

PLANNING BOARD MEETING
TIPP CITY, MIAMI COUNTY, OHIO APRIL 22, 2015

Meeting

Chairman Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:28 p.m.

Roll Call

Roll call showed the following Board members present: Stacy Wall, Vonda Alberson, and Andrew Thornbury. Ms. Alberson **motioned to excuse Ms. DeSantis**. Mr. Thornbury seconded the motion. Motion passed 3-0.

Others in attendance: Zoning Administrator Matt Spring, Board Secretary Kelly Rowlands, Dann Stapp & Kyle Harlow (Diamond Z Engineering), Dan Scherer (Meijer Distribution Center), Jeff Puthoff (Choice One Engineering), Tim Logan (Berry-Logan Properties, LLC), Steve Bruns (Rosewood Creek, LLC), Tiffany Oriti (Tipp City resident), and Jack Berry (Berry Development, LLC).

Approval of Minutes – March 10, 2015

Mr. Thornbury **moved to approve the minutes of the March 10, 2015 meeting as written**. Ms. Alberson **seconded** the motion. Motion passed 3-0.

Items Not on the Agenda

There were no comments on items not on the agenda.

Administration of Oath – Public Hearing: J. Tim Logan for Berry-Logan Properties, LLC – 1900 & 1906 Donn Davis Way – Zoning Map Amendment (Rezoning)

Mr. Thornbury **motioned to open the Public Hearing**. Ms. Alberson seconded the motion. Motion passed 3-0.

Ms. Wall administered the oath to anyone that was wishing to speak during the public hearing.

New Business

Public Hearing: J. Tim Logan for Berry-Logan Properties, LLC – 1900 & 1906 Donn Davis Way – Zoning Map Amendment (Rezoning)

Mr. Spring presented the following staff report to the Planning Board.

On March 10, 2015, the Planning Board set a public hearing for this evening regarding a zoning map amendment for the property located at 1900 & 1906 Donn Davis Way (IL 3740 & IL 3739), which is a +/- 8.666 acre tract (4.425 acres & 4.241 acres, respectively), whereby the zoning would be changed from LI – Light Industrial Zoning District to OS – Office Service Zoning District.

This vacant property is located adjacent to the Tipp City High School at the northeast corner of Kessler-Cowlesville and Donn Davis Way.

Comprehensive Master Development Plan (CMDP) – Attachment “C”

A review of the Land Development Plan (Map 14) of the CMDP indicates that the proposed area under consideration lies within Planning Area #12, and is designated as Professional Office/Service. Regarding the lots under consideration, the text of the CMDP states:

The “Professional Office/Service designation between Donn Davis Way and the new high-school site reflects the desire for non-industrial uses abutting the school site.

Therefore, the text and the associated map (see Attachment “C”) of the CMDP recommends property under consideration should be zoned *Professional Office/Service* (OS – Office Service).

Recommendation

Based upon the Comprehensive Master Development Plan text and map, staff recommends that the Planning Board forward a positive recommendation to City Council regarding the proposed rezoning of Inlots 3739 & 3740 from LI – Light Industrial to OS – Office Service.

The floor was then opened for questions.

Ms. Wall asked what the zoning currently is for the car wash and BP station that is in that same area. Mr. Spring responded that these businesses are at the other end of Donn Davis Way and that they are currently zoned at Highway Business.

Ms. Wall also inquired if any property owners in the vicinity had responded to the notice of the Public Hearing. Mr. Spring stated that there was no response.

Mr. Logan stated that he would be available to answer any questions. No one had any specific questions for him, so Ms. Wall **moved to close the Public Hearing**. Mr. Thornbury seconded the motion. Motion passed 3-0.

Ms. Alberson stated during discussion that the proposed rezoning makes sense, especially due to the proximity to the high school and the potential for future uses and businesses. Ms. Wall and Mr. Thornbury agreed with this statement. Ms. Alberson **motioned to forward a positive recommendation to City Council regarding the proposed rezoning of Inlots 3739 & 3740 from LI – Light Industrial to OS – Office Service**. Mr. Thornbury seconded the motion. Motion passed 3-0.

**Special Use Permit
& Site Plan Review:
Jason Hrabusa –
Diamond Z
Engineering for
Meijer Distribution
Center – 4200 S.
CR 25 – Private
Diesel Fueling
Station**

Mr. Thornbury has a conflict of interest with this matter so Ms. Wall excused him from the discussion.

Mr. Spring provided the following information.

The applicant requests Planning Board site plan approval for the installation of a private fuel station located at the Meijer Distribution Center at 4200 S. CR 25A.

Special Use

Staff notes that a private fuel station is not listed as a permitted accessory use or structure in Code Table 154.06-1. However, Code §154.06(A)(3)(f)(iii) states:

The Zoning Administrator shall also have the authority to allow other unlisted accessory uses, with reasonable standards, in a manner that will provide for the use and mitigate any potential impacts on adjacent properties.

In this particular case, it is the opinion of the Zoning Administrator that a private fueling station shall be a permitted use only upon review and approval of the Tipp City Planning Board.

General (Attachments "C" – "F")

The proposed single-island, fueling station will be located completely within the existing Meijer Distribution Center property and be accessible only to vehicles authorized to be within the Meijer property. The fueling station will utilize a 28,000 gallon multi-compartment underground fuel storage tank. The proposed fuel station will utilize and connect to existing on-site utilities. A metal canopy will be installed over the dispenser fueling station. The canopy will be 17' tall and include a plain-white 4' fascia and no walls.

Access to the property is restricted to Meijer employees and Meijer contract drivers via a security gate at the East entrance. Once on site, only select Meijer personnel will have access to the fuel island. The intent of the new system is to allow the Meijer yard drivers to pull the trailers through the fuel island to refuel them rather than having a vendor fuel truck driving around the property. Meijer would prefer to bring the trailers to the fuel center where there are engineering controls in place rather than continuing to fuel the trailers in the yard surrounding the distribution buildings.

The proposed fueling station will have the following setbacks:
(Attachment "B")

East (CR 25A) - ± 1,488'
West - ± 1,682'
North - ± 982'
South - ±1,514'

Loading Spaces (Attachment "G")

The installation of the private fueling station will require the removal of 19 on-site trailer parking spaces. To compensate, an additional 27 trailer spaces will be striped in an existing paved area proximate to the west.

Storm Water Detention (Attachments "C" & "H")

The private fueling station will be installed in an existing paved (impervious) area of the Meijer facility, which is currently utilized for on-site trailer parking; therefore the total impervious area within the Meijer site will not be increased with the addition of the proposed private fueling station. Consequently, City Engineer has indicated that additional storm water detention is not required for this project.

In general, surface storm water for this project will be collected by two catch basins with storm water from the canopy channeled to canopy drains and piped to the existing 48-inch storm drain. All surface water will be filtered thru a Stormceptor®, which is a water quality treatment device used to remove total suspended solids (TSS) and free oil (TPH) from storm water run-off.

Safety (Attachment "K")

The entire fueling station will be designed in accordance with all State, Federal, and industry standards including:

- NFPA 30 – provides safeguards to reduce the hazards associated with the storage handling, and use of flammable and combustible liquids.
- NFPA 30A – provides safeguards for dispensing liquid and gaseous motor fuels into the fuel tanks of automotive vehicles and marine craft.
- UL 971 – provides requirements for primary carrier, secondary containment, normal vent and vapor recovery, nonmetallic pipe, fittings, and systems intended for use underground in the distribution of petroleum-based flammable and combustible liquids, alcohols, and alcohol-blended fuels.
- Ohio BUSTR – regulates the safe operation of underground storage tanks and supervises appropriate investigation and cleanup of suspected releases from such tanks to protect human health and preserve the environment for the citizens of Ohio
- State & Federal EPA

Parking

Additional off-street parking is not required for this unmanned accessory structure which will utilize existing Meijer employees for maintenance and loss prevention.

Synopsis

- The fueling station will be located within a secured access facility.
- The fueling station will be setback over 900' from the closest property line.
- The fueling station will be utilized by on-site tractors and trailers only.
- The applicant will follow all safety protocols as mandated by State and Federal regulations.

Recommendation

Based upon the above noted facts, staff recommends Planning Board approval of the Special Use Permit and associated site plan for the proposed private fueling station.

Ms. Wall requested further information from Mr. Spring regarding fueling stations being a part of past proposals from Meijer. Mr. Spring did confirm that a fueling station has been proposed in the past and had actually been approved as a part of the previous code. The permit expired because it had not ever been taken out by Meijer. In the meantime, the code changed and forced Meijer to start the process completely over.

Ms. Wall questioned if anything significant changed between the old and new codes that would affect this project specifically. Mr. Spring answered that the new code does not actually address the fueling station in any way. Also, the current location of the proposed fueling station is different than any locations that have been proposed in the past.

Ms. Wall further asked if Mr. Spring saw any issues with the proposed location. Mr. Spring stated that he did not and that is why he is recommending approval by the Planning Board.

Mr. Dan Stapp (Diamond Z Engineering) offered to answer any questions. Ms. Wall did question security measures that would be in place. Mr. Stapp clarified that the fueling pumps would be utilized by the yard switchers that move trailers to and from the loading docks. These individuals have special cards that allow them to access the fueling stations. Fueling stations can only be used if you have one of these cards. Ms. Wall then clarified that if an outsider did make their way onto the property that they could not access the stations. Mr. Stapp reiterated that no one can use the pumps without the card.

Ms. Alberson noted that the proposal was very thorough and the plans did not seem to impact any other sites. Ms. Wall agreed with that statement. Ms. Wall also noted that there were other State and Federal regulations with this proposal.

Ms. Wall moved to approve the Special Use permit and associated site plan for the proposed private fueling station. Ms. Alberson seconded the motion. Motion passed 2-0.

**Set Interim Zoning:
Douglas Hartley
dba Hartley
Company – 3311 S.
CR 25A – Set
Interim Zoning
District to HB –
Highway Business**

The property located at 3311 S. CR 25A (± 1.619 acres) (parcel # G12-005400) is currently in the annexation process (approved by the Miami County Commissioners on February 24, 2015 and in the 60 day waiting period).

Code requires the Planning Board to recommend an interim zoning designation for land that is zoned prior to annexation. The land to be classified as being whichever district most closely conforms to the zoning that existed prior to annexation. Code §154.04(C)(1)states:

(1) Whenever any area is annexed into the city, the land should be classified as the zoning district(s) (from Table 154.04-1) that most closely conforms with the zoning that existed prior to annexation. Such classification shall be recommended for an interim period by the Planning Board to City Council. City Council shall take action upon the recommendation of the Planning Board after public hearing.

The property is currently zoned B-1 – Highway Business District (Miami County). An interim zoning classification of HB – Highway Business is recommended as the Tipp City Zoning District that most closely conforms to the zoning that existed prior to annexation.

Based upon a tentative timeline for this annexation, staff anticipates that Planning Board will set a public hearing for permanent rezoning of this property at their June 9th, 2015 meeting, with the public hearing on July 14th, 2015.

There were no questions. Mr. Thornbury commented that everything seemed to make sense, especially for just the 60 day timeframe. Ms. Wall agreed and further commented that this is just the interim zoning and that the Planning Board would get a chance to see the permanent zoning in the future.

Mr. Thornbury motioned to set an interim zoning of HB – Highway Business District for 3311 S. CR 25A. Ms. Alberson seconded the motion. Motion passed 3-0.

**Set Public Hearing:
J. Tim Logan for
Berry-Logan
Properties, LLC &
Jack Berry for
Berry
Development, LLC
– Thoroughfare
Plan Amendment**

No staff report this evening, since only setting Public Hearing. Public Hearing is scheduled for Tuesday, May 12th, 2015 at 7:30pm.

Ms. Wall moved to set a Public Hearing for May 12, 2015 in order to consider the proposed modification to the Tipp City Thoroughfare Plan. Ms. Alberson seconded the motion. Motion passed 3-0.

**Set Public Hearing:
J. Tim Logan for
Berry-Logan
Properties, LLC &
Jack Berry for
Berry
Development, LLC
– Plat Amendment**

No staff report this evening, since only setting Public Hearing. Public Hearing is scheduled for Tuesday, May 12th, 2015 at 7:30pm.

Ms. Wall moved to set a Public Hearing for May 12, 2015 in order to consider the proposed vacation of Berry-Logan Drive and corresponding establishment of highway and utility easements of the same dimensions as the original Berry-Logan Drive. Mr. Thornbury seconded the motion. Motion passed 3-0.

**Set Public Hearing:
Jeffrey Puthoff,
Choice One
Engineering for
Steve Bruns,
Rosewood Creek,
LLC – Preliminary
Plan Revision –
Rosewood Creek
Planned
Development**

No staff report this evening, since only setting Public Hearing. Public Hearing is scheduled for Tuesday, May 12th, 2015 at 7:30pm.

Ms. Wall moved to set a Public Hearing for May 12, 2015 to consider and review the proposed revision to the Rosewood Creek Preliminary Plan. Mr. Thornbury seconded the motion. Motion passed 3-0.

Ms. Wall verified with Mr. Spring if this revision is the same as one that was previously proposed. Mr. Spring explained that this revision is different and more moderate than the previous one. Ms. Wall also wanted to ensure that the neighborhood would be notified. Board Secretary Rowlands did send out notification letters to the entire neighborhood on Thursday, April 23rd, 2015.

**Set Public Hearing:
Paul & Kathy Lee –
Inlot 4104 (55
Kinna Drive) –
2.000 acres & Inlot
4105 (Kinna Drive)
– 2.831 acres –
Zoning Map
Amendment
(Rezoning)**

No staff report this evening, since only setting Public Hearing. Public Hearing is scheduled for Tuesday, May 12th, 2015 at 7:30pm.

Ms. Wall moved to set a Public Hearing for May 12, 2015 in order to consider the rezoning request. Ms. Alberson seconded the motion. Motion passed 3-0.

Old Business

There was no old business.

Miscellaneous

**City Council
Reports – March
16, 2015 & April 6,
2015**

Ms. Alberson noted that during the March 16th, 2015 Council Meeting the main discussion was on the Cedar Grove subdivision. Ms. Wall stated that she understood that a referendum has been started in regards to the Cedar Grove properties. Mr. Spring confirmed that the referendum has in fact began.

Mr. Thornbury stated that discussions regarding the 25A expansion dominated the April 6th, 2015 Council Meeting.

**Board Member
Comments**

There were no comments.

Adjournment

Ms. Alberson **moved the meeting be adjourned**. Mr. Thornbury seconded the motion. Ms. Wall declared the meeting adjourned at 7:54 pm.

Stacy m Wall

Stacy Wall, Planning Board Chairman

Attest: Kelly R. Rowlands

Kelly Rowlands, Board Secretary