

**Planning Commission  
April 23, 2019 Meeting  
City of Huber Heights**

I. Vice Chair Jan Vargo called the meeting to order at approximately 7:00 p.m.

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

Members Absent: Mr. Walton

Staff Present: Scott Falkowski, Assistant City Manager; and Geri Bellinger, Planning & Zoning Administrative Secretary.

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

None.

IV. **Citizens Comments**

None.

V. **Swearing of Witnesses**

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

VI. **Pending Business**

1. **TEXT AMENDMENT - The applicant, CITY OF HUBER HEIGHTS, is requesting approval to amend Chapter 1189 of the Planning & Zoning Code entitled "Signs" (ZC 19-11).**

This item was tabled at the last Planning Commission meeting 04/09/19. Mr. Falkowski explained that this is a text amendment to our sign code. He then went into detail about the Supreme Court case Reed vs Gilbert, can't regulate the content. Highlights are a definition section has been added. Bandit and Swipe signs do not contain commercial messages, Temporary Signs change to or similar materials, Exempted Signs are Governmental, community, warning signs, holiday signs, window signs, or official flags, prohibited signs clarification (letter N) any commercial message sign that is attached to a parked vehicle is prohibited unless the business is what the vehicle is typically used for. Further discussion on the car advertising by the commission.

Dave Thomas, 5720 Tibet Dr., doesn't see a problem with some advertising, why regulate it?

Tyler Starline asked if this has gone through Jerry for legal, usually time, manner and place are motive. Making this more difficult is being implied. Not governments roll to fix everything. Other communities that they can operate in without restrictions then they will go there. We want to be business friendly. Mr. Falkowski said we can recommend as is, change the commercial message part. It will go to City Council.

Deteriorated signs looks like a formatting issue. There is a definition already.

General provisions b1 Snipe and Bandit do not require a permit. Adding a section for Abandoned signs. Nothing in the code for signs of businesses that have closed. Replaced with a blank face after 30 days. Removed after 12 months. Mr. Jeffries is concerned about covered up signs looking like abandoned places. 6 months and they can ask for an extension. We can table again to get some better information for 1189 04C. Clearing up language on sign face area, major commercial development signs, temporary signs, Snipe signs 5 days bandit signs 60 days, no temporary, snipe, or bandit sign shall be placed on any utility sign, or upon and public right of way.

Residential districts – ground signs may be illuminated. Feather sign definition not to exceed 12 feet. Signs for sale or rent 14 days after sale or rental up to 8 feet. Commercial land signs, maintain in good repair. Code covered in retail estate section. Certificates and permits under chapter 1189. Will address at next meeting.

David Thomas would like clarification on item 1189.05J2 temporary signs for special events and activities. Mr. Falkowski stated special event means any activity held in the city not associated with the usual daily operation of the business. Non-profit language has been eliminated. Must have permission of the property owner and no permit is required. Major festival, definition from our city attorney. Discussion of Non-profits can promote in the right of way. Festival any event that promotes a non-profit. Major festival has commonly been what is put on by the city. Governmental signs, city events can be in right of way.

Tyler Starline, why does government think putting signs in right of way is a good idea? Safety first unless it's our sign. Not give itself an exemption. City council made decision on the existing code.

We will move the next Text Amendment to the end of agenda.

**2. TEXT AMENDMENT - The applicant, CITY OF HUBER HEIGHTS, is requesting approval to amend Section 521.08 of the Planning & Zoning Code entitled "Littering and Deposit of Garbage and Trash" (ZC 19-15).**

Mr. Falkowski explained that these types of dumpsters are allowed in zoning district. 60 days are allowed and not more than 2 times in a calendar year. TLC dumpster must be placed on a driveway or other hard surface. Dumpster doors must remain closed. Not requiring commercial builders to have a dumpster.

**Action**

Mr. Jeffries moved to approve the request by the applicant, CITY OF HUBER HEIGHTS, for the approval to amend Section 521.08 of the Planning & Zoning Code entitled "Littering and Deposit of Garbage and Trash" (ZC 19-15) in accordance with recommendations of Staff's Memorandum as amended dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Williams. Roll call showed: YEAS: Ms. Opp, Mr. Jeffries, Mr. Williams, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

**VII. New Business**

- 1. LOT SPLIT - The Applicant, WILLIAM MARKS, is requesting a Lot Split of .218 acres. Parcel#P70 00205 0002 at property located west of 5776 Oak Creek Trail (ZC 19-07).**

Mr. Falkowski explained the next two items are property with no development planned. The property owners are looking to purchase a 50 ft. stripe creating their own buffer. Then it will need to be rezoned.

William Marks then said he was picking up parcels 1 and 2 and giving neighbor parcel 3.

**Action**

Mr. Jeffries moved to approve the request by the applicant, WILLIAM MARKS, for the approval of a Lot Split of .218 acres. Parcel#P70 00205 0002 at property located west of 5776 Oak Creek Trail (ZC 19-07) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Williams. Roll call showed: YEAS: Mr. Jeffries, Mr. Williams, Ms. Opp, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

- 2. REZONING - The applicant, WILLIAM MARKS is requesting approval to Rezone part of property located at 5776 Oak Creek Trail from PC (Planned Commercial) to PR (Planned Residential) (ZC 19-08).**

Mr. Falkowski stated as discussed lots that have just been approved to be split will be required to be rezoned to be combined to residential properties.

**Action**

Ms. Opp moved to approve the request by the applicant, WILLIAM MARKS, for the approval to Rezone part of property located at 5776 Oak Creek Trail from PC (Planned Commercial) to PR (Planned Residential) (ZC 19-08) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Williams. Roll call showed: YEAS: Ms. Opp, Mr. Jeffries, Mr. Williams, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

- 3. DETAILED DEVELOPMENT PLAN - The Applicant, DEC Land CO I, LLC, is requesting approval of a Detailed Development Plan for Section 8, Phase VII of Carriage Trails (ZC 19-17).**

Mr. Falkowski explained in detail the next section of Carriage Trails. Center section, 36 new lots meet minimum requirements of 2008 Basic Development Plan. Ken Conaway added that this finishes out Section 8.

**Action**

Mr. Jeffries moved to approve the request by the applicant, DEC Land CO I, LLC, requesting the approval of a Detailed Development Plan for Section 8, Phase VII of Carriage Trails (ZC 19-17) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Mr. Jeffries, Mr. Williams, Ms. Opp, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

**4. FINAL PLAT - The applicant, DEC Land CO 1, LLC, is requesting approval of a Final Plat, Carriage Trails - Section 2, Phase III (ZC 19-19).**

Mr. Falkowski stated this is the next step to build houses in Section 2, Phase III. 14 single family lots under construction. It has met all requirements. Were considered village homes.

**Action**

Mr. Williams moved to approve the request by the applicant, DEC Land CO 1, LLC, requesting the approval of a Final Plat, Carriage Trails - Section 2, Phase III (ZC 19-19) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Mr. Jeffries, Mr. Williams, Ms. Opp, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

**5. FINAL PLAT - The applicant, DEC Land CO I, LLC, is requesting approval of a Final Plat, Carriage Trails - Section 2, Phase IV (ZC 19-20).**

Mr. Falkowski stated this is the next step to build houses in same area, Section 2, Phase IV. There are 19 single family lots. Includes open space. All easements for all utilities in the area. Lengthy discussion on lot size and measuring.

**Action**

Mr. Jeffries moved to approve the request by the applicant, DEC Land Co 1, LLC, requesting the approval of a Final Plat, Carriage Trails – Section 2, Phase IV (ZC19-20) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Williams. Roll call showed: YEAS: Mr. Williams, Ms. Opp, Mr. Jeffries, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

**6. MINOR CHANGE - The applicant, RYAN HOMES, is requesting a Minor Change for a variance on side yard setbacks for Carriage Trails lot #1369, 1382, and 1314 on Lakeside Street (ZC 19-21).**

Mr. Falkowski stated there are three lots in Section 8 that are built within the 5 ft side yard setback. Has proper front and back setbacks. One of our zoning officers noticed it looked funny. Each has unique situation. Maximum size house. All have remained in the name of Ryan Homes. 10 ft separation is typical in this area. Maximum house width would be less on these vacant lots to provide proper setbacks. Houses are built, they are asking for forgiveness not permission. We could issue a stop work order, issue a violation notice, go through Planning Commission, can a fine be issued? PC does not have that ability. It could be \$100.00 imposed. The intent is to make sure we have 10 ft separation.

Paul Wishnok, Vice President Ryan Homes, apologized for having to address this issue. In preventing this in the future any home they build over 48 ft in width on this size of home site they are pinning the footers at that time, so they can check the boundaries. Inspection during the pinning process for any home 48 ft or wider. They have to verify with certificate of occupancy. Lots are too small to take land away. Existing houses on other lots. Can't shift lot lines at this point with utilities already in place.

Mr. Falkowski recommended that they provide us with a certification that the setbacks are correct.

**Action**

Ms. Opp moved to approve the request by the applicant, RYAN HOMES, for the approval of a Minor Change for a variance on side yard setbacks for Carriage Trails lot #1369, 1382, and 1314 on Lakeside Street (ZC 19-21) in accordance with recommendations of Staff's Memorandum dated April 23, 2019, and the Planning Commission Decision Record attached thereto.

Seconded by Mr. Jeffries. Roll call showed: YEAS: Ms. Opp, Mr. Jeffries, Mr. Williams, and Ms. Vargo. NAYS: None. Motion to approve carried 4-0.

**VIII. Additional Business**

None.

**IX. Approval of the Minutes**

Without objection, the minutes of the April 09, 2019, Planning Commission meeting are approved.

**X. Reports and Calendar Review**

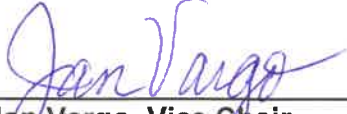
Mr. Falkowski stated there will be a Minor Change for Snowie Ice at the next meeting and sign code.

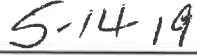
Planning Commission Meeting

April 23, 2019

**XI. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at approximately 9:39 p.m.

  
\_\_\_\_\_  
Jan Vargo, Vice Chair

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Geri Bellinger, Administrative Secretary

  
\_\_\_\_\_  
Date