

**PLANNING BOARD MEETING**

TIPP CITY, MIAMI COUNTY, OHIO August 8, 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 Laura Tobias. Those signing the register were Walter Burton, John Burk, Gordon Pittenger, Tyler Kindle, Abby Bowling, Tim Evans, Todd Casey and Dave Arbogast.
Approval of Minutes – July 11, 2017	Ms. DeSantis <b>moved to approve the minutes of the July 11, 2017 meeting as written.</b> Ms. Alberson seconded the motion. <b>Motion passed 4-0-1.</b> Mr. Sebor Abstained.
Items Not on the Agenda	There were no comments on items not on the agenda.
Administration of Oath	Ms. Tobias administered the Oath to anyone that was wishing to speak during the public hearing.
<b><u>New Business</u></b>	
Mike Dungan, Fieldstone Partners, LLC – Inlot 4117 – Final Plan for Phase 1	Ms. Wall announced this item has been requested to be tabled due to the lack of information submitted with the application. Ms. DeSantis <b>moved to table the case,</b> seconded by Mr. Thornbury. <b>Motion passed 5-0.</b>
Tipp City Seniors – Amendment to Zoning Code 154.04(G)(36) – Allow for Fraternal, Charitable, and Service Oriented Clubs	Mr. Thornbury motioned to open the Public Hearing. Ms. Alberson seconded the motion. Ms. DeSantis asked Ms. Wall to be recused from this case. Ms. Wall stated she is recused. Ms. DeSantis left the room. <b>Motion passed 4-0.</b>  Mr. Spring presented the following staff report to the Planning Board.  In association with the potential proposed use of the property located at 528 N. Hyatt Street, the Tipp City Seniors Inc. (a non-profit service organization serving the needs of senior citizens in the Tipp City area) seeks an amendment to the Tipp City Zoning Code to allow for Fraternal, Charitable, and Service Oriented Clubs to be an allowable use (Permitted with Standards) within the OS – Office Service Zoning District.  The “standards” (which would not be changed) are delineated in Code 154.04(G)(36) as follows: <b>(36) Fraternal, Charitable, and Service Oriented Clubs</b> The following standards shall apply to any fraternal, charitable, or service oriented clubs:

- (a) Accessory uses necessary to the operation of such use, such as clubhouses, restaurants, bars, swimming pools and similar activities, shall be permitted if they comply with the applicable standards however, such uses where the conduct of business is the principal activity, shall be prohibited.
- (b) New fraternal, charitable, and service oriented clubs shall be located along an arterial or collector street, as defined by the City Engineer.

The Tipp City Seniors have been working with the owners of the property located at 528 N. Hyatt Street/Evans Title Building (currently zoned OS – Office Service) regarding the use of a property as a possible location for a new facility. However, it is important to keep in mind that a zoning code text amendment is global in nature (applies to all properties) and is not specific to the Tipp Seniors and/or any certain property they may be interested in.

Additional Notes

- On 1/13/15, Planning Board forwarded a positive recommendation regarding a similar amendment for the CD – Conservation Zoning District. The N. Third Street property under consideration at that time, was subsequently removed from consideration due to an issue with an overlay easement with the Miami Conservancy District.
- On 8/11/15, Planning Board forwarded a positive recommendation regarding a similar amendment for the LI – Light Industrial Zoning District. The 855 N. Hyatt Street property under consideration at that time, was subsequently removed from consideration due to high expense costs associated with construction of a new building.
- On 11/3/15, area voters approved a 1-mill, five-year levy in support of the Tipp Seniors need for a new facility.

Ms. Wall asked for questions of Mr. Spring, there were none.

Ms. Wall asked for anyone wanting to speak, please come forward and state your name and address for the record.

Abby Bowling; 861 Hawthorne Drive, Tipp City, Ohio.

Ms. Bowling began, "I am a little unnerved speaking here before you because Mr. Burke is standing right behind me and he was my Government Teacher in High School and I feel like I am going to be graded up here. I applaud the fact that the Senior Citizens are taking the initiative to find a new and better home for their organization. I have not availed myself to their building but I have gone past and know that the parking is horrendous and I have watched their efforts trying to find a location and have also noticed the ordinances that have been approved to help them accomplish that at various different spots that Mr. Spring just talked about. So here we are tonight looking at the third ordinance to try to help them find a location and I guess I don't have any problem with that but what I am seeing is a pattern that I do have a problem with. They are not the only ones that have been used for this global zoning situation. In March of 2017 we had an ordinance passed for the Government Impound Lots in a Light Industrial Zone and that was precipitated by the fact that even though there was a Special Zoning Code that was aloud at the service center, Government Officials decided that they wanted to move the Impound Lot to make room for the Water Tower at the Service Center. This recommendation was to put the Government Impound Lot into the Electric Building and the only way to do that was through a global process in your zoning code. Now we have the ability to have Government Impound Lots in all Light Industrial Zones, so here is another example of the global and then we also had just this last month the new Stadium Scoreboard Sign also required a global zoning and although I think your intention was to address only the one scoreboard a global ordinance

was drafted and passed ignoring the existing editing errors that are in this ordinance. I interpret this ordinance as allowing scoreboards in Residential, Planned Development, and Conservation Districts if it is located in an athletic stadium. The word stadium is not defined anywhere in your code that I can find. The ordinance states the scoreboard sign shall be permitted at the City Park, but it is not required to be placed only at the City Park and there is no limit to just one, you could have multiple scoreboards the way I am reading your ordinance. This is another example of a global change to the Zoning Code to handle a single situation. At the Plan Board Meeting, Ms. Wall stated "The Code Section that is proposed here tonight, I think is written very, very specifically to this one sign, which I think is a good thing." However, before the Council vote approving the ordinance by a 5-1 vote Mr. Gibson reminded his fellow Council Members and again, this is a quote, "to remind everyone this is to vote an ordinance not this particular sign but an ordinance by which the sign is to be compatible." Back in 2014 at the Public Hearing for the Planning Board on the new Zoning Code some members expressed a concern that power was being taken away from the Plan Board in exchange for a more efficient process. Ms. Mohler of Compass Point Planning, who facilitated the new zoning process said "part of this is to see how this works and there is always the possibility that after a year then you could make changes in the code." The Plan Board voted 3 yes 2 no for adopting the current zoning code. Before Council voted on March of 2014, Mayor Hale stated "regardless of the changes being made to the code it doesn't prevent items to come before this or future City Councils." Apparently the prior Zoning Code there was a mechanism called the catch all phrase I didn't go back and find it that would allow the Plan Board to address single incidents just like I have pointed out and not have to use the global approach. I would urge the Plan Board that if you want to approve the current request for the Senior Citizens to go ahead and do so tonight, but to initiate legislation to return the Conservation Zone and the Industrial Zone back to its original language where you would eliminate the charitable, fraternal and service clubs in those zones. I would also like you to look at putting in a catch phrase so that you would be able to address single occurrences. Thank you."

Ms. Wall thanked Ms. Bowling and asked anyone else who has been sworn wish to address this issue, no one came forward.

Ms. Alberson motioned to close the Public Hearing. Mr. Sebor seconded the motion. Motion passed 4-0.

Ms. Wall asked for discussion by the Board.

Ms. Wall said, "I think we need to address the single subject issue, this is not what I would consider a global amendment if you will, but in the Staff Report it has been obvious the history we've seen with the Seniors' project, but it also address the issue that it does apply to the whole district not just this issue. If somebody else was moving into that facility or that building it would apply to them as well. I think the stadium sign was a very specific issue and written for the stadium while it is in the residential neighborhood we all agreed the way the language was written and amended at the meeting that it would really specify the purpose of that sign at the stadium. This is an issue where if you look at that area it really in my mind does fit given that the prior recommendation was for maybe two blocks down the road it is the same area. We have the schools across the street and the post office, so in my mind it fits the area and is not just trying to appease an applicant but looking at the entire area, I think it fits."

Ms. Alberson added, "I agree, it's a good opportunity for that site and it has some advantages that the previous sites didn't have. Looking at it as a specific use of that specific site, which I know we are not doing necessarily here, I agree that it is a good fit."

Mr. Thornbury said, "I guess with the previous recommendations that we had approved back in 2015, if we did make a motion to revert those back will that have any effect on any

current businesses that we are aware of?" Mr. Spring responded, "No, not that I am aware of."

Ms. Wall asked for a motion to address the specific amendment before us and then we can further discuss if we want to reconsider what we have done in the past.

**Ms. Wall moved to forward a positive recommendation to City Council regarding this proposed text amendment. Seconded by Mr. Thornbury. Motion passed 4-0.**

Ms. DeSantis re-entered the meeting.

Ms. Wall said, the second issue regarding this matter that was brought up during the public hearing is the Board's history of reviewing two other sites that have come before us to amend to allow the Fraternal, Charitable and Service Oriented Clubs and whether we leave that change or we make a recommendation to City Council to change them back.

Ms. Alberson asked, "What is the exact process of doing that?"

Me. Spring answered, "Essentially the exact same process as this particular text amendment."

Ms. Alberson asked, would there be a public hearing?

Mr. Spring responded, yes, and it would be forwarded on to City Council.

Ms. Wall asked, "Is that something this Board wants to consider?"

Mr. Thornbury responded, "I would think so, I think it would reduce the muddiness of things that accumulate over time."

Mr. Sebor said, "I agree, considering there is no major feeling of deviation from the original plan and it restores the initial intent."

Ms. Wall stated, "At our next Board Meeting Agenda, why don't we set this up as a topic for a public hearing."

Dave Arbogast  
dba DLA Real  
Estate  
Investments  
LLC – 1520  
Harmony Drive –  
IL4140 –  
Special Use

Mr. Spring provided the following Staff Report to the Planning Board.

The applicant is seeking a Special Use Permit from the Planning Board for a proposed *Vehicle Sales and Leasing* establishment at the existing structure located at 1520 Harmony Drive (zoned GB – General Business). 1520 Harmony Drive was the former location of Infinity Fitness.

#### General

Mr. Arbogast has indicated that the immediate use of the property will be primarily for the storage of his classic car collection (within the existing building) and car trailers parked on the exterior of the building. Mr. Arbogast has further noted that the property may be utilized in the future for the sale and service of classic cars. Based on this possibility, staff presents this Special Use request for Planning Board review/approval.

#### Proposed Use

Code Table 154.04-4 indicates that *Vehicle Sales and Leasing* is a Special Use within the GB – General Business Zoning District. Code § 154.04(F)(2)(c) indicates that Special Uses shall be reviewed at a Public Meeting by the Planning Board through the special use review procedure.

**General Requirements – Special Use Review Criteria – 154.03(D)(5)**

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;  
**The proposed Special Use is established as a Special Use per Code Table 154.04-4.**
- (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 the proposed Vehicle Sales and Leasing use 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;  
**Staff notes that there are no use-specific standards for Vehicle Sales and Leasing.**
- (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 the proposed Vehicle Sales and Leasing use 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;  
**A site plan for this existing building was previously approved by Planning Board on 2/12/13. The applicant may apply for a fencing permit in the future, which would only be approved/installed in compliance with current Code.**
- (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;  
**It is the opinion of the staff that the proposed Vehicle Sales and Leasing use 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 the proposed Vehicle Sales and Leasing use 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; **Access to the property (ingress/egress) was previously approved by Planning Board on 2/12/13 (site plan review) and will 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 building 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 the proposed Vehicle Sales and Leasing use 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.  
**As noted previously, there are no use-specific standards for Vehicle Sales and Leasing. The existing building/site was previously approved by Planning Board on 2/12/13 (site plan review).**

**Specific Requirements**

Per Code Table 154.04-4, there are no use-specific standards for Vehicle Sales and Leasing.

**Additional Notes**

Mr. Arbogast has indicated that he is interested in the placement of fencing about the property for security purposes. Staff notes that a permit for fencing can be issued administratively, so long as the request complies with existing Code requirements for fencing in nonresidential zoning districts.

Mr. Spring added, "I have not had a chance to speak with Mr. Arbogast directly about this, but, our Fire Chief, Kessler has requested that Mr. Arbogast and he work together for the placement of a Knox Box on the building to allow for access to fire department officials in case of an emergency."

Ms. Wall asked for questions of Mr. Spring, there were none.

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

David Arbogast approached, he indicated he did not have anything to add. Currently he plans to store cars in the building. Sometime in the future he plans to sell classic cars out of this facility.

Ms. Wall questioned, would it be selling on the lot or out of the building?

Mr. Arbogast answered, out of the building, the type of cars I will be selling will need to be stored inside.

Ms. Wall asked, what is your time estimate for this venture?

Mr. Arbogast said "I really don't know yet."

Ms. Wall then asked, "What about for fencing?"

Mr. Arbogast responded, "The fencing would just be the back half of the property. I have not decided for sure yet whether to put the fence up."

Ms. Wall asked "Do you have any objection or issue with the Fire Chief's request for a Knox Box?"

Mr. Arbogast answered, "No."

Ms. Wall asked for Board discussion, there was none.

Ms. Alberson **moved to approve the Special Use Permit and amend to include the Knox Box requirement**, seconded by Ms. DeSantis. **Motion passed. 5-0.**

Old Business

There was no old business to discuss.

Miscellaneous  
City Council  
Reports –

July 17, 2017

Ms. DeSantis reported, there was nothing specific to this board to report.

August 7, 2017

Ms. Alberson reported, the Ordinance for the Final Plat of Regal Beloit was approved by City Council.

Upcoming City  
Council  
Meetings –

August 21,  
2017

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

Council  
Meeting  
Assignments –

September 18,  
2017

Ms. Wall will attend the September 18, 2017 City Council Meeting.

October 2,  
2017

Ms. DeSantis will attend the October 2, 2017 City Council Meeting.

October 16,  
2017

Mr. Sebor will attend the October 16, 2017 City Council Meeting.

October 23,  
2017

Ms. Alberson will attend the October 23, 2017 City Council Meeting.

November 6,  
2017

Mr. Thornbury will attend the November 6, 2017 City Council Meeting.

November 20,  
2017

Mr. Sebor will attend the November 20, 2017 City Council Meeting.

December 4,  
2017

Ms. DeSantis will attend the December 4, 2017 City Council Meeting.

December 18,  
2017

Ms. Alberson will attend the December 18, 2017 City Council Meeting.

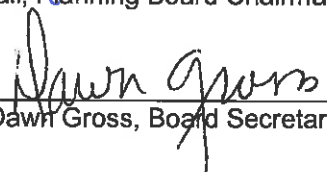
Board Member  
Comments

There were no Board Member comments.

Adjournment

Ms. DeSantis **moved the meeting be adjourned**. Mr. Thornbury seconded the motion. Ms. Wall declared the meeting adjourned at 7:58 pm.

  
Stacy Wall, Planning Board Chairman

Attest:   
Dawn Gross, Board Secretary