

**PLANNING BOARD MEETING
TIPP CITY, MIAMI COUNTY, OHIO January 14, 2014**

Meeting

Chairman Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: Stacy Wall, Paul Lee, Brent Rawlins, and newly appointed member Jamie DeSantis.

Others in attendance: Assistant City Manager Brad Vath, Director of Utilities Christy Butera, City Planner/Zoning Administrator Matt Spring and Board Secretary Marilyn Fennell. Those signing the register were Patrice and John Link, Tom Boardman, Tim and Pat Evans, Tim Logan, and Rick Brownlee. Reporter Nancy Bowman was also in attendance.

Oath of Office to Board Members

Mayor Pat Hale issued the oath of office to new member Jamie DeSantis and returning members Brent Rawlins and Stacy Wall. Their 3-year terms will expire December 31, 2016.

Election of Chairman & Vice-Chairman

Mr. Lee nominated Mrs. Wall for the position of Chairman. Mr. Rawlins seconded the motion. Mrs. Wall accepted the nomination. Mr. Lee then nominated Mr. Rawlins for Vice-Chair. Mrs. Wall seconded that nomination. Mrs. Wall asked Mr. Rawlins if he accepted the nomination and he did so. Mr. Lee **moved to close the nominations**. Mrs. Wall seconded the motion. Nominations were closed with a vote of 4-0.

Mrs. Wall called for a vote on the nominations for Chairman and Vice-Chairman. Mrs. Wall and Mr. Rawlins were appointed on a vote of 4-0.

Approval of Minutes

December 10, 2013

Mrs. Wall **moved to approve the minutes of the December 10, 2013 meeting as presented**. Mr. Rawlins seconded the motion. Motion passed 3-0-1. Mrs. DeSantis abstained.

Items not on the Agenda

There were no comments on items not on the agenda.

NEW BUSINESS

Deadline Dates

Mrs. Wall announced the deadline for Preliminary Plans, Final Plats, and Site Plans, for the February 11, 2014 meeting is January 20, 2014 5:00pm.

John Link, 215 &
227 N. Hyatt St.- Set
Public Hearing-Final
Plat

Mr. Spring said the applicant is requesting a public hearing for approval of a plat at 215 and 227 N. Hyatt Street, both lots being Pt. OL 5. ± .038 acres will be acquired from 215 for 227 N. Hyatt Street. Both tracts have never been platted and right-of-way dedication to the center of N. Hyatt St. is required. It must be reviewed as a subdivision. Staff recommends Planning Board set a public hearing for February 11, 2014 to consider and review the Final Plat for this subdivision of property with right-of-way dedication.

Mr. Lee **moved to hold a public hearing on February 11, 2014 for this matter**. Mrs. Wall seconded the motion. Motion passed 4-0.

Tom Boardman/LJB
for Dave Arbogast,
3540 S CR 25A- ILs
3240, 3744, & 3745-
HS Zoning-Site Plan
Review

Mr. Spring said the applicant is seeking approval for a 1722 sq. ft. expansion of the existing pre-owned vehicle building at the Dave Arbogast Buick GMC dealership. This includes a 982 sq. ft. addition to the east side of the existing building and a 740 sq. ft. addition to the west side of the building. All of the required setbacks are met as shown in the staff report. The height will be 21'-2" with the maximum allowed being 50'. The total off-street parking requirement is 155 spaces. The current site provides 212 spaces thus exceeding the requirements of Code. Handicapped spaces required equals 3 and the existing facility provides 5.

Mr. Spring continued that the applicant's engineer, Peter Battaglia provided an analysis that the proposed addition increases the impermeable area of the overall site by 0.16% with an associated increase in the western basin depth of .0099 ft. City Engineer Vagedes has concurred with Mr. Battaglia's conclusion that this is a negligible increase of impermeable surface area and does not require any additional storm detention.

Mr. Spring added that any signage will require administrative approval prior to the placement of such signage. Staff recommended approval of the site plan.

Mr. Boardman of LJB, 2500 Newmark Dr., Miamisburg, OH came forward to answer questions. He stated Mr. Arbogast's intention is to bring this facility into the same context as the newest changes to the dealership building. These changes have been required by GM.

Mr. Lee moved to approve the site plan for 3540 S. County Road 25A, ILs 3240, 3744, and 3745 as presented. Mr. Rawlins seconded the motion. Motion passed 4-0.

Rick Brownlee,
Liberty Tax Service,
127 E. Main St., Pt
IL 16, CC/RA
Zoning- Review and
waive all off-street
parking
requirements

Mr. Spring is seeking a review and waiver of off-street parking requirements for the co-location of Liberty Tax Service at 127 E. Main Street which also is currently occupied by Associates Staffing. This tax service is for individuals and small businesses and is a permitted use within the CC Zoning District. Associates Staffing is an employment agency. The off-street parking requirements are the only thing that needs review. Both businesses share some of the same employees and also the entire area of the building as co-mingled office area. The addition of the tax service does increase the intensity but does not increase the gross requirements which remains at 10 spaces. The address does contain a 1,120 sq. ft. unstriped parking area with the capacity of 3 standard parking spaces and associated ingress/egress. Mr. Spring said the Planning Board can waive the required off-street parking within this Zoning District per Code §154.051(D). It was staff's recommendation that Planning Board waive all off-street parking requirements for the combined operation of Associates Staffing and Liberty Tax Service.

Mr. Brownlee, 127 E. Main Street, came forward and stated he was adding an extra service. There will be 2-3 part-time people during tax season and they would work mostly in the evenings. He has had his staffing business in this location since 2009 and has had no complaints regarding the parking. Mr. Rawlins said the narrative mentioned that the VFW has given them permission to use their parking lot. Mr.

Brownlee said that was a verbal agreement with them. Mr. Lee asked about the volume of people coming in. Mr. Brownlee said the additional people will come in after the day people leave and the customers are typically the people that are hired through their service. Mr. Lee asked about the trailer that he observed in the parking lot. Mr. Brownlee said it was his personal trailer and he said he could move it if necessary. Mrs. Wall asked if Mr. Spring had any complaints regarding parking. He said he had none. Mrs. Wall asked if most of the tax service was done by appointment and Mr. Brownlee said that was correct. Mr. Rawlins asked if they expected weekend traffic. Mr. Brownlee said he would be open on Saturdays during this 3-4 week peak period time.

Mr. Lee said he didn't want to make the congested parking situation more congested but it seemed the employees would be coming in at different times. Mrs. Wall said parking has always been an issue but with scheduled appointments they shouldn't have lots of customers coming at the same time. Mr. Rawlins thought it was a good thing that Mr. Brownlee was adding to his business.

Mr. Rawlins moved to waive the required off-street parking requirements for 127 E. Main Street. Mrs. Wall seconded the motion. Motion passed 4-0.

David Tegel, Abbott
Laboratories, 1
Abbott Park Way, IL
4126, I-1 Zoning-
Site Plan Review

Mr. Spring said the applicant was seeking approval for additional construction at the Abbott Liquid Nutrition facility located at 1 Abbott Park Way. The bulk of construction is for a 3,400 sq. ft. addition at the rear of the primary building. This addition will be utilized for flavor storage and will have setbacks of 543' (north) and 807' (west).

The construction also includes the addition of a new access/drive aisle. This will connect the existing access/drive aisle at the southwest of the property with the aisle at the rear (north) of the building. It will be paved and vary in width from 24' to 36'. Several existing landscaping trees will be disturbed with the placement of the proposed drive aisle.

There will be ancillary construction/accessory structures to be added. Those were listed in the staff report. These additions meet all required setbacks and heights also. Based on the analysis from the applicant's engineer, William Wiseman, P.E. the proposed addition increases the impermeable area of the overall site, 0.53 acres with an associated increase in the western basin depth of < .01 ft., City Engineer Vagedes concurred with Mr. Wiseman's conclusion that the proposed addition increase in impervious area can be accommodated in the existing detention basin without additional modification.

Mr. Spring said staff recommended approval of the proposed site plan and would be glad to answer any questions. Mrs. Wall asked about Attachment B and the new drive depicted. She asked if the drive was being added for access to the addition. Mr. Spring thought it was a drive for truck access and better circulation for the overall site. There is a utility bridge over the other drive aisle. There was no representative from Abbott at the meeting.

Mrs. Wall asked about any future expansions, a Phase 2 after this. Mr. Spring said Phase 2 has always been in the plan for the future but there are no specific plans before staff to review. Mrs. Wall asked if this

would be considered part of Phase 2. Mr. Spring said this new addition uses up some of the detention basin that was to be used for Phases 1 and 2. When Phase 2 is reviewed the detention basin will need to be further evaluated.

Mr. Lee asked about the number of temporary structures still on the site and for the timeline for those. Mr. Spring said some of those left will be used for Phase 2. Mr. Vath, Assistant City Manager said that the roadway will give access to the brine tank and cooling tanks in addition to the circulation issues brought up. Regarding the timing of the removal of the temporary structures in front, there are still contractors on the site. Line 1 is in operation and Line 2 is being built now. Building 2 (Phase 2) is planned down the road and there is no definitive time line but it should be within the next 2-3 years. Mr. Lee said that allows them to have them for an indefinite amount of time. Mr. Vath said when Line 2 is completed by end of 2015 then they should be gearing up for the "sister" building. Mr. Lee asked if was fair to say anyone could do that. Mr. Vath said he didn't think there was a timeline given to those structures but they are still in use by the contractors at this time. Some of the trailers have been removed.

Mr. Rawlins asked about the "peracetic" acid tank on the ancillary list. Mr. Spring replied it is a cleaning, disinfectant agent. Mr. Vath said there are requirements for those type liquids.

Mr. Rawlins **moved to approve the site plan for Abbott Laboratories, 1 Abbott Park Way, IL 4126 for the proposed new structures.** Mrs. Wall seconded the motion. Motion passed 4-0.

City of Tipp City,
Christy Butera- 301
N. Sixth St, IL
2021,I-1D/LD
Zoning-Special Use-
Elec. Serv. Center

Mr. Spring stated a special use is being sought by the City for the use of the building at 301 N. Sixth Street (the former Pak-It building). The use would be for the City's Electric Service Center. It would have a number of functions and activities and those were listed in the staff report. A private fueling station for City, Township and School vehicles was also listed. He noted there is an active discussion with the other entities regarding this matter. The permitted and special uses were listed in the report. An electric service center is not listed in those. The Planning Board must make a determination if an Electric Utility Service Center is of the same general character as the permitted and special uses.

If the Board finds this use is of the same general character then the general and specific requirements must be reviewed. Those were listed in the staff report and Mr. Spring mentioned several of them. One requirement is that it be harmonious with and in accordance with general objectives of the Zoning Code, it will be designed, constructed, operated, and maintained so as to be harmonious with the general vicinity. If approved the City will seek site plan approval for the exterior renovations and off-street parking in the area. Mr. Spring continued that being adjacent to a residential district to the south appropriate screening is required. It should not be hazardous or disturbing to neighboring uses. Based on the applicant's narrative it will not be hazardous or disturbing. The activities will not create excessive production of traffic, noise, smoke, fumes, glare or odors. Finally it will not cause destruction of any scenic features in the area.

Mr. Spring continued that under the specific requirements: The vehicular traffic from the establishment of an Electric Utility Service Center would be similar to the previous traffic pattern from the former Pak-It facility. The Center will also be a harmonious part of the industrial zoning district that it is located in.

Mr. Spring said that if the Planning Board determines that an Electric Utility Service Center is of the same general character as the permitted uses, and found not to be detrimental to the district and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, glare or heat, then Staff recommends Planning Board approval of the proposed Special Use permit.

Mrs. Butera was present to answer further questions. Mrs. Wall asked if the discussion for the fueling station was serious. Mrs. Butera came forward and said a study has been done with the school district and the Township and she did not think it was something that was going to be pursued quickly. Mrs. Wall asked about the statement that traffic patterns would be similar to the former use and if that included the fueling station. Mr. Spring said his report did not include that additional traffic but basically for the service center itself. Mrs. Butera added that if the Special Use is granted it was the City's intent to build a culvert that connects this property to the existing Service Center on Park Avenue. The majority of traffic would be thru Park Avenue. Mrs. Wall asked if there were currently tanks for a fueling station on the site. Mrs. Butera said there were not. Mrs. Wall asked the time frame on the fueling station. Mrs. Butera said it was so unlikely for it to happen that there is no time frame.

Mr. Lee said he had no objection to the Special Use request but he did have serious reservations on the fueling station. He thinks there are other areas where a fueling station could be installed, not so close to residential areas. Mrs. Butera said there were multiple locations that the City owns and were reviewed. If this lot had been considered the possible location was to the northwest corner of the lot. Mrs. Butera said the cost estimates showed that the rate of return would not be cost effective. Mr. Lee asked how the City would feel about the Planning Board eliminating that use for now and if it is something the City wishes to pursue in the future, it could be discussed then. Mrs. Butera said that if the City chose to go it alone at a later date that would be a logical location for the City to put in a fueling station. It would service the electrical, parks and street departments.

Mrs. Wall asked if there were further questions. Mr. Rawlins asked if the fuel station part could be struck from the request. Mr. Spring said yes, that part could be discussed at a later date. Mr. Rawlins asked Mrs. Butera when the access road would be built. Mrs. Butera replied that Choice One will be designing the road this spring and that road will also be the construction access when the upgrades are done to the building.

Mr. Lee said he thought it was a good use of the building and a nice upgrade for the Electric Department. Mrs. Wall said Council has given excellent direction that we try to utilize the vacant buildings. Mr. Rawlins agreed.

City of Tipp City,
Chief Eric Burris-
312 Park Ave., Pt IL
1841, I-1 Zoning-
Special Use- Police
Impound Lot

Mrs. Wall called for a motion. Mrs. Wall asked all if they would consider a Special Use permit for the uses listed with the exception of a private fueling station. No one had an objection. Mr. Lee **moved to approve the Special Use, not including the joint-fueling station at this time, for 301 N. Sixth St., IL 2021 for Tipp City's Electric Service Center.** Mr. Rawlins seconded the motion. Motion passed 4-0. Mrs. Wall stated that if at some later date the City would like to consider a fueling station, the Board would give that review.

The last item for consideration was a request by the City of Tipp City's Police Chief Eric Burris for a Special Use for the proposed added use of the property located at 312 Park Avenue (Tipp City Service Center) as an Impound Lot. The proposed use would direct the operation of a vehicle impound service by the Tipp City Police Department. Currently they use a privately operated impound lot and thus the City could recoup \pm \$6,800 annually.

There would be an addition of a paved asphalt surface lot with the capacity of 15-20 vehicles. It would be lighted and secured with fence and a locking gate and screened from adjoining property as required by Code. It would be accessible 24 hours per day by an officer stationed at the Police Department located at 260 S. Garber Drive. No employees or attendants would be based at 312 Park Avenue.

Mr. Spring said he listed all the permitted and special uses for the I-1 Zoning District. An impound lot is not listed as a permitted or special use however the Planning Board by code can determine that this use is of the same general character as the permitted or special uses. If the Board finds it to be of the same general character then they can consider the additional review and requirements. Mr. Spring cited similar uses such as business and industrial service facilities and warehouses and/or distribution firms. Under Special Uses he cited automobile service station, garages for storage, repair and servicing of motor vehicles, yard of general contractors, and machinery and heavy equipment rental, sales and storage.

He continued with the general and specific requirements. He highlighted several of them: including the site renovations will include appropriate screening as required by Code. The operation will not involve operations that would be detrimental to any persons, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. Under specific requirements the vehicular traffic from the establishment of an impound lot would not be more hazardous than the normal traffic of the district both now or in the foreseeable future.

In conclusion, Mr. Spring stated that if the Planning Board determines that an *Impound Lot* to be of the same general character as the permitted or special uses previously listed and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust or glare or heat, then staff recommends Planning Board approval of the proposed Special Use permit. He said Chief Burris was available for any questions.

Mr. Lee said there had been previous discussion on conditions for

an impound lot at the location of Superior Auto and Body Shop. Mr. Spring said a list of theoretical conditions was presented, it was tabled and it was not pursued at the next meeting. Mr. Lee said that the I-1D zoning district would have the least impact and a special use would be permitted. He asked Chief Burriss the cost of the improvements that need to be done. Chief Burriss answered that the budget is \$25,000 which was allowed in the Capital Improvement Budget for this year. He said that it would be approximately 3.5 years to recoup the expenditure. Mr. Lee asked who was being used as an impound lot. Chief Burriss replied Superior was the only one. There is also a difference between impounding a vehicle and towing a vehicle.

Mrs. Wall said Attachment B gives information that approximately 54 vehicles are impounded each year. She felt it met the general characteristic of the area with no noise, obnoxious fumes, etc. Mr. Lee commented it was zoned very similar to what Superior Auto is zoned.

Mr. Rawlins agreed that it is a similar use to permitted and special uses. Mr. Rawlins **moved to grant the Special Use for 312 Park Avenue, Pt IL 1841 for the purpose of adding an impound lot for the Tipp City Police.** Mr. Lee seconded the motion. Motion passed 4-0.

Old Business

There was no Old Business to discuss.

Miscellaneous

City Council Reports:
December 16 &
January 6

City Council reports: December 16-Mr. Lee said there was a motion to issue notes for bonds for the expansion of County Road 25A.

Mrs. Wall said the appointments for the Board were approved at the January 6 meeting. There was also a first reading for an Ordinance to appropriate \$100,000 in the General Fund's Community and Economic Department to establish an economic development incentive program to encourage economic development projects within the City. Mrs. Wall asked Mr. Vath to expand on that a bit. Mr. Vath said the usage will be determined on a case-by-case basis. The amount may get not get spent and it will continue to grow if it is not used each year.

City Council
Assignments

Mrs. Wall asked for members to take their turns attending the City Council meetings. The members divided the duties from January thru April.

Board Member comments

Mrs. Wall noted Mr. Brownlee did not arrive for the meeting and has missed two meetings with no excuse. Mr. Vath said he would contact the Law Director for direction on the matter.

Mr. Rawlins welcomed Mrs. DeSantis to the Board and thanked Chief Burriss for his proposal to save the city money.

Mr. Lee welcomed Mrs. DeSantis and thanked the ongoing chairman and vice-chairman for their volunteerism.

Mrs. DeSantis wanted to thank City Council for the appointment and she is looking forward to more participation as she learns more.

Mrs. Wall welcomed her also. She also commended the City for utilizing buildings for other purposes and looking how we can make

Adjournment

things productive again.

There being no further comments or business, Mr. Lee **moved the meeting be adjourned**. Mr. Rawlins seconded the motion. Mrs. Wall declared the meeting adjourned at 8:40 pm.

Stacy Wall, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary