

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO April 11, 2017

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, Andrew Thornbury, Jamie DeSantis, Vonda Alberson and Jeff Sebor. Others in attendance: City Planner/Zoning Administrator Matt Spring, and Board Secretary Dawn Gross. Those signing the register were Rick Szakal and Kelli Szakal and Nancy Bowman.
Approval of Minutes – March 14, 2017	Ms. Alberson moved to approve the minutes of the March 14, 2017 meeting as written. Ms. DeSantis seconded the motion. Motion passed 4-0-1.
Items Not on the Agenda	There were no comments on items not on the agenda.
<u>New Business</u>	
Rick Szakal – Infinity Fitness - 5126 S. CR 25A – Special Use – Indoor Commercial Recreation Facility	Mr. Spring presented the following staff report to the Planning Board. The applicant is seeking a Special Use Permit from the Planning Board for the proposed establishment of an Indoor Commercial Recreation Facility (Infinity Fitness) at the existing structure located at 5126 S. CR25A. Staff notes that 5126 S. CR25A was formerly the location of OGW (Ohio Green Wind) Energy Resources, which has relocated to 5205 S. CR25A. Infinity Fitness is currently located at 1520 Harmony Drive (site plan approved by Planning Board 2/12/13). The applicant has indicated that the majority stakeholder of the Harmony Drive location is planning to sell the property, and therefore Infinity Fitness needs a new location to conduct business.
	<u>Proposed Use</u> The applicant has indicated that Infinity Fitness is an Indoor Commercial Recreational Facility being a certified CrossFit Headquarters. CrossFit is a high-intensity fitness program incorporating elements from several sports and types of including barbell/dumbbell/kettle-bell movements, push-ups, pull-ups, squats, box jumps, jump rope, weighted object movements dips, muscle-ups, lunges, core movements (sit-ups, leg lifts, toes to bar, GHD etc.), sled pulls and pushes, rope climbs, and other functional movements. Staff notes that Table 154.04-3 indicates that Indoor Commercial Recreational Facilities are considered a Special Use within the LI – Light Industrial Zoning District requiring Planning Board review and approval per §154.03(D)(4).
	<u>General Requirements – Special Use Review Criteria – 154.03(D)(5)</u> Decisions on a special use review applicable shall be based on consideration of the following review criteria. All special uses shall be subject review under the criteria of this section, as applicable, and may be subject to additional use-specific standards. (a) The proposed special use is established as a special use (may be a principal or accessory use) permitted in the applicable zoning district; It is the opinion of the staff that Infinity Fitness is substantially similar to

the Special Use Commercial Recreation Facilities (Indoors).

- (b) The proposed use is consistent with the spirit, purpose and intent of the comprehensive plan and the general purpose of this code as established in §154.01(A);
It is the opinion of the staff that Infinity Fitness is consistent with the spirit, purpose and intent of the comprehensive plan and the general purpose of the Zoning Code.
- (c) The proposed use complies with any use-specific standards as may be established for the use;
See below.
- (d) The proposed use shall be adequately served by essential public facilities as listed in Section §154.01(E)(2);
It is the opinion of the staff that Infinity Fitness would be adequately served by essential public facilities.
- (e) Any building or structure constructed, reconstructed, or altered as part of a special use in a residential zoning district shall, to the maximum extent feasible, maintain the exterior appearance of residential buildings of the type otherwise permitted and shall have suitable landscaping, screening, and fencing wherever deemed necessary by the Planning Board;
N/A. The proposed Special Use is not in a residential zoning district.
- (f) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Board in the approved special use;
See below.
- (g) The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
Based on the application material, it is the opinion of the staff that Infinity Fitness would be harmonious with the existing/intended character of the general vicinity, and that the use would not significantly change the character of the same area.
- (h) The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
Based on the application material, it is the opinion of the staff that Infinity Fitness would not involve activities that would be detrimental to the area.
- (i) The circulation on and access to the property shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
It is the opinion of the staff that access to the property (ingress/egress) is adequate and would not create interference with traffic on surrounding public thoroughfares.
- (j) The design of the buildings, structures, and site will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
N/A. No construction proposed for the proposed Special Use.

- (k) The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; and **It is the opinion of the staff that Infinity Fitness would not impede the normal and orderly development and improvement of the surrounding property.**
- (l) Wherever no specific areas, frontage, height, or setback requirements are specified in provision for a specific special uses, then such use shall be subject to the site development standards for the applicable zoning district. **See below.**

Specific Requirements – Commercial Recreation Facilities (Indoors) Code § 154.04(G)(Commercial Recreation Facilities (Indoors)

The following standards shall apply to any indoor commercial recreation facilities:

- (a) All activities related to the principal use, except parking, shall be located within an enclosed building. **The application material indicates that almost all activities (>99%) related to the principal use shall be located within the enclosed building. The only exception to this would be the occasional sled drags or jogging in the parking lot. There will be zero activity in the grass area.**

Staff recommends that Planning Board partially waive this requirement and allow occasional sled drags or jogging in the parking lot in accordance with Code §154.03(D)(6)(a) which states:

The Planning Board shall be authorized to waive or modify requirements that apply to the special use as may be necessary to achieve compatible development with adjacent land areas as well as in the interest of the community in general where the Planning Board finds that such waiver or modification will further the protection of the general welfare, protect individual property rights, and ensure that the special use will meet the intent and purposes of this code.

- (b) All structures shall be set back a minimum of 50 feet from all lot lines and street rights-of-way.

The existing non-conforming structure has the following setbacks:

**Front: ± 46'
Rear: ± 113'
Sides (left) ± 38' (right) ± 42'**

Staff recommends that Planning Board waive the minimum 50' setback requirements for this existing structure and associated Special Use in accordance with Code §154.03(D)(6)(a) as noted above.

- (c) When located adjacent to a residential lot, there shall be a solid fence or masonry wall that is at least six feet in height that shall be located along the lot line adjacent to the residential use. **One property to the west is residentially zoned (5145 S. David Drive), with no fence currently place. The applicant has indicated that a 6' privacy fence will be erected upon approval of the Special Use permit (separate zoning permit required).**

- (d) New uses shall be located along an arterial or collector street, as defined by the City Engineer. Access shall not be provided from a street that primarily serves a residential neighborhood.
Staff notes that CR 25A is classified by the Tipp City Thoroughfare Plan as a "Principal Arterial".

Additional Notes

- A second business owned by the applicant (*Crew & Co.*) will also be located at 5126 S. CR25A. *Crew & Co.* is a screen printing business (light manufacturing) that was previously approved administratively by staff as a Permitted Use within the LI – Light Industrial Zoning District (Table 154.04-4) and will utilize ± 2,000 sq. ft. of the total building area (8,730 sq. ft.).
- The existing site contains 29 striped off-street parking spaces, which meet the additive off-street parking space requirements for both *Infinity Fitness* and *Crew & Co.* as noted in Code Tables 154.10-1 & 154.10-2.

Recommendations:

Staff recommends the following:

1. The required 6' tall privacy fencing will be placed along the western property line no later than June 11, 2017 (separate permit required).
2. The Planning Board partially waives the requirement that all activities related to the principal use be located within an enclosed to allow for building in accordance with Code §154.03(D)(6)(a) to allow for occasional sled drags or jogging in the parking lot.
3. The Planning Board waives the minimum setback requirements for this existing structure and associated Special Use in accordance with Code §154.03(D)(6)(a).
4. With the exception of the above, that the Planning Board finds that the proposed Indoor Commercial Recreation Facility (i.e. *Infinity Fitness*) meets or exceeds the requirements of Code § 154.03(D)(5) and 154.04(G)(15) and grants a Special Use Permit for the same.
5. The applicant will obtain the required Zoning Occupancy/Change of Use Permit.

Ms. Wall asked, the building itself has no modifications or changes, is that correct? Mr. Spring replied "That is correct."

Ms. Wall said, this is a rather unique case, I don't think anything has been brought before the board with 2 uses within the building, 1 being a use designated within light industrial and 2 we are going to consider granting a special use within the light industrial for the second use of the building, is that what is being proposed? Mr. Spring replied "correct."

Ms. Wall asked if there were any other businesses in Tipp City where this has occurred? Mr. Spring answered "not that he could think of."

Ms. Alberson commented, the sign on the outside of the building states there is 10,000 square feet for lease, and the Staff Report said *Crew & Co* will only use about 2,000 square feet, will there be a third or fourth tenant occupying this space? Mr. Spring responded, it is his understanding that there will only be two businesses using this facility.

Ms. Alberson asked "Is it a requirement that there be some communication with the neighbor before the fence is installed?" Mr. Spring said "no."

Ms. Wall asked the applicant to step forward and state his name and address for the record.

Rick Szakal; 3302 Heatherstone Drive, Troy, Ohio 45373.

Mr. Szakal is one of the owners of *Infinity Fitness*.

Mr. Szakal said, the intent is to only have the two businesses in the facility. They will not be utilizing the entire building. With the way the building is sectioned off the front end is all offices and they do not have much of a need for them. The screen printing portion of the business will be set up in the middle right half of the building, due to the setup of the electric. The back section of the building will be used for Infinity Fitness.

Ms. Wall asked, "Are you leasing the entire building?" Mr. Szakal replied, "Yes, we will be leasing the entire building."

Ms. Wall inquired "do you already have a lease executed?" Mr. Szakal answered "no I do not."

Ms. Wall asked, are you waiting for our approval before you execute the lease? Ms. Szakal replied "yes ma'am."

Ms. Wall then asked, in terms of the board considering the waiver of the requirement of the principal conducting all business inside, sometimes specificity in the law is a good thing, however in this instance, it would be beneficial to waive the outdoor requirements. What percentage of time would you be utilizing outside? Mr. Szakal responded maybe one percent. Not much time is spent outside of the gym, most activities are confined within the building itself.

Ms. Wall asked for further question from the Board Members. There were none.

Ms. Wall asked for Board Member discussion.

Ms. Wall stated she was on the Board when the original request for Harmony Drive was applied for, and she feels everything has worked out fine. Mr. Spring added there has been no issues or complaints.

Ms. Wall moved to recommend approval of the special use permit based upon the Staff Report that was given with the recommendations on the last page of the Staff Report with a minor amendment:

1. The required 6' tall privacy fencing will be placed along the western property line no later than June 11, 2017 (separate permit required)
2. The Planning Board partially waives the requirement that all activities related to the principal use be located within an enclosed to allow for building in accordance with Code §154.03(D)(6)(a) to allow for occasional sled drags or jogging in the parking lot. **GIVEN THE NATURE OF THE FITNESS CENTER IT IS RECOGNIZED THAT MODIFICATIONS NEED TO BE MADE, IT IS RECOMMENDED THAT INSTEAD OF SPECIFYING WHAT KIND OF ACTIVITY, IT WOULD BE UP TO 5% OF ACTIVITY RELATED TO INFINITY FITNESS BE PERMITTED TO BE CONDUCTED OUTSIDE.**
3. The Planning Board waives the minimum setback requirements for this existing structure and associated Special Use in accordance with Code §154.03(D)(6)(a).
4. With the exception of the above, that the Planning Board finds that the proposed Indoor Commercial Recreation Facility (i.e. Infinity Fitness) meets or exceeds the requirements of Code § 154.03(D)(5) and 154.04(G)(15) and grants a Special Use Permit for the same.
5. The applicant will obtain the required Zoning Occupancy/Change of Use Permit.

Seconded by Ms. DeSantis. Motion passed. 5-0.

Old Business

There was no old business to discuss.

Miscellaneous

City Council
Reports –

March 20, 2017

Ms. Wall reported, motions were made for renewing the Agricultural Districts of several properties under the State law, this is normally a 5 year process, so every 5 years it will be back up for renewal. Once the designation is granted it will be good for another 5 years and they do not pay the assessments until the property is sold. The public hearing for these motions will be set at the next Council Meeting. The Contract was approved for street resurfacing, and there was an amendment made to the Tree Ordinance, that mostly consisted of out dated language and also stated that you cannot plant trees in the tree lawn that will not be able to support the structure in the tree lawn.

April 3, 2017

Mr. Thornbury reported, the Agricultural changes were passed and there were a few Board appointments.

Upcoming City
Council
Meetings –

April 17, 2017

Mr. Sebor was to attend this meeting, however due to travel he will not be available, Ms. DeSantis will cover the meeting.

Council
Meeting
Assignments –

May 1, 2017

Ms. Alberson will attend the May 1, 2017 City Council Meeting.

May 15, 2017

Mr. Sebor will attend the May 15, 2017 City Council Meeting.

June 5, 2017

Mr. Thornbury will attend the June 5, 2017 City Council Meeting.

June 19, 2017

Ms. Wall will attend the June 19, 2017 City Council Meeting.

July 17, 2017

Ms. DeSantis will attend the July 17, 2017 City Council Meeting.

August 7, 2017

Ms. Alberson will attend the August 7, 2017 City Council Meeting.

August 21,
2017

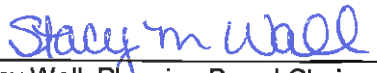
Mr. Sebor will attend the August 21, 2017 City Council Meeting.

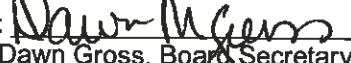
Board Member
Comments

There were none.

Adjournment

Mr. Thornbury **moved the meeting be adjourned**. Ms. Alberson seconded the motion. Ms. Wall declared the meeting adjourned at 7:50 pm.


Stacy Wall, Planning Board Chairman

Attest: 
Dawn Gross, Board Secretary