



AGENDA
CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
August 13, 2024
6:00 P.M.

1. Call Meeting To Order
2. Roll Call
3. Opening Remarks By The Chair and Commissioners
4. Citizens Comments
5. Swearing of Witnesses
6. Pending Business
 - A. None
7. New Business
 - A. TEXT AMENDMENT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval to amend Sections 1123 (Definitions) and 1196 (Medical Marijuana) of the zoning code (TA 24-15).
8. Additional Business

A. None

9. Approval of Minutes

A. Without objection the minutes of the July 9, 2024, Planning Commission meeting are approved.

10. Reports and Calendar Review

11. Upcoming Meetings

A. September 10, 2024
October 15, 2024

12. Adjournment

AI-10273

7. A.

Planning Commission

Meeting Date: 08/13/2024

TEXT AMENDMENT

Information

Agenda Title

TEXT AMENDMENT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval to amend Sections 1123 (Definitions) and 1196 (Medical Marijuana) of the zoning code (TA 24-15).

Purpose and Background

Attachments

Staff Report

Decision Record

Memorandum

Staff Report for Meeting of August 13, 2024

To: Huber Heights City Planning Commission

From: Aaron K. Sorrell, City Planner

Date: August 8, 2024

Subject: TA 24-15 Adult Use Marijuana Text Amendments

Application dated July 24, 2024

Department of Planning and Zoning	City of Huber Heights
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APPLICANT/OWNER:	City of Huber Heights - Applicant
DEVELOPMENT NAME:	N/A
ADDRESS/LOCATION:	N/A
ZONING/ACREAGE:	N/A
EXISTING LAND USE:	N/A
ZONING ADJACENT LAND:	
REQUEST:	The applicant requests approval to amend Sections 1123 (Definitions) and 1196 (Medical Marijuana) of the zoning code.
ORIGINAL APPROVAL:	N/A
APPLICABLE HHCC:	Chapter 1123 and 1196
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STAFF ANALYSIS AND RECOMMENDATION:

Overview

Currently, the city specifically prohibits medical marijuana facilities in every zoning district, but the code is silent on facilities used for the cultivation, processing or selling of adult-use (recreational) marijuana. This proposed text amendment would extend the prohibition of medical marijuana facilities to include adult-use marijuana facilities.

Staff Analysis

Through consultation with our legal department, planning staff recommends the following amendments:

Chapter 1123 – Definitions

Add the following definitions:

1123.741 – Marijuana. *Marijuana* means marihuana or cannabis that is cultivated, processed, dispensed, tested, or used for adult use purposes, regardless of whether such marijuana is, or is not, in a form or intended for incorporation into a form permitted under Ohio R.C. Chapter 3780.

1123.742 – Marijuana, Medical. *Medical marijuana* means marihuana that is cultivated, processed, dispensed, tested, or used for medical purposes, regardless of whether such marijuana is, or is not, in a form or intended for incorporation into a form permitted under Ohio R.C. Chapter 3796.

1123.743 - Marijuana-related businesses or home occupations. *Marijuana-related businesses or home occupations* means a business or home occupation use, involving, in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of marijuana or medical marijuana on the premises. This definition specifically includes, but is not limited to, adult use cannabis operators, dispensaries of marijuana or medical marijuana, facilities for the cultivation, packaging, transportation, processing, storage, and/or sale of marijuana or medical marijuana; and bakeries or kitchens producing edible forms of marijuana or medical marijuana or products containing the same.

Amend Chapter 1196 to read as follows:

Chapter 1196 – Marijuana Facilities

1196.01 Marijuana and Medical Marijuana Facilities & Advertising

(a) Prohibition of Marijuana and Medical Marijuana Facilities

No marijuana-related businesses or home occupations may be established, licensed, maintained, or permitted in any Zoning District within the City.

(b) Limitations on Marijuana and Medical Marijuana Advertising

Advertising and/or signage for marijuana-related businesses or home occupations shall be prohibited in any Residence District, Estate Residential District, Planned Residential District, and Planned Mobile Home Residential District as defined in Section 1141.01 of the City's Zoning Ordinance, and shall not be permitted within one hundred (100) yards of any church, public library, public playground, public park, or school, as defined in Ohio R.C. section 3796.30.

(c) Exceptions

This prohibition shall not apply to:

(i) Research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(ii) Personal home cultivation and private use of marijuana or medical marijuana as authorized by Ohio R.C. Chapter 3780 or Ohio R.C. Chapter 3796.

(d) Severability

In the event that any portion of this Section shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction, that portion shall be considered severable, and the remainder of this Section shall remain in full force and effect.

Additional Comments:

Fire: N/A

City Engineer: N/A

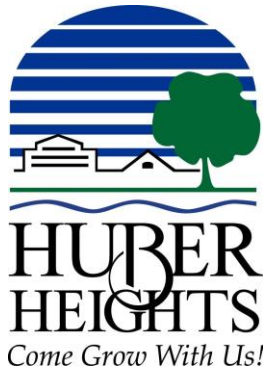
Recommendation

Planning staff recommends approval of the proposed text amendments as submitted on July 24, 2024.

Planning Commission Action

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

- 1) Approve the text amendments as submitted (staff recommendation);
- 2) Approve the text amendments record plan with modifications; or,
- 3) Recommend denial of the text amendments.



Planning Commission Decision Record

WHEREAS, on July 24, 2024, the applicant, The City Of Huber Heights, requested approval to amend Sections 1123 (Definitions) and 1196 (Medical Marijuana) of the zoning code (Case TA 24-15), and;

WHEREAS, on August 13, 2024, 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.

moved to approve the request by the applicant, The City of Huber Heights, for approval to amend Sections 1123 (Definitions) and 1196 (Medical Marijuana) of the zoning code (Case TA 24-15), in accordance with the recommendation of Staff's Memorandum dated August 8, 2024, with the following conditions:

1. Approval of the proposed text amendments as submitted.

Seconded by _____ Roll call showed: YEAS: _____ NAYS: _____ Motion to recommend approval carried

Terry Walton, Chair
Planning Commission

Date

AI-10256

9. A.

Planning Commission

Meeting Date: 08/13/2024

Minutes

Information

Agenda Title

Without objection the minutes of the July 9, 2024, Planning Commission meeting are approved.

Purpose and Background

Attachments

Minutes

**Planning Commission
July 09, 2024, Meeting
City of Huber Heights**

I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.

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

Members absent: None: Mr. Cassity and Ms. Vargo

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

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

None.

IV. **Citizens Comments**

None.

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

VI. **Pending Business**

None.

VII. **New Business**

1. **DETAILED DEVELOPMENT PLAN – The applicant, FORESTAR REAL ESTATE GROUP INC., is requesting approval of the Detailed Development Plan and final plat for Canal Heights 1 & 2. Property is located at 4633 Chambersburg Road (DDP 24-14).**

Mr. Sorrell stated that the applicant requests approval of the detailed development plan and final plats for the first two sections of the Canal Heights subdivision, formerly called the Villages of Westport. The approved basic development plan calls for 291 lots on 171 acres, which yields an average density of 1.7 units/acre. No changes from the approved basic development plan are contemplated at this time.

Section 1 contains 71 lots on 51.98 acres. Approximately 33.4 acres are reserved for open space.

Section 2 contains 46 lots on 30.24 acres. Approximately 18.4 acres are reserved for open space.

The original rezoning request was approved with the following conditions (only the relevant conditions are listed):

July 09, 2024

- 1) The minimum setbacks shall be 25-foot front yard, 25-foot rear yard, 5-foot side yard.
- 2) A minimum of 25% of the surface area of the front facade shall be finished with brick or stone masonry products.
- 3) Minimum floor area shall be as follows: one story dwellings shall have a minimum floor area of 1,200 square feet and two-story dwellings shall have a minimum floor area of 1,600 square feet.
- 4) Chambersburg Road will be improved to a forty-five (45) foot half right-of-way section per the City's Throughfare Plan.
- 5) A 20' preservation zone shall be placed along the east boundary line.

Conformance with Zoning Regulations

The proposal conforms to the regulations outlined in Chapter 1172, Planned Residential District. Updated HOA and development covenants have not been finalized, therefore staff recommends the conditions of approval outlined in the original rezoning ordinance be included in the conditions of approval of this detailed development plan.

The HOA will be responsible for the care and maintenance of all common areas.

Other development considerations

The City will be constructing an 11-foot multi-use path along the north side of Chambersburg Road in 2026. The subdivision regulations require five-foot sidewalks along Chambersburg. Staff recommends the applicant grade and compact the area for the 11-foot multi-use path but is only required to construct a 5-foot sidewalk. The City will add an additional 6-feet as part of the larger construction project in 2026.

The applicant requests approval of the detailed development plan and final plat for the first two sections of the Canal Hights subdivision. The approved basic development plan calls for 291 lots on 171 acres, which yields an average density of 1.7 units/acre.

Section 1 contains 71 lots on 51.98 acres. Approximately 33.4 acres are reserved for open space.

Section 2 contains 46 lots on 30.24 acres. Approximately 18.4 acres are reserved for open space.

The proposed detailed development plan meets all requirements of the basic development plan approved by the Planning Commission.

Fire: See attached comments.

City Engineer:

- Chambersburg Road widening and sidewalk improvement designs shall be coordinated with Choice One Engineering, the firm designing the Chambersburg Road widening and shared use path project.

Discussion on the connector with Rustic Woods or Sandalview, preservation zone, and the 11 ft path being poured all at once.

Action

Ms. Thomas moved to approve the request by the applicant, FORESTAR REAL ESTATE GROUP INC., for approval of a Detailed Development Plan and final plat for Canal Heights 1 & 2 (DDP 24-14) in accordance with the recommendation of Staff's Memorandum dated July 2, 2024, and the Planning Commission Decision Record attached thereto.

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

- 2. BASIC DEVELOPMENT PLAN - The applicant, HOMESTEAD DEVELOPMENT, LLC, is requesting approval of a Basic Development Plan for 168-unit market rate multifamily community comprised of a mix of 1 and 2 bedroom units. Property is located at State route 201 and Carriage Trails Parkway (BDP 24-13).**

Mr. Sorrell stated that earlier this year, the City of Huber Heights initiated an RFP process for two vacant parcels along Carriage Trails Parkway. Homestead Development was selected to develop the south parcel into a 168-unit market rate community.

One term of the purchase agreement is zoning approval prior to the land purchase during the due diligence period. Homestead is seeking basic development plan approval by the end of August.

Main access to the site is via Red Buckeye Drive. A secondary access (required by the fire code) is currently proposed at Brandt Pike. Staff has requested the applicant to move the secondary access to Carriage Trail Parkway. While the Brandt Pike access is a right-in / right-out, staff is concerned residents will turn left on northbound Brandt Pike, potentially leading to additional rear-end collisions.

The parking areas are arranged for the convenience of the residents, but are broken up with landscape islands and covered parking areas. Parking lot landscaping will be reviewed during the detailed development phase.

Six-foot sidewalks are indicated throughout the site and connect buildings to the future public sidewalks. Staff has requested the applicant provide an easement on the south side of the property for a multi-use path that will tie the existing neighborhood into the multi-use path that will be constructed on Brandt Pike as part of the road widening.

No sign details were provided for this application but will be submitted during the detailed development phase.

A lighting plan will be submitted with the detailed development plan.

Planning Commission Meeting

July 09, 2024

It is the staff's opinion the proposal meets the standards outlined in Section 1171.06. Staff recommends approval of the Basic Development Plan submitted on June 17, 2024, to construct approximately 168 market-rate apartments.

Discussion on the traffic signal, road improvements, parking, commercial frontage. John Bedzyk from Homestead talked about the emergency egress.

Cynthia Schwartz spoke about the entrance on the parkway, upgrades at intersection, annexation, parking, multi-use path, jeopardizing safety.

Action

Ms. Thomas moved to approve the request by the applicant, HOMESTEAD DEVELOPMENT, LLC, for approval of a Basic Development Plan for 168-unit market rate multifamily community comprised of a mix of 1 and 2 bedroom units (BDP 24-13) in accordance with the recommendation of Staff's Memorandum dated July 2, 2024, and the Planning Commission amended Decision Record attached thereto.

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

- 3. MINOR CHANGE - The applicant, BUC-EE'S HUBER HEIGHTS, LLC, is requesting approval FOR A Minor Change to the Detailed Development Plan for a 125' tall highway-oriented pylon sign. Property is located at 8000 St. Route 235 (MC 24-09).**

Mr. Sorrell stated that the applicant seeks to construct a new 74,000 SF Buc-ee's travel center on approximately 39 acres at the northeast corner of the I-70 and SR-235. At the May 14th meeting, Buc-ee's received approval of the detailed development plan including building signs. The pylon sign was not included in the application because Buc-ee's wanted additional time to field verify the minimum height necessary for the pylon sign to be visible to motorists and not obstructed by trees along I-70.

Balloon Test Results

A representative from Buc-ee's performed the balloon test on June 4th by tethering a weather balloon at various heights to determine the minimum height necessary for the sign to be seen by motorists on I-70 before they get to the highway exit.

The weather balloon was visible to westbound traffic at a height of 125-feet. The trees obstructing the west bound view are located off-site. The weather balloon was not visible to eastbound traffic until a height of 165-feet. Results of the test are included with this report.

The building signs and fueling canopy signs were previously approved by the Planning Commission.

Most of the highway-oriented signs along I-70 are around 80-feet to 100-feet tall. Largely, this is the minimum height necessary to be visible due to the trees along

Planning Commission Meeting

July 09, 2024

I-70. Most recently, the BZA granted a variance to Casey's General Store for an 85-foot-tall sign (the zoning code permitted 60-feet). The variance BZA granted was the minimum height necessary for the sign to be seen above the trees in Carriage Hill MetroPark.

Buc-ee's is requesting a 125-foot-tall sign, which based on the balloon test, is the minimum height necessary to be seen above the trees. Since this is a Planned Commercial District, the Planning Commission has great latitude in approving signage.

Staff Analysis

The balloon test location was just north of the pond and the applicant is requesting the pylon sign be constructed south of the pond, closer to the highway. While this may improve the sign visibility, there are off-site tall trees that will likely reduce visibility in the summer months.

The tree grove on city-owned land just east of Freightliner poses a particular hardship for sign visibility at the Buc-ee's site. The city-owned site is a wetland, which makes trimming the trees difficult.

Based on the results of the balloon test and field observations, staff believes a 125-foot-tall sign is likely the minimum height necessary to be visible to motorists on I-70. Fortunately, there are no residentially zoned properties in close proximity to the site, and most near-by land uses are industrial or agricultural.

This site is located within the Wright-Patterson Zoning Overlay District. WPFB staff have reviewed the proposed sign location and height, and informed city staff it will not interfere with flight operations.

Fire: No comments received.

City Engineer: No comments received.

STAFF RECOMMENDATION

Based on the balloon test results and field observations, staff believes a 125-foot-tall sign is likely the minimum height necessary to be visible to motorists on I-70. Therefore, staff recommends approval of the pylon sign as illustrated in the plans dated June 20, 2024.

Stan Beard from Buc-ee's was present.

Jennifer Corcoran spoke about Universal adult changing tables, using as a negotiation piece for the 125 ft sign. Mr. Sorrell stated the State Building Code and that Buc-ee's is under that threshold to require it.

Also the following people spoke in favor of the universal adult changing tables

Dr. Pamela Combs

Kim Kirkwood

Erika Cassidy

Erica Hubler

Bre Martin

Steve Corcoran

Action

Mr. Jeffries moved to approve the request by the applicant BUC-EE'S HUBER HEIGHTS, LLC, for approval of a Minor Change to the Detailed Development Plan (MC 24-09) in accordance with the recommendation of Staff's Memorandum dated July 2, 2024, and the Planning Commission Decision Record attached thereto.

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

VIII. Additional Business

None

IX. Approval of the Minutes

Without objection, the minutes of the June 11, 2024, Planning Commission meetings are approved.

X. Reports and Calendar Review

XI. Upcoming Meetings

August 13, 2024

September 10, 2024

XII. Adjournment

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

Terry Walton, Chair

Date

Geri Hoskins, Administrative Secretary

Date