

PLANNING BOARD MEETING
TIPP CITY, MIAMI COUNTY, OHIO DECEMBER 8, 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: Vonda Alberson, Andrew Thornbury, Jamie DeSantis, and Stacy Wall. Others in attendance: Zoning Administrator Matt Spring, Board Secretary Kelly Rowlands, and Angela Jakubek (15 N Hyatt, Tipp City, OH 45371).
Approval of Minutes – October 13, 2015	Ms. Alberson moved to approve the minutes of the October 13, 2015 meeting as written. Ms. DeSantis seconded the motion. Motion passed 4-0.
Items Not on the Agenda	There were no comments on items not on the agenda.
Administration of Oath	Board Secretary Rowlands administered the oath to anyone that was wishing to speak during the public hearing.
 <u>New Business</u>	
Public Hearing: John Jakubek – 15 N. Hyatt – Zoning Map Amendment	Mr. Thornbury moved to open the Public Hearing. Ms. DeSantis seconded the motion. Motion passed 4-0. Zoning Administrator Spring provided the following report: On November 12, 2015, the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a request from property owner John Jakubek to consider a requested Zoning Map amendment for the property located at 15 N. Hyatt Street to change the zoning from GB – General Business to R-2 – Two-Family Residential. Staff notes that this Public Hearing was set administratively with public notice pursuant to law. A few general points: <ul style="list-style-type: none">• 15 N. Hyatt Street has been zoned commercially since at least 1983.• 15 N. Hyatt Street was previously occupied commercially by <i>Miami Water Treatment</i>.• 15 N. Hyatt Street has been vacant since approximately 2005.• 15 N. Hyatt Street has been the subject of numerous nuisance code violations since its vacancy.

- The previous owners' whereabouts were unknown, thus making enforcement of the nuisance code difficult/impossible.
- The applicant purchased the property on September 8, 2015 at a Sheriff's Sale.
- The applicant has since remediated the existing nuisance issues.

Zoning Text or Map Amendment Review Criteria:

Code 154.03 (C)(5) states:

Recommendations and decisions on zoning text or map amendment applications shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

The first criteria states:

- (a) *The proposed amendment is consistent with the comprehensive plan, other adopted city plans, and the stated purposes of this code;*

The Staff Report included the text of the Comprehensive Master Development Plan (CMDP) that pertains to the Planning Area that this particular property falls under.

Mr. Spring only read the following portion of the text:

This planning area consists primarily of residential uses with the exception of a small commercial node at the Hyatt Street/West Main Street intersection at the east end.

- It is recommended that the existing land use pattern in this planning area be preserved and no additional commercial or office uses be encouraged due to the existing development characteristics.

Staff notes that the text of the Comprehensive Master Development Plan noted above is somewhat inaccurate and confusing. The text notes that commercial development is only at the east end of the corner of Hyatt Street/West Main Street intersection, whereas in reality it is on both the east and the west end. Additionally, the text notes that "Urban Medium-Density Residential" is a desired objective of the area in reference to the "Proposed Land Development" Map (which will be discussed in a moment), whereas there is no discussion at all of the "green" color on the map (which is part of Attachment "B") in the vicinity of the proposed zoning change.

Regarding the map itself in the Comprehensive Master Development Plan (Attachment "B"):

It does not depict an accurate representation of the actual parcels, Right of Ways, and lots in the area. If you look at Attachment "B" (which is the Comprehensive Master Development Plan Map) versus Attachment "C" and "D" (which are the Tax & Zoning Maps respectively), there are several discrepancies.

Staff notes that it is difficult to make a distinct determination of the crux of intended land development in the area based on the inconsistencies of the CMDP text and map.

Section (b) of the criteria states:

- (b) *The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;*

The proposed amendment can be viewed as **desirable** in that, a zoning change to "residential" may remedy the prolonged vacancy of the commercially zoned property.

The proposed amendment can be viewed as **undesirable** because the proposed change from "commercial" to "residential" could have an adverse impact on the adjacent commercial property located at 513 W. Main Street (currently *Dairy Queen*) due to the buffering and screening requirements of Code (which will be discussed further in a moment).

Criteria (c) reads:

- (c) *The proposed amendment will promote the public health, safety, and general welfare;*

It is the opinion of staff that the proposed amendment would promote the general welfare of Tipp City by allowing residential utilization of a structure designed as a "home" and utilization of a structure that has been abandoned since about 2005.

Criteria (d) says:

- (d) *The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;*

The zoning district that is being proposed is the R-2 district. It is the opinion of staff that the proposed amendment is consistent with the stated purpose of the proposed zoning district, in that the structure is residential in nature and the applicant has indicated that he would like to utilize the property residentially rather than commercially.

Criteria (e) states:

- (e) *The proposed amendment is not likely to result in significant adverse impacts upon the natural environment and so forth;*

Staff would agree that the proposed amendment would not have any significant impacts on the natural environment.

Finally criteria (f) reads:

- (f) *The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.*

Changing the zoning from commercial to residential could have an adverse impact on the adjacent commercial property at Dairy Queen due to the buffering and screening requirements of Code. Staff notes that any new development requires a Type "B" buffer along the common lot line between these two properties. A Type "B" buffer can include a combination of deciduous trees, coniferous trees, and fencing. However, staff does note that Code does allow the Planning Board to *waive certain requirements of buffering on a case-by-case basis.*

Staff notes that the Comprehensive Master Development Plan presents a mixed message regarding the zoning of this property with inaccuracies in both the textual description of the area and the map of the area. Economic considerations are also mixed with the positive impact of the proactive owner remediating existing nuisances on the property and the negative implications of the increased need for buffering and screening coming with the proposed zoning change.

Based on the Review Criteria established in Code, the Comprehensive Master Development Plan, staff does lean towards forwarding a positive recommendation to City Council regarding this request.

Mr. Spring then stated that he could address any questions.

Ms. Wall had a question regarding Criteria (f). It states that any new development requires buffering and screening. Is this considered a "new" development?

Mr. Spring answered that no, this is not a "new" development. As Dairy Queen sits today, there would be no requirements, but if the property would change hands and be demolished to establish another commercial property, Code and all the requirements would go into effect.

Ms. Alberson followed up by asking if Dairy Queen would need to bring their property up to Code if they decided to redo a part of their building and needed a permit of some type.

Mr. Spring clarified that there would be no requirements if Dairy Queen didn't change the footprint of the building. However, if the decision was made to enlarge the site or completely change it, a complete review of the entire site plan would be done. This includes parking, lot lighting, lot drainage, and screening and buffering. Code requirements would kick in at that time.

Code does not require the City of Tipp City to retroactively go back to the existing property (Dairy Queen) and make them buffer their property based on this zoning change.

Ms. Wall questioned whether or not Dairy Queen would be required to have a site plan review for any future change regardless of what happens with the particular property in question.

Mr. Spring stated that they would, but there is no buffering requirement between two commercially zoned properties.

Mr. Thornbury inquired if anyone from Dairy Queen has offered an opinion on this case.

Mr. Spring responded that they have not.

Ms. Wall noted that she would venture to guess that the Dairy Queen site is nonconforming and that they have a variance of some type.

Mr. Spring commented that it is nonconforming in a number of different ways.

With no further questions from the Planning Board members, Ms. Wall asked if anyone in the audience wished to speak.

Angela Jakubek, John Jakubek's wife, approached the podium. She grew up in Tipp City and currently lives in both Los Angeles and Tipp City. In town, she lives at 121 Miles Avenue.

The address at 15 N. Hyatt was purchased by Angela's step grandparents in 1983 and was turned into the Miami County Soft Water.

Ms. Jakubek brought a few photographs and a list of updates that have already been done to the property.

The home, which was built in the late 1800's, is really charming and the woodwork is amazing. Some of the charm was lost when they glued the carpet and turned it into a business. But Angela and her husband are working to remove all of that and restore the charm.

Updates include: New electric services all the way to the pole, electric wiring for the entire house, new plumbing, hot/cold water lines, new hot water heater, drains, vents, sewer hook-ups, washer/dryer hook-ups, furnace, duct work, windows, and freshly painted exterior. The inside is coming along as well.

Ms. Jakubek printed photographs and submitted 5 into the Public Record. They were mostly of the outside. The inside has been painted, but work is still being done and it is not quite ready.

Other updates that have been done include, removing the florescent lights and replacing them with new light features and updating the porch. The porch does still need to be stained, but the posts have been replaced. Also, the gutters are new. Overall, it looks so much better than it used to look. Angela and her husband want to continue to make the improvements.

It is the Jakubek's opinion that the structure was built as a family home and they would like to keep that integrity. It is near schools and many families want to move to Tipp City because of the amazing schools and the community in general.

Continuing, Ms. Jakubek mentioned that she did the research and there is over 300,000 square feet of commercial property available for rent in Tipp City. Some are bigger industrial complexes. That is a lot of available space.

The property in question is not downtown, so it doesn't have the charm of the small shops and boutiques that are located further downtown. Also, the four corners of Hyatt are all commercial (Dairy Queen, Fire Station, Veterans Memorial Park, and the Laundromat), but directly next to those corners are all residential homes. So it would not be out of the ordinary for the property to be changed to residential.

Once again, Ms. Jakubek stated that the building is meant to be a home. The ceilings are low and it would difficult to make it handicap accessible due to the stairs. There would be many issues that would

have to be addressed before making the building attractive to a potential business.

The goal would be to make the building a single-family home, not a multi-family residence. The Jakubeks have other rental homes in the area and they have great families in those rentals. The families stay for long periods of time, pay their bills on time, and are great members of the community.

As for the buffering issue, Ms. Jakubek mentioned that if a family moves in, she would like to "green" up the area. There is a lot of asphalt and she would like to make the area warm. Landscaping and trees will improve the area and not leave just pavement.

In conclusion, Ms. Jakubek is anxious to get someone in the home. It has been vacant a long time.

There were no further public comments.

Ms. Wall did have a few questions for Ms. Jakubek. First of all, Ms. Wall asked if the Jakubeks use a management company to manage their rental properties or if they do it themselves.

Ms. Jakubek answered that she and her husband manage the properties themselves. They have particular people in the area that do work for them, but now that she is in town, she manages the properties. She will continue to manage them until she goes back to Los Angeles, which has not been set. She loves it in Tipp City and grew up here, so she isn't planning on leaving anytime soon and will just visit LA as often as possible.

Second of all, Ms. Wall asked what the time frame is for having the home completed.

Ms. Jakubek replied that they are really close. Hoping to have everything updated and completed by the end of December. They had been working really hard, but kind of stopped since they were not sure that zoning could be changed to residential. If it gets approved in a few months, it won't be long before someone could occupy the property. But if zoning cannot be changed, it will take a little longer. There will be more requirements.

Ms. Wall asked for clarification that the property would be a single-family home and not multi-family.

Ms. Jakubek confirmed that the home would definitely be single-family. There is just not enough room for multi-family.

With no further questions for Ms. Jakubek, Ms. Wall asked for a motion to close the Public Hearing.

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

Ms. Wall began the discussion period by simply saying thank you to Ms. Jakubek. This particular property has been a particularly sore spot

in the City of Tipp City for a long time. There is a great appreciation for just being able to remedy the nuisance complaints.

Ms. DeSantis echoed the comments made by Ms. Wall.

Ms. Wall stated that her opinion is that residential completely fits the property. General Business does not fit. That is a busy street and businesses typically have more traffic. It is hard enough to pull in and out of the Dairy Queen.

Ms. DeSantis agreed and felt that it makes sense for the four corners to have businesses, but beyond that should be residential.

Ms. Alberson added that there is really no room for parking on that site to support a business.

Ms. Wall noted that there is no on-street parking there either.

Ms. Alberson concurred that it is nice to see that house fixed up. It has been an eyesore for a long time.

Further, Ms. Wall mentioned that a few lots down another property was demolished and left just green space. The area is starting to improve.

No further discussion.

Mr. Alberson moved to forward a positive recommendation to City Council regarding this proposed Zoning Map amendment for the property located at 15 N. Hyatt Street to change the zoning from GB – General Business to R-2 – Two-Family Residential. Ms. Wall seconded the motion. Motion passed 4-0.

Landscaping Requirements on Industrially Zoned Property

Mr. Spring explained that this is a Memorandum and not associated with any particular case, individual, or company.

Recently, staff has been asked about landscaping on industrially zoned properties. Tipp City Code makes no differentiation for landscaping requirements regardless of the zoning district. Currently, on all new projects there is landscaping that is required adjacent to public streets, which is directly related to off-street parking areas. There are also interior parking area landscaping requirements.

In general, staff proposes that the Planning Board discuss the Zoning Code requirements regarding parking lot landscaping for industrially zoned properties as follows:

- Need/desire for any landscaping for industrially zoned properties
- Need/desire for specific landscaping elements for industrially zoned properties
 - 10 space/2,000 sq. ft. parking lot size trigger
 - 6' strip adjacent to public streets
 - 2' tall hedge/wall adjacent to streets
 - Shrub requirement when above 2' tall wall is non-living
 - 10 square feet of interior landscaping for every parking

space.

- o A minimum of one canopy tree and three shrubs is required for every 100 square feet of required interior landscaping area.

In general, there have been some rumblings from the industrial development community. The question is why is it required to do landscaping in an industrially zoned property. Every other property in the surrounding area is an industrially zoned property and the landscaping requirements seem to be a complete waste.

The Code is what it is right now and will continue to be enforced as such. Mr. Spring just wanted to open up the floor and have a round table discussion of sorts. Is the standard really the important thing? Regardless of whether it is a commercially zoned property near people's living area or an industrially zoned park where no one lives and it is primarily truck traffic.

Ms. Wall started the discussion by asking if one developer, more than one developer, or all developers are making these statements.

Mr. Spring said he has heard from several industrial developers and property owners.

Mr. Thornbury followed up by questioning whether these comments have been made recently or if it has been over the years.

Mr. Spring answered that he has heard the statements over the years, but recently they have intensified.

Ms. Wall asked where in town is there an area that only truck traffic and not others drive through.

Mr. Spring mentioned the Industry Park cul-de-sac that is off N. Third Street. All the way around the cul-de-sac is nothing but industrial properties.

Ms. Wall then questioned if that is the only example of this in the entire town.

Mr. Spring said that there are certainly other areas, such as Abbott Parkway.

Ms. Wall commented that Abbott Parkway is off of a main thoroughfare.

Ms. DeSantis then stated that there is a portion of Donn Davis that is all industrial properties.

Ms. Alberson asked if the area by Koenig would be included.

Mr. Spring answered that Koenig is actually zoned Office Service, but everything to the east is industrial.

Ms. Alberson went on to ask if the objection pertains to the entirety of the Code or focused on just a portion.

Mr. Spring said that one comment specifically mentioned the 2' hedge.

Going further, Mr. Spring explained the idea behind the 2' hedge requirement. It is designed to lessen the light pollution caused by vehicles in the parking area. In the evening, vehicles' lights could shine into the street or potentially someone's residence across a street. The concept behind the hedge is to block headlights.

Mr. Spring also mentioned that there are buffering and screening requirements in the Code. So, if there happens to be a residential property across the street, the commercial property would have to put a Type "A" buffer (the densest type of buffer) in between their property and the residentially zoned property. It seems to be a bit of an overkill to have both landscaping and buffering requirements.

Ms. Wall asked if the language could somehow be amended to indicate that if the Type "A" buffer was not required then the 2' hedge would be required.

Mr. Spring answered that if an industrially zoned property is located next to another industrial property, there are no buffer requirements. So, in some cases there are no buffering requirements, but in all cases there are landscaping requirements. If it happens to be a commercial or industrial property next to a residential property (or any type of discrepancy between zoning districts), then both buffering and landscaping requirements exist.

If landscaping requirements are simply in place to ensure that there is a buffer between neighboring properties, then buffering requirements should be enough. But, if landscaping requirements are for more aesthetic purposes, then that is why the Code is the way it is right now and it should not be changed. Aesthetics are important no matter where a property is located. However, many industrial developers would disagree and state that an industrial park does not need beautification.

Ms. Wall made the point that those living near a commercial or industrial property would probably prefer to see shrubs rather than a 6' fence.

Mr. Spring stated that he is not specifically advocating for a change. He simply wanted to bring the ideas to the Planning Board. The points being made were not outrageous.

Ms. Wall appreciated the points being brought up.

Ms. Wall also mentioned that she sees no difference between this and the case of the resident wanting to be removed from the Historic District. When a resident moves into the Historic District they are aware that there are certain requirements. The same is true for a commercial or industrial property. How do you exempt one, but not the other?

Ms. Alberson stated that she can see the point of the developers. More so for the interior parking areas. There could be a lot of island landscaping areas due to a large number of parking spaces.

Going on, Ms. Alberson commented that she feels more strongly about maintaining the landscaping requirements adjacent to the public streets. A compromise could be made to eliminate requirements for the interior parking areas and maybe even lot lines between similarly zoned properties.

Ms. Wall then asked the Planning Board members if they wanted to set a Public Hearing for the next meeting.

Mr. Thornbury stated that he is all for setting Public Hearings when more input is sought from citizens in regards to specific issues.

Mr. Spring then sought some input from the Planning Board as to whether or not they wanted him to attempt to draft an ordinance that would be voted on.

Ms. Wall answered that she thinks no. First, she would want to hear from the other side before crafting language. It would be nice to understand exactly why the developers are wanting the change.

Mr. Spring followed up by asking if it would be better to do a Work Session. With nothing specific being voted on, it would be impossible to provide the proper notice prior to the Public Hearing.

Ms. Wall asked if the notice could simply state that the vote would be whether or not to amend the Code. However, then a second Public Hearing would be necessary. So, maybe a Work Session would be the best option.

Mr. Spring then mentioned that staff could solicit developers to make points during the Work Session. He can't promise that anyone would attend.

Ms. Wall made the point that if they don't attend that certainly provides some input to the Planning Board.

Ms. Alberson agreed. Why change something for a group that isn't even motivated to attend the meeting?

The Planning Board members agreed that scheduling a 7pm Work Session before the next meeting was the best option.

Mr. Spring will notify individuals in the industry about the Work Session.

Ms. Wall would like to see pictures or examples from developers that show areas that landscaping doesn't make sense to be a requirement.

Ms. DeSantis would like to learn from industry developers if this is causing individuals to choose other communities instead of Tipp City.

In conclusion, a Work Session will be held on Tuesday, January 12th at 7pm. It will be held in the Large Conference Room at the Tipp City Government Center prior to the regular Planning Board Meeting.

Old Business

Mr. Spring had no old business to discuss.

Ms. Wall mentioned that the Planning Board is still one member down.

Mr. Spring commented that all open positions for Tipp City Boards and Commissions are posted on the website.

Ms. DeSantis stated that she has noticed openings being posted on Facebook as well.

Mr. Spring did check to see if anyone that is currently serving on the Planning Board would need to reapply to serve in 2016. No one has to do this at this time.

Miscellaneous

**City Council
Assignments –
2016**

Monday, January 4, 2016 – Typically this meeting is just swearing in new members and doesn't include a lot of new business. No one from Planning Board will be attending.

Tuesday, January 19, 2016 – Ms. DeSantis

Monday, February 1, 2016 – Ms. Wall

Tuesday, February 16, 2016 – Ms. Alberson

Monday, March 7, 2016 – Mr. Thornbury

Monday, March 21, 2016 – Ms. DeSantis

**City Council
Reports – October
19, 2015**

Ms. DeSantis reported that the Public Hearing was set to remove the property at 10 Walnut Street from the Historic District.

November 2, 2015

Ms. Wall noted that the removal of 10 Walnut Street from the Historic District was discussed at this City Council Meeting and that the Capital Improvement Plan was approved.

November 16, 2015

Ms. Alberson attended and stated that the Public Hearing for 10 Walnut Street was held. City Council members declined the request to remove the property from the Historic District. One City Council member voted in favor of the removal. Discussions included possibly using other materials and there were a few comments regarding property rights.

December 7, 2015

Mr. Thornbury was in attendance and nothing was discussed that related directly to Planning Board.

**Upcoming City
Council Meetings –
December 21, 2015**

Ms. DeSantis will attend the December 21, 2015 City Council Meeting.

A holiday reception will follow the meeting. All Planning Board Members are invited to attend.

**Board Member
Comments**

Ms. Wall did question if there has been any progress or developments to her earlier remarks regarding the parking lot at the Plaza Shopping Center.

Mr. Spring reported that he gave the information to Mr. Vath, who was going to contact the management company of the shopping center. Unfortunately, there is not much in the Code that can be used to enforce any changes.

Ms. DeSantis asked about the beautification of the exit ramp issue that was discussed during a City Council Work Session.

Mr. Spring answered that the initial hope was to receive some grant money to support the project. Unfortunately, federal grants no longer cover those types of projects, so the City of Tipp City would now have to cover 100% of the cost. Ongoing maintenance of the exit would then become an issue once the beautification would occur. Mr. Spring does believe that the planning of the project was added to the Capital Improvement Plan for this year. Just the planning part of the project will cost around \$50,000, so it is not an inexpensive project. But the planning is the first step.

Ms. Wall followed-up by asking if the Miami Valley Planning Commission provides grant money.

Mr. Spring responded that they don't really give grants. They are more the gatekeeper for the Federal grant money. Applications go through them, but they don't provide funds.

Ms. Alberson asked how other communities funded their own beautification projects.

Mr. Spring answered that some of the other communities did receive Federal grant money. It was always a match, so the communities did have to supply some funds.

Ms. Wall questioned if funds were available because it is a State Route.

Mr. Spring replied that if actual improvements or changes were being made to the road or the overpass, funds would be available. However, beautifying an exit isn't on the list of acceptable projects. Mr. Spring and Mr. Vath have attempted to get funding, but to no avail. They will keep trying.

Adjournment

Ms. DeSantis **moved the meeting be adjourned**. Ms. Alberson seconded the motion. Ms. Wall declared the meeting adjourned at 8:22 pm.

Stacy m Wall

Stacy Wall, Planning Board Chairman

Attest: Kelly R Rowlands

Kelly Rowlands, Board Secretary