETHICS

Councilmembers are subject to all Ohio and local statutes and federal and state law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by municipal officials (Section 13.09, City Charter). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

XIII. COMPLAINTS

Complaints against employees are to be made to the City Manager and handled in accordance with the City Personnel Policy Manual. Complaints against Councilmembers, the City Manager, the Law Director, the Clerk of Council, or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Vice Mayor. Complaints are required to be in writing.

Only complaints against Councilmembers or the Mayor that are limited to the following grounds will be investigated:

1. Alleged ethical violations/conflicts of interest.
2. Alleged failure of a Councilmember or Mayor to possess or maintain the qualifications of the office as prescribed by the City Charter.
3. Alleged intentional violation of the prohibitions set forth in Section 4.06 of the City Charter.
4. Alleged violation of any other expressed provision of the City Charter.

* Alleged violations of State or Federal law are not considered complaints under this rule and should be filed by the complainant with the City Prosecutor or law enforcement.

Upon receipt of a complaint, that is to be investigated under this rule, the Mayor or Vice Mayor shall distribute a copy of the complaint to all members of the City Council for review. All actions taken to investigate and resolve the complaint shall be documented as a matter of record. The Mayor or Vice Mayor will complete a written response as soon as possible advising the initiator and the City Council of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim written response and target date for completion will be provided to the initiator of the complaint and the City Council.

If the Mayor or Vice Mayor as the case may be, believes the complaint is unfounded, the Mayor or Vice Mayor shall advise the complainant and City Council in a written response. If the same individual complainant has three or more determinations of an unfounded complaint within a twelve (12) month period, City Council may advise the Mayor or Vice Mayor to disregard any future complaints from that individual for one (1) year. Oral

complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The Presiding Officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about the City Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

XIV. EVALUATION OF CITY OFFICIALS

It shall be the responsibility of Council to provide a written evaluation of the performance of the City Manager, the Law Director, and the Clerk of Council annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to the finalization of these evaluations. The Mayor or the Vice Mayor shall consolidate and present final evaluations to all City Officials.

XV. SUSPENSION OR WAIVER OF THE RULES OF COUNCIL

Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a simple majority vote of Councilmembers currently holding office.

XVI. SOCIAL MEDIA GUIDELINES AND STANDARDS FOR COUNCIL

These Guidelines and Standards apply to City Councilmembers (“Elected Officials”) that may maintain and use personal web pages, websites, blogs, and social networking sites (collectively “Internet Platform”).

Elected Official’s Internet Platforms are not controlled by the City of Huber Heights. The City does not require or promote such sites, nor provides web space or access (links) for such sites through any official City channels. Communications on Elected Official’s Internet Platforms are not created, received, maintained or used by the City. Nor are they meant to document the organization, functions, policies, decisions, procedures, operations, or other activities of the City or its Council as a whole.

Social Media Guidelines

1. The site should NOT be designated as a “governmental” page.
2. The site should NOT appear to be an official City internet platform.
3. The site should have a disclaimer predominantly featured on the site, such as:

This is a private page under the sole control of _____. The comments expressed by me are my own and do not reflect the opinions and/or position of the City of Huber Heights or its officers and employees. This page is not sanctioned or monitored by the City. This Page cannot be used for service of any legal notice, administrative notice or any other legal

process directed to the City. As this site is not monitored by the City, do not use this site to request City records.

4. Elected Officials should NOT promote their private Internet Platforms at official City meetings or in official City correspondence.
5. If the Internet Platform is interactive (allows third parties to post) the site should expressly provide that it is not intended to be a public forum and that posts that are vulgar, off topic, hate speech etc. will be deleted according to a posted policy advising of such. A sample provision is:

I reserve the right to remove or edit any posts that are unlawful, threatening, libelous, defamatory, obscene, pornographic, invasive of privacy, infringing of intellectual property rights, or otherwise violate any law. This includes comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability, or sexual orientation. Spam, links to other sites, information that is clearly off topic, and/or apparent spamming or trolling will be removed.

Social Media Standards

1. Elected Officials should not disclose information that is considered privileged or confidential. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets.
2. Elected Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery.
3. Elected Officials should never represent themselves as a spokesperson for the City Council, board, committee, or commission.
4. Elected Officials should consider the potential impact of social media statements prior to posting.
5. Elected Officials should not post information about matters involving pending or threatened litigation, items that are or may be appealed to them in their official capacity or to City boards or commissions.
6. Elected Officials should not use internet platforms to communicate with city employees about City-related matters.
7. Elected Officials should not “tag” a matter to a City employee’s personal internet platform site.

8. Elected Officials should be mindful of the risks of electronic communication in relation to the Ohio Public Records Laws and the Open Meeting Law; communication between elected officials should be avoided on internet platforms.
9. Elected Officials should not reference any document(s) as a basis for making an official decision unless that document is available through the City as a public record.
10. Removing a user's comment or post because the person is criticizing some government action is not advisable.
11. When an Elected Official desires to have a matter posted to an Official City Internet Platform, the Elected Official shall provide the item or link to the Clerk of Council who will then forward it to the designated person in charge of the City Internet Platform for posting consistent with the City's Social Media Policy.

I. MEETINGS

- A. **Regular City Council Meetings:** Regular City Council Meetings will be held on the second and fourth Mondays of each month (except for June, July, August, and December) unless the day falls on a City holiday. If such a holiday conflict occurs, the meeting schedule will be adjusted to address the holiday. In the months of June, July, and August, Regular City Council Meetings will only be held on the fourth Mondays of each month. In the month of December, a Regular City Council Meeting will only be held on the second Monday of the month. In the months with only one Regular City Council Meeting, a Special City Council Meeting may be held as needed to conduct City business. Meetings will begin at 6:00 P.M. and will be held in the Council Chambers at the City Hall Building.

O. Public Participation at Meetings: The Presiding Officer of Regular or Special City Council Meetings, Council Work Sessions, or other Council meetings will recognize persons requesting to be heard as outlined. Members of the public desiring to speak at Regular City Council Meetings and Special City Council Meetings must request time using the Citizens Comments Request. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. If the topic to be discussed is on the agenda, it may be discussed under Citizens Registered To Speak On Agenda Items. Regarding Citizens Comments on agenda items, Citizen Comments will be heard only after the reading of the legislation and explanation by City Staff and discussion by Council. Members of the public desiring to speak at Council Work Sessions or other Council meetings may be granted time to speak on agenda items at the discretion of the Presiding Officer. Citizens granted time to speak may do so following recognition by the Presiding Officer. Individuals wishing to speak at any meetings are asked to abide by the following procedures:

1. Wait to speak until recognized by the Presiding Officer.
2. Approach the microphone and state your name.
3. Address remarks to the Presiding Officer.
4. Respond to questions from Councilmembers through the Presiding Officer.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the Presiding Officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered or properly recognized citizens will generally not be allowed during the discussion and/or decision-making of agenda items. Public participation at meetings is important and valued by the City Council. Opportunities for public participation in meetings include:

1. Attendance at meetings in person.
2. Viewing meetings by live stream or on demand video.
3. Participation and Citizens Comments in public hearings.
4. Citizens Comments at Regular City Council Meetings and Special City Council Meetings.
5. Citizens Registered To Speak On Agenda Items at Regular City Council Meetings and Special City Council Meetings.
6. Citizens Comments at Council Work Sessions or other Council meetings at the discretion of the Presiding Officer.
7. Written or electronic communications from citizens to the members of the City Council, individually or to the Mayor and City Council as a group.
8. Written or electronic communications from citizens to the Clerk of Council for distribution to the City Council, individually or to the Mayor and City Council as a group.
9. Use of the City's social media sites and the City's website.
10. Use of the City's public records request process.

AI-8933

Topics of Discussion T.

Council Work Session

Meeting Date: 01/17/2023

City Manager Search Process

Submitted By: Anthony Rodgers

Department: City Council

Council Committee Review?: Council Work Session **Date(s) of Committee Review:** 01/17/2023

Audio-Visual Needs: None **Emergency Legislation?:** No

**Motion/Ordinance/
Resolution No.:**

Agenda Item Description or Legislation Title

City Manager Search Process

Purpose and Background

This agenda item was requested by Councilmembers Glenn Otto, Richard Shaw, and Anita Kitchen for discussion about the City Manager Search Process.

Fiscal Impact

Source of Funds: N/A

Cost: N/A

Recurring Cost? (Yes/No): N/A

Funds Available in Current Budget? (Yes/No): N/A

Financial Implications:

Attachments

No file(s) attached.
