

**PLANNING BOARD MEETING**  
TIPP CITY, MIAMI COUNTY, OHIO    MAY 12, 2015

<b>Meeting</b>	Chairman Stacy Wall called the meeting of the Tipp City Planning Board to order at 7:28 p.m.
<b>Roll Call</b>	Roll call showed the following Board members present: Stacy Wall, Andrew Thornbury, Jamie DeSantis, and Vonda Alberson.  Others in attendance: Zoning Administrator Matt Spring, Board Secretary Kelly Rowlands, Jayce Scholetterbeck (Student), Cole Quillen (Student), Jeff Puthoff (Choice One Engineering), Tim Logan (Berry-Logan Properties, LLC), Jack Berry (Berry Development, LLC), Daniel Trick (Rosewood Creek resident), Dalton Hodge, Douglas Parsons, Jon Roth, Andy Graham, Justin Armstrong (Rosewood Creek resident), Cole Smith, Zack Blair, Jim Hench, Paul Lee, Doug & Suzanne Borden (Rosewood Creek residents), Taylor Merrick, Steve Bruns (Rosewood Creek, LLC), Anne Zakkour (Rosewood Creek resident), Becky Sivon (Rosewood Creek resident), Tim Drake, and Nancy Bowman (Reporter).
<b>Approval of Minutes – April 22, 2015</b>	Mr. Thornbury moved to approve the minutes of the April 22, 2015 meeting as written. Ms. Alberson seconded the motion. Motion passed 3-0-1. Ms. DeSantis abstained.
<b>Items Not on the Agenda</b>	There were no comments on items not on the agenda.
<b>Administration of Oath</b>	Ms. Wall administered the oath to anyone that was wishing to speak during the public hearing.
<b><u>New Business</u></b>	
<b>Public Hearing: J. Tim Logan for Berry-Logan Properties, LLC &amp; Jack Berry for Berry Development, LLC – Thoroughfare Plan Amendment</b>	Ms. DeSantis moved to open the Public Hearing. Mr. Thornbury seconded the motion. Motion passed 4-0.  Mr. Spring presented the following staff report to the Planning Board.  The applicants request that the Planning Board forward a positive recommendation to City Council regarding an amendment to the Tipp City Thoroughfare Plan, whereby Berry-Logan Drive would be removed from the plan.  Berry-Logan Drive is an unconstructed right-of-way running from Donn Davis Way to Tipp-Cowlesville Road. Berry-Logan Drive was platted through the Berry-Logan Subdivision (Section Two) at the time that the Subdivision was approved (August 2003). The remaining portion of Berry-Logan Drive (north of the Berry-Logan Subdivision to T/C Road)

remains unplatted (separate private ownership of land).

The current Tipp City Thoroughfare Plan indicates Berry-Logan Drive (indicated as a minor collector street) running from Donn Davis Way to Tipp-Cowlesville Road. Regarding subdivider responsibilities pertaining to the Thoroughfare Plan Code states:

*(4) In cases in which a proposed street or right-of-way, as shown on the Tipp City Thoroughfare Plan, abuts or crosses the proposed subdivision, the subdivider shall be responsible for all required public improvements, including the construction of the right-of-way as delineated on the Tipp City Thoroughfare Plan.*

*(5) When developing along one side of an existing street or right-of-way which requires improvement as recommended in the Tipp City Thoroughfare Plan, the subdivider shall be responsible for one sidewalk, one curb, pavement widening to the recommended standard width of the applicable subdivision's side, all necessary adjustments to existing pavement, and storm drainage for the street.*

The applicants are seeking approval of a vacation of Berry-Logan Drive under the following scenario:

- The existing Tipp City Thoroughfare Plan would be modified to remove Berry-Logan Drive (requires Planning Board review/recommendation to City Council and City Council approval).
- The existing Berry-Logan Drive right-of-way would be vacated (vacation plat), which requires Planning Board review/recommendation to City Council and City Council approval.
- A lot split/replat to establish highway and utility easements of the same dimensions as the original Berry-Logan Drive include associated setbacks (requires Planning Board review and recommendation to City Council and City Council approval).
- If approved by City Council, the removal of the Berry-Logan Drive from the Berry-Logan plat and the Tipp City Thoroughfare Plan obviates the applicants from compliance with the requirements of Code §155.04(D)(4)&(5) as noted above. Thus, the applicants would not be responsible for the mandatory construction of Berry-Logan Drive upon development of either of the adjacent inlots. Further, any future construction of Berry-Logan Drive would be at the option of (future) adjacent property owners to the north, east, or west if needed and/or desired.

In general, staff supports the request as presented, with the maintaining of the highway & utility easements and associated setbacks for Berry-Logan Drive. Accordingly, staff recommends Planning Board forward a positive recommendation to City Council regarding the proposed modification to the Tipp City Thoroughfare Plan.

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

Ms. Wall noted that the vacation of Berry-Logan Drive is actually a part of the next Public Hearing this evening. This Public Hearing is just to remove Berry-Logan Drive from the Thoroughfare Plan.

There were no comments from the public.

Ms. Alberson **moved to close the Public Hearing**. Mr. Thornbury seconded the motion. Motion passed 4-0.

Ms. Wall stated that, looking at long-term planning, removing Berry-Logan Drive from the Tipp City Thoroughfare Plan is consistent with the Public Hearing held on April 22<sup>nd</sup> that amended the zoning of 1900 & 1906 Donn Davis Way. Mr. Thornbury agreed.

Ms. DeSantis **moved to forward a positive recommendation to City Council regarding an amendment to the Tipp City Thoroughfare Plan, whereby Berry-Logan Drive would be removed from the plan**. Ms. Wall seconded the motion. Motion passed 4-0.

Ms. Wall **moved to open the Public Hearing**. Ms. DeSantis seconded the motion. Motion passed 4-0.

Mr. Spring provided the following information.

In association with the previously discussed revision to the Tipp City Thoroughfare Plan (previous agenda item), the applicants request that the Planning Board forward a positive recommendation to City Council regarding the vacation of the Berry-Logan Drive right-of-way.

As noted in the staff report on the previous agenda item, Berry-Logan Drive is an unconstructed right-of-way running from Donn Davis Way to Tipp-Cowlesville Road. Berry-Logan Drive was platted through the Berry-Logan Subdivision (Section Two) at the time that the Subdivision was approved (August 2003).

The proposed vacation of Berry-Logan Drive will be accomplished with two documents as follows:

1. A vacation plat which will remove the Berry-Logan Drive public right-of-way from the Berry-Logan Subdivision.
2. A lot split/replat to establish highway and utility easements of the same dimensions as the original Berry-Logan Drive including associated setbacks.

In general, staff supports the request as presented, with maintaining of the highway & utility easements and associated setbacks.

Ms. Wall stated that once Berry-Logan Drive is removed from the Thoroughfare Plan it would still need to be vacated. In order to be vacated, the highway & utility easements would need to be continued with the same dimensions as the original Berry-Logan Drive including associated setbacks.

Mr. Timothy James Drake, 3434 Tipp Cowlesville Road approached the podium to comment on the issue. Ms. Wall administered the oath since Mr. Drake came in late.

Mr. Drake asked for clarification and to clearly understand the issue. More specifically, he asked if he will still have access to the property behind his residence, which he thinks is the area in question. It is Mr. Drake's belief that he owns the property where the proposed Berry-Logan Drive was to go between Tipp Cowlesville Road and Donn Davis Way. He purchased the land with the proposal in mind and with the elimination of the road proposal he is concerned that he will still have access to the land behind his residence via Donn Davis Way.

Mr. Spring explained that with this new proposal, the only way that a right-of-way would be constructed would be if the private developer chose to construct it at their own expense. Mr. Drake then stated it was his understanding that if a road was constructed, he, as the land owner would be responsible for streets, curbing, utilities, and everything. Mr. Spring stated that Mr. Drake was correct in his understanding.

Further, Mr. Drake asked if this new proposal eliminated the possibility of a road all together. Mr. Spring clarified by saying that the Thoroughfare Plan mandates (requires) that if either of those properties on Donn Davis Way that abut Berry-Logan Drive would be developed, the developer would construct Berry-Logan Drive at that time. Removing it from the Thoroughfare Plan takes the requirement that the road be built away. So, in place of the requirement that the road be built, a highway easement will be established that will be the exact same dimensions as the original Berry-Logan Drive and now building the road is just an option, not a requirement.

Ms. Alberson asked Mr. Drake if his property was TMD Farm, LLC. She wanted to make sure she was correct in her understanding of where his property was in relation to the Thoroughfare Plan. Mr. Drake stated that she was correct.

Mr. Drake went on to state that the concern is the developer that is directly tied to Donn Davis Way, if they chose to develop the land between Tipp Cowlesville and Donn Davis Way, the restriction would exist that the developer would be responsible for developing the street and curbing. Mr. Spring clarified that if the developer wanted the access it would be at their own expense, but it would not be mandated.

The question was then raised by Mr. Drake, if a business is built on Donn Davis Way on either corner where the street goes to Tipp Cowlesville, would a developer be responsible to ensure that the right-of-way on the proposed plan would allow access to his property. Mr. Spring responded by saying that a right-of-way would not be there based on this discussion. The new proposal states that a highway easement would be there only, a formal right-of-way would not be there.

Ms. Wall stated that this amendment leaves the option open, rather than mandating that a road be built. In order to approve this, it would have to be indicated that the highway easements would stay in place to ensure that the road could be developed in the future. Further, the

other difference between this new proposal and the previous one is the cost responsibility. The cost responsibility is really the main premise of this new proposal. The current developer would no longer have a burden of cost, it would now be the responsibility of the individual that decided to build on the land.

Mr. Drake asked if he would be able to get the information that Mr. Spring read this evening, so he could review it. Mr. Spring stated that it would be possible and to get with him after the meeting.

Ms. Wall questioned Mr. Drake about his position on this amendment. More specifically if he was in favor or opposed to the amendment or if he had no position. Mr. Drake answered by saying that based on what he heard, he believes that the City of Tipp City does not want to be mandated to build the road between Tipp Cowlesville and Donn Davis Way, but rather they would like to reserve the option to do so or allow a future developer to build it. Ms. Wall clarified that the City of Tipp City does not own the road, so Tipp City is not saying that they don't want a road there. Rather, they are removing the mandate to build the road and in turn, allowing a future builder/developer to construct the road. Mr. Drake just wanted to make sure that this is not an obstacle or a way to isolate his property. Ms. Wall stated that she thinks it is more of a transfer of cost rather than an obstacle to building a road.

Mr. Drake questioned if it is a shared cost or 100% paid by the developer. Ms. Wall reiterated that the developer would bear the cost. Mr. Spring went further and explained that it would be the developer or the property owner, but not the City of Tipp City.

Further, Mr. Drake questioned if it is, based on the current evaluation, even a possibility to build a road off Tipp Cowlesville. Mr. Spring answered that yes it is and actually there are two access points on the property directly through to Tipp Cowlesville. Mr. Drake went on to ask if the City of Tipp City believes that there is an adequate amount of property to build a street. Mr. Spring answered that the City of Tipp City would want to see plans and it would be development specific. Mr. Drake explained that he had always heard that the City of Tipp City would not consider putting a street off of Tipp Cowlesville through his access road. Mr. Spring stated that he didn't feel that was necessarily true. The City of Tipp City would not sponsor or bankroll the project, but a property owner would have the option.

Mr. Drake concluded by stating that he would withhold his final decision about support or non-support until he had a chance to review Mr. Spring's Staff Report.

No further comments.

Ms. DeSantis **moved to close the Public Hearing**. Ms. Alberson seconded the motion. Motion passed 4-0.

Ms. Wall began the discussion by stating that this does not remove the concept of a road or restrict the possibility of a road being built in the future. In fact, it ensures the capability of being a road by reserving the utility easements. Furthermore, it doesn't seem that there would be any harm to surrounding property owners if this amendment was approved.

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

Ms. Alberson moved to forward a positive recommendation to City Council regarding 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. Ms. DeSantis seconded the motion. Motion passed 4-0.

Ms. Wall moved to open the Public Hearing. Ms. DeSantis seconded the motion. Motion passed 4-0.

Mr. Spring provided the following information.

The applicant requests that the Planning Board would forward a positive recommendation to City Council regarding a zoning map amendment (rezoning) for the property located on Kinna Drive (Inlots 4104 & 4105) whereby the zoning would be changed from HB – Highway Business Zoning District to LI – Light Industrial Zoning District.

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

A review of the Land Development Plan (Map 14) of the CMDP indicates that the proposed area under construction lies within Planning Area #23. Regarding Planning Area #23 (see Attachment “B”), the CMDP states:

- The northwestern part of the planning area is designated “Industrial/Office Park” to reflect existing uses.
- The “Professional Office/Service” designation in the central and southwestern part of the planning area reflects the existing use pattern in the area.

Therefore, the text and the associated map (see Attachment “B”) of the CMDP recommends property under consideration should be zoned a combination of *Professional Office/Service* (OS – Office Service) and *Industrial/Office Park* (LI – Light Industrial). Staff notes that approximately 73% of the area under consideration is recommended as *Industrial/Office Park* (LI – Light Industrial), with the remaining balance of 27% as *Professional Office/Service* (OS – Office Service).

Additional Considerations

On March 17, 2008, City Council rezoned (Ord. 05-08) the property in question from I-1 – Light Industrial to HS – Highway Service, with an existing portion (+/- .5 acres at the northeast) already zoned HS – Highway Service and remaining HS – Highway Service.

Based upon the Comprehensive Master Development Plan text and map (Attachment “B”), staff recommends Inlots 4104 & 4105) to be rezoned from HB – Highway Business to LI – Light Industrial.

Mr. Thornbury asked if there was a different property owner in 2008 when City Council rezoned the property in question. Mr. Spring answered that the property owner now also owned the property in 2008.

Ms. Wall commented that the proposed rezoning is more consistent with the uses of surrounding businesses, such as the tennis courts. Mr.

Spring clarified that all the properties directly to the west are all zoned Light Industrial. The 2008 rezoning was a reaction to the development of the Menards plat. It seemed at the time that the area was going in a commercial direction. This property is more behind Menards and is actually closer to the Light Industrial zone than the Commercial area.

There were no comments from the public.

Ms. Wall **moved to close the Public Hearing**. Mr. Thornbury seconded the motion. Motion passed 4-0.

Mr. Thornbury stated that it makes sense to rezone the area to Light Industrial and it would be consistent with the other businesses surrounding the property.

Ms. Wall discussed that she has a long history with this area since she was on the Zoning Board when all the variances were approved for Menards. Further she feels that this zoning amendment to Light Industrial makes more sense due to the location of the property.

Mr. Thornbury **moved to forward a positive recommendation to the City Council regarding a zoning map amendment (rezoning) for the property located on Kinna Drive (Inlots 4104 & 4105) whereby the zoning would be changed from HB – Highway Business Zoning District to LI – Light Industrial Zoning District**. Ms. DeSantis seconded the motion. Motion passed 4-0.

Before moving on with the meeting, Ms. Wall wanted to state that the votes this evening were recommendations to City Council. So, if anyone has further comments, there is another opportunity at the City Council meeting. Or Mr. Spring is always available for comments, questions, or concerns.

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

Ms. Wall **moved to open the Public Hearing**. Ms. DeSantis seconded the motion. Motion passed 4-0.

The applicant requests Planning Board forward a positive recommendation to City Council regarding a proposed revision to the Rosewood Creek Preliminary Plan.

#### History

The original Preliminary Plan for the Rosewood Creek PR – Planned Residential Subdivision was approved on February 18, 2003 via Ordinance 09-03. No Final Phases were ever approved based upon this original Preliminary Plan. Since that time, the Preliminary Plan was revised on the following dates:

1/5/04 – Ordinance 01-04

Developer switched engineering firms from HLS to Choice One Engineering, with associated changes to the layout of the Subdivision including the elimination of problems with the floodplain, access to Peters Pike, an increase in the number of total units from 215 to 220 and slight increase in the number of

units per acre (1.9525/acre to 1.9736/acre).

7/16/06 – Resolution 32-06

14 “Zero Lot-Line” Inlot pairs were replatted to create 7 “Garden” single-family Inlots of record.

5/13/08 – Approved by Planning Board as replat – Never Recorded

1 “Garden” single-family Inlot was split to create 2 “Zero Lot-Line” Inlots.

7/21/08 – Resolution 25-08

Incorporated the changes approved on 7/16/06 and 5/13/08 and reconfigured the phasing from 4 phases to 6 phases being: 1, 2a, 2b, 3, 4, & 5.

Proposed Changes to Preliminary Plan

1. Incorporates/cleans-up all “minor changes” that have been approved to the existing Final Plats (within Phases 1 – 3) since the last revision to the Preliminary Plan (2008).
2. Previous Phases 2a & 2b combined as Phase 2 on map (2a & 2b delineated in table).
3. Previous Phase 4 now split into Phases 4 & 5.
4. 12 zero-lot line pairs (previous Phase 4) converted into 6 single-family Garden-style lots (new Phase 5).
5. Previous Phase 5 now called Phase 6.
6. Total number of building lots decreased from 214 lots to 207 lots.
7. “Executive” lots decreased from 65 to 59 total lots.
8. “Garden” lots increased from 63 to 76 total lots.
9. “Zero-Lot Line” lots decreased from 58 to 44 total lots.
10. Average size of “Estate” lots decreased by +/- .0205 acres (+/- 893 sq. ft.).
11. Average size of “Executive” lots increased by +/- .0076 acres (+/- 331 sq. ft.).
12. Average size of “Garden” lots decreased by +/- .0057 acres (+/- 248 sq. ft.).
13. Average size of “Zero-Lot Line” lots decreased by +/- .002 acres (+/- 87 sq. ft.).
14. Green/Open Space increased from 26.245 acres to 26.8752 acres.

**Lot Numbers and Average Size – Previous Preliminary Plat**

<b>Lot Type</b>	<b># of Lots</b>	<b>Ave. Size (+/- acres)</b>
Estate Lots	28	.7067
Executive Lots	65	.3122
Garden Lots	63	.2987
Zero-Lot Line Lots	58	.1330
<b>TOTAL LOTS</b>	<b>214</b>	

**Lot Numbers and Average Size – Proposed Preliminary Plat**

<b>Lot Type</b>	<b># of Lots</b>	<b>Ave. Size (+/- acres)</b>
Estate Lots	28	.6862
Executive Lots	59	.3198
Garden Lots	76	.2930
Zero-Lot Line Lots	44	.1310
<b>TOTAL LOTS</b>	<b>207</b>	

The setbacks for the above Lot Types will remain the same as follows:

<b>Lot Type</b>	<b>Front</b>	<b>Rear</b>	<b>Side</b>
<b>Estate</b>	40'	30'	15'
<b>Executive</b>	30'	25'	10'
<b>Garden</b>	30'	25'	10'
<b>Zero-Lot Line</b>	25'	25'	0/8'

Recommendation

Based upon the moderate changes to the overall size and number of lots, staff recommends Planning Board forward a positive recommendation to City Council regarding the proposed revised Preliminary Plan for Rosewood Creek Subdivision.

Ms. Wall asked for clarification regarding the primary change. She stated that it appears to be for Phase 5. Mr. Spring stated that Ms. Wall was correct. Further, they have taken 12 of the Zero-Lot Line Lots and made them into Garden Lots. There are several small changes, but the conversion of Zero-Lot Line Lots to Garden Lots is by far the biggest change to the Plan.

Mr. Thornbury questioned if Phase 6 will come before the Planning Board now that the previous Phase 5 is now Phase 6. Mr. Spring stated that it would in fact come before the Planning Board as a Final Plat.

Jeff Puthoff, Choice One Engineering, approached the podium to address the Planning Board. Mr. Puthoff stated that Mr. Spring did a great job explaining the proposed revisions to the Rosewood Creek Preliminary Plan and he would be available to answer any questions.

Ms. Wall asked if Choice One Engineering has received any comments from the community regarding the proposed changes. Mr. Puthoff answered that he has not received anything directly. However, Tipp City staff has received comments regarding the revision. Board Secretary Rowlands read the following comments:

- Patricia Lynch – 1200 Daylily – No objections.
- Tom Mann – 1270 Hazeldean – No objections to the plans.
- Alan & Deborah Zunke – 965 Greenmantle – In full support of the proposed revisions and would never have bought in Rosewood Creek if they knew that “duplexes” were going in behind them.

Mr. Dan Trick, 1090 Rosenthal, then came forward to speak. Mr. Trick is the second owner of the home and has been there since 2009. During his time he has seen much development, mostly in the positive. This evening he wanted to say thank-you to 3 people – 1.) The Planning Board for allowing him to speak tonight, 2.) His fellow Rosewood Creek residents who have shown up this evening, and 3.) Steve Bruns for finally listening and working with the community in the development of the Phase 5 revisions.

Mr. Trick lives on the corner of Rosenthal and Thornapple and is within probably 10 feet of the proposed changes. He can look out his front door and see the proposed development. Currently, in the area, there is, what Steve Bruns calls it, a temporary cement depository. It is basically a dump and used to about 100 yards from his home. Now it has encroached to within 200 feet of his property. Via e-mails, Mr. Bruns has explained that if Phase 5 Revisions go through as proposed, the “temporary cement depository” will cease and it will be cleaned up. Mr. Trick and other neighbors have experienced snakes and small rodents coming out of this area. Coyotes have also been sighted. Very dangerous slabs of cement have been dumped in the pile and children, some very young and unsupervised, are playing on these slabs. Mr. Trick feels that area poses a risk for a tragedy.

Speaking further, Mr. Trick commends Mr. Bruns for doing away with the zero lot-line lots and going with more estate lots. Mr. Trick’s main concern is the lack of green space in Phase 5. Or at least, he did not see any green space on the map of the proposed plan. Also, Mr. Trick did not see any proposed ponds or public use areas in Phase 5. If these areas are not a part of Phase 5, residents of that area will come into the green spaces and pond areas in the other phases.

Mr. Trick does not wish to stand in the way of Mr. Bruns and the proposed plans. He just wants to let the Planning Board know that there are concerned citizens in the area and that there are some problems that need to be resolved.

Ms. Wall asked for clarification from Mr. Trick regarding his position on the proposed Phase 5 revisions. Mr. Trick reiterated that he would like to see more green space. There are increasing numbers of young families moving into the neighborhood and the lack of green spaces is forcing children to come down Mr. Trick’s street and play in the area that is currently a “cement depository.” This area has been “temporary” for a long time. If young children are moving in the area, where are they going to play?

Ms. Wall stated that tonight’s issue has nothing to do with the amount of green space. It has not changed from the original plan. Lots are bigger and the plan revision does away with multi-family units. Mr. Trick just wants to have a guarantee that ponds and public access green space will be included in future plans. Furthermore, he wants to make sure that the “temporary cement depository” does not encroach further on his property. He has snakes, coyotes, frogs, toads and other critters that are coming close to his home. A neighbor experienced a rather large snake in their yard due to the pile.

Mr. Trick does not want to be a thorn in Mr. Bruns’ side. He is just a

concerned citizen and wants to alleviate some of these issues. With the weather changing and school letting out for the summer, more children will be playing at the "cement pile." Mr. Trick just wants Mr. Bruns to have concern for the citizens of the neighborhood.

Next, Ms. Anne Zakour approached the podium. She had not been sworn in, so Ms. Wall administered the oath. Ms. Zakour lives at 970 Rosewood Creek and has no objections with the decrease in units. In fact, she thinks it is more beneficial. Ms. Zakour is one of the original residents, having begun building in 2005. Her main concern with the Phase 5 development is the engineering of the waters and how they may be directed to the east and what it might do further impact some already known water issues. People's basements have already experienced flooding.

Ms. Zakour specifically choose Lot 6 because it is adjacent to ponds 1 and 2 and there is a causeway that intervenes between the 2 ponds. In 2008, Ms. Zakour received a legal letter from Mr. Bruns and Choice One Engineering. The letter stated how precise the engineering was in the development and how much time and expertise went into the planning. Government review information was also included in the letter. This legal letter was in response to Ms. Zakour pointing out that the land between ponds 1 and 2 was starting to erode. Per Ms. Zakour it is engineered to fill up in pond 1 from the creek and then as it rises, water will spill over to pond 2. There is then an exit conduit from pond 2 that runs water back out to the creek. Over the years, erosion has occurred and today there is a full breach between ponds 1 and 2. Ms. Zakour questioned whether the erosion was a part of the design. If so, she finds it odd that it would be designed to occur 6 or 7 years later. Why not design the erosion at the beginning?

The main point that Ms. Zakour is trying to make is that she has no objections to the Phase 5 revisions, in fact she thinks it is better to have fewer homes. However, she wants Mr. Bruns and Choice One Engineering to be mindful of the water situation. She has spoken to Mr. Spring about the city's obligation to analyze the water and to understand where the water is going.

After looking at plans, Ms. Zakour has noticed that the original plans for ponds 1 and 2 have been altered. They had to be changed due to the erosion and weathering that has occurred. What else will be changing as more of these units are built?

Ms. Wall asked for clarification regarding the locations of each pond. Ms. Zakour stated that pond 1 is closest to Rosewood Creek Park. It is the first pond you see when you enter the development. That is how residents have always referred to the ponds. Ms. Wall acknowledged that Ms. Zakour has concerns, but also pointed out that the ponds are on the east side of the development and Phase 5 is on the completely other side on the western portion of the neighborhood.

Ms. Zakour stated that when it rains the water clearly flows from the new development toward Rosewood Creek and the ponds. She also believes it is excavated to head toward the big underground drainage system that takes water to ponds 1 and 2.

Ms. Wall asked if Ms. Zakour has previously addressed these concerns with Mr. Spring at the City of Tipp City. She answered that yes she has and she also stated that she has spoken to Mr. Bruns about the issue. In fact, a few years ago, Mr. Bruns attempted to remedy the situation by placing a white pipe perpendicular to ponds 1 and 2. It covered the breach and was covered with rocks. After the first couple of rains, the water in pond 1 had so much pressure as it looped around the perimeter of the pond that it pushed the pipe and rocks into pond 2. So, the remedy didn't last very long. Now all that is left is a big ditch with gravel in it.

In conclusion, Ms. Zakour is asking that everyone be mindful of the situation and to analyze the situation. She has neighbors that are concerned about flooding and some have experienced floods in the past. She is wanting the engineers to use due diligence when adding more and more units to the development.

Ms. Zakour offered pictures that were on her phone. Ms. Wall explained that we would have to take her phone and add it to part of the public record. Further, she explained that Ms. Zakour did a good job in explaining what is happening and pictures would not be necessary.

Mr Thornbury asked to interject and ask Mr. Puthoff with Choice One Engineering a question. Specifically, he wanted to know what the plans for drainage is in Phase 5. In response, Mr. Puthoff explained that when the original Rosewood Creek Preliminary Plat was done in 2003 the stormwater for the entire development was analyzed and approved by the city. With that being said, the plan is for Phase 5 to go to the east ponds 1 and 2. Mr. Puthoff was not aware of the breach between the ponds, but that is something that will need to be addressed with the city during the planning process.

Ms. Anne Zakour, approached the podium again and stated that she had brought the erosion and breach concern to the attention of Mr. Bruns and Choice One Engineering in 2008 (she has a copy of the letter still). That is when she received the legal letter from Mr. Bruns' attorneys. So unless Mr. Bruns did not show the letter to Mr. Puthoff and Choice One Engineering, Ms. Zakour is surprised that Mr. Puthoff was unaware of the situation. Ms. Wall responded by stating that Mr. Puthoff and Choice One Engineering is aware of the concern now.

Mr. Dan Trick came forward again to speak. He would like to ask the Planning Board to possibly table the issue until Choice One Engineering can study the drainage issue.

There were no further speakers from the audience or questions from the Planning Board members.

**Ms. Wall moved to close the Public Hearing.** Ms. DeSantis seconded the motion. Motion passed 4-0.

During the discussion portion, Ms. Alberson asked Mr. Spring to clarify the green space increase. More specifically if the increase is over the whole development or just one section. Mr. Spring answered that it is over the entire development. It is a very incremental increase.

Ms. Wall stated that she realizes that there are concerns about drainage issues, but what the Planning Board is looking at during this Public Hearing is the Plan Revision. A Preliminary Plan has already been approved, this is just looking at proposed revisions to that plan. Everyone seems to be in agreement that the changes are for the betterment of the development. The number of homes decreasing and the abandonment of the plan to have multi-family units in a very nice neighborhood are the big changes, but there are also several smaller changes. All changes appear to be beneficial and with any construction project, everything is going to be looked at carefully, including drainage issues. Ms. Wall's thinking is that the proposed changes should be approved because the revisions are a benefit to the neighborhood.

Mr. Thornbury asked if the Plan Revision is not approved this evening, will the original plan still stay in place. Mr. Spring answered that either way, affirmative or negative, the revision will go to City Council. The Planning Board is just making a recommendation. Further, Mr. Thornbury wanted to know if the 2008 plan is in effect at this time. Mr. Spring stated that yes that is the plan that stands today.

In conclusion, Mr. Thornbury stated that whether the original plan stands or the new plan is enacted, the drainage will not be effected. Ms. Alberson went on to say that the assumption is that the impervious area is the same or less with the proposed plan revisions as it was with the original plan. Mr. Spring responded by saying that Choice One Engineering did not include information about the impervious area with the Phase 5 documents. At this time, the impervious area has not scrutinized.

Ms. Wall went on to say that the Planning Board is looking at the "big picture." At this point, drainage and other details are not the issue. The Planning Board is simply looking at the Plan Revision and the benefits that the change poses to the neighborhood.

A resident raised their hand to make a comment, but Ms. Wall stated that the Public Hearing was closed.

There was no further discussion.

**Ms. DeSantis moved to forward a positive recommendation to City Council regarding a proposed revision to the Rosewood Creek Preliminary Plan.** Ms. Wall seconded the motion. Motion passed 4-0.

Once again, Ms. Wall stated that the votes this evening are recommendations to City Council, so there will be another opportunity to comment.

### **Old Business**

There was no old business.

**Miscellaneous**

**City Council  
Reports – April 20,  
2015 & May 4, 2015**

Ms. Wall shared that on April 20<sup>th</sup> City Council approved an Ordinance for sidewalks, curbs, gutters, and drive approaches as part of the Dow Street Construction Project. Also, did a permanent temporary right-of-way to facilitate the S County Road 25A reconstruction project.

Ms. DeSantis listened to the review May 4<sup>th</sup> meeting and nothing applied to the Planning Board.

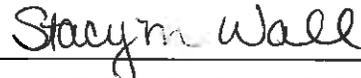
Ms. Wall asked Mr. Spring if there has been any word regarding the filling of the Utility Director position. Mr. Spring said that nothing has been done as of yet.

**Board Member  
Comments**

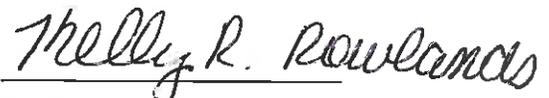
Mr. Thornbury wanted to thank all the Rosewood Creek residents for coming out and sharing their thoughts. He went on to thank all the Government class students that were in attendance to observe the meeting. Ms. Wall also thanked the students and stated that members of the Planning Board would be available to answer any questions after the meeting.

**Adjournment**

Ms. Alberson **moved the meeting be adjourned**. Ms. DeSantis seconded the motion. Ms. Wall declared the meeting adjourned at 8:34 pm.



Stacy Wall, Planning Board Chairman

Attest: 

Kelly Rowlands, Board Secretary