

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO September 12, 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 Mike Dungan, Tyler Kindle, Vincent Staub, Bill Briggs, Abby Bowling, Nancy Bowman, and City Manager, Tim Eggleston.
Approval of Minutes – August 8, 2017	Ms. DeSantis moved to approve the minutes of the August 8, 2017 meeting as written. Mr. Thornbury seconded the motion. Motion passed 5-0.
Items Not on the Agenda	There were no comments on items not on the agenda.
Administration of Oath	Ms. Gross administered the Oath to anyone that was wishing to speak during the public hearing.
<u>New Business</u>	
Christopher Randall – Randal Residence – 6400 S. CR 25A – 22 bed expansion of Randall Residence	Ms. DeSantis motioned to open the Public Hearing. Mr. Thornbury seconded the motion. Motion passed 5-0. Mr. Spring presented the following staff report to the Planning Board. The applicant requests Planning Board approval for the following: 1. Public Hearing – Modification to Planned Development 2. Special Use – Expansion of existing Special Use
	<u>General</u> Randall Residence is located at 6400 S. CR 25A, near the Northwest corner of Evanston Road and CR 25A and is a part of the Fieldstone Place Subdivision, which is zoned PD – Planned Development. The overall Fieldstone Place site is ± 43.016 acres in area. Randall Residence is located on the easternmost lot (IL 4116) of the subdivision (± 8.368 acres/± 9.184 acres after proposed forthcoming replat). The existing facility provides 80 assisted living units. The applicant proposes a 22 unit expansion of Randall Residence, thus increasing the density from 80 assisted living units to 102 assisted living units (total combined area of 86,145 sq. ft.).
	<u>History</u> <ul style="list-style-type: none">On March 13, 2012, Planning Board approved the original Site Plan and Special Use Permit for the existing Randall Residence (approved under previous Zoning Code, which was updated in 2014).On June 13, 2017, Planning Board forwarded a positive recommendation to City Council regarding a revised Preliminary Plan for Fieldstone Place that included the proposed expansion to Randall Residence.

- On June 19, 2017, City Council approved the revised Preliminary Plan for Fieldstone Place (Resolution 20-17) – Effective June 29, 2017.

PUBLIC HEARING – MODIFICATION TO PLANNED DEVELOPMENT

On August 29, 2017 the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a request to review a proposed 22-bed expansion to the existing Randall Residence located at 6400 S. CR 25A. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law.

Planned Development

Randall Residence is a part of the Fieldstone Place Subdivision, which is zoned PD – Planned Development. The PD Zoning District is a discontinued district (2014 Zoning Code update) and is maintained in the current Zoning Code to minimize the creation of nonconformities.

Modification/Expansion

Regarding modifications and expansions within the PD – Planned Development District, Code §154.04(E)(13)(e)(iv) states:

Any modification reviewed by the Planning Board shall be reviewed during a public hearing in the same manner, and with the same notice requirements, as a zoning amendment (See §154.03(B)(8)). After review of the modified plan and supporting data, the Planning Board shall approve or deny the plan within 60 days after the close of the public hearing.

General

The applicant requests Planning Board approval for the construction of a 15,684 square foot (22-bed) expansion of the Randall Residence Assisted Living Facility located at 6400 S CR 25A. The proposed expansion consists of three building additions located attached to the southeast, southwest and north of the existing structure.

Preliminary Plan

Regarding the need for a new Preliminary Plan for the proposed expansion of Randall Residence, Code §154.04(E)(13)(E)(e)(iii)(B) states:

All other changes shall be considered major modifications and must be reviewed and approved by the Planning Board. Major modifications include, but are not limited to:

Changes that the Zoning Administrator determines will alter the concept of intent of the planned development including increases in the number of units per acre, change in location or amount of nonresidential land uses, more than 15% modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data.

The proposed 22-unit expansion of Randall Residence increases the number of units per acre from ± 8.7 units per acre ($80 \div 9.184 \approx 8.7$) to ± 11.1 units per acre ($102 \div 9.184 \approx 11.1$); thus a new Preliminary Plan was required (approved by City Council on 6/19/17 – Resolution 20-17).

Density

Planned Residential Developments allowed for up to 10 dwelling units per acre for a development containing a combination of single-family, two-family and multi-family dwelling units.

Considered as a whole, the density of the proposed subdivision will be 4.2 dwelling units

per acre ($179 \div 43.016 \approx 4.2$) thus meeting the requirements of Code. As two separate Inlots the density of the proposed subdivision is ± 11.1 for Inlot 4116 (Phase 1 – Randall) ($102 \div 9.184 \approx 11.1$), and ± 2.3 for Inlot 4117/Fieldstone Place ($77 \div 33.832 \approx 2.3$).

Setbacks

Planned Residential Developments require a 50' green space setback along the entire perimeter of the development and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs and trees. As noted in the revised Preliminary Plan approved in June of this year (Res. 20-17) the entire subdivision (including Randall Residence) provides a 50' setback perimeter.

Common Open Space

Planned Residential Developments requires a minimum of 25% of the land in any planned residential development to be reserved for permanent common open/green space.

Considered as a whole, the subdivision will provide 13.594 acres, which equates to $\pm 31.6\%$ open space ($13.594 \div 43.016 \approx 31.6$), thus exceeding the requirement of Code. Considered as individually, Inlot 4116 (Randall Residence) provides 2.509 acres of common open space which equates to $\pm 27.3\%$ open space ($2.509 \div 9.184 \approx 27.3$). The green space provided in Inlot 4117 (Phases 1 – 5) is 11.085 acres, which equates to $\pm 32.8\%$ open space ($11.085 \div 33.832 \approx 32.8$).

Ingress/Egress & Circulation

Ingress/egress will continue to be via S. CR 25A and W. Evanston Road and include two-way circulation around the entire structure. The facility will not incorporate any public rights-of-way's within its boundaries, with all structures serviced by private driveways.

Off-Street Parking

Code Table 154.10-1 indicates that all uses within the Group Living Use category shall provide one space per two beds. Randall Residence (including the proposed expansion) will have a total of 102 beds therefore requiring 51 total off-street parking spaces ($102 \div 2 = 21$). The proposed site and expansion project will provide a total of 105 off-street parking spaces, including 8 handicapped accessible spaces, thus exceeding the requirement of Code.

Lot Lighting

The applicant has provided a photometric diagram (Attachment "xx") which indicates that the lot will be provided with an average of xxx foot-candles (fc) over private parking areas and drive aisles. The illumination will have a maximum of xxx fc per sq. ft. and a minimum of xx fc per square foot

The proposed lot lighting will be provided by the following:

- 23 – 25' tall, single head pole lights
- 2 – 25' tall, double head pole light
- 1 wall-pack fixture
- 6 recessed fixtures

Storm Water Detention

Randall Residence provide an existing on-site storm water detention which allows storm water to exit the subdivision at a rate equal to the pre-development rate by using two (2) retention basins along CR 25A. The applicant proposes to add a recirculating fountain in each of the basins to deter stagnation. At the writing of this staff report, the storm water calculations submitted by the applicant's engineering firm (Kingscott Engineering) were not adequate and consequently, had not been finalized and approved by City Engineer Donnelly. Staff recommends conditional approval of this requirement by the Planning Board, based on the submission of revised storm water calculations and subsequent

review/approval by City Engineer Donnelly (the resubmission may also entail site plan modifications).

Upon completion of the project, and in order to verify the plans and storm water calculations submitted, the City Engineer will require the detention basins, its pipes, and appurtenances to be as-built and certified by a Professional Engineer (P.E.) stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations, prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City.

-----**END OF PUBLIC HEARING**-----

Ms. Wall asked for questions of Mr. Spring.

Ms. Wall asked, "is the City Engineer comfortable with coming back to modify what they need to do if we would grant this tonight?" Mr. Spring responded, "Yes, as a matter of fact, the City Engineer has been working with the Applicant to finalize those requirements and they are very close at this point."

Ms. Wall asked the Applicant if he had anything further to add, and he replied no.

Mr. Sebor asked, "The south pond will be lined, will the north pond require that?"

Mr. Spring deferred to the Applicant.

Ms. Gross swore in Mr. Kindle.

Tyler Kindle, representing Kingscott Associates.

Mr. Kindle began, both the north and south pond were designed to retain water, currently the south pond leaks so that is the reason for the liner.

Ms. Alberson motioned to close the Public Hearing. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

Ms. Wall asked for discussion by the Board.

Ms. Wall stated the only issue is making sure the City Engineer is comfortable with what needs to be done. Mr. Thornbury agreed.

Ms. Wall moved to make a positive recommendation to the modification of the planned development based upon the conditions in the staff report, which are, Prior to the issuance of the approved Zoning Compliance Permit the applicant shall provide revised storm water detention calculations (including any needed site plan modifications) to the satisfaction and approval of the City Engineer. In addition, prior to the issuance of a Final Certificate of Occupancy by the City of Tipp City, the detention basins, its pipes, and appurtenances are to be as-built and a certification by the engineer is to be provided to the City stating the detention basin was constructed in accordance with the design and will operate in conformance with the City of Tipp City rules and regulations, seconded by Ms. DeSantis. Motion passed 5-0.

SPECIAL USE
General Standards

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 existing Randall Residence is an existing Special Use (Skilled Nursing or Personal Care Facility) within the PD – Planned Development Zoning District previously established and approved by Planning Board on 3/13/2012 as “Housing for the Elderly”.
- (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 staff that the proposed expansion of The Randall Residence 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 “Specific Standards” 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 staff that the proposed expansion of the Randall Residence will 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;
It is the opinion of staff that the proposed expansion of the Randall Residence will maintain a professional exterior appearance suitable for a Personal Care Facility.
- (f) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Board in the approved special use;
It is the opinion of staff that the proposed expansion of The Randall Residence complies with all applicable development standards.
- (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 staff that the proposed expansion of The Randall Residence will be harmonious with the existing character of the general vicinity.
- (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;
It is the opinion of staff that the proposed expansion of The Randall Residence will not be detrimental to any persons, property, or the general welfare by the reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

- (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 staff that the proposed circulation on and access to the property is designed so as not to 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;
It is the opinion of staff that the proposed expansion of The Randall Residence will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- (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 staff that the proposed expansion of The Randall Residence will 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 §154.04(H)).
See "Specific Standards" below.

Specific Standards

The following standards shall apply to any skilled nursing or personal care facilities:

- (a) The principal building shall be set back a minimum of 100 feet from any adjacent residential zoning district or residential lot.
The Randall Residence facility was established in 2012 under the previous Zoning Code and Special Use requirements, which did not contain this specific setback requirement. Staff notes that the existing structure maintains a setback of ± 70' from the residentially zoned lot (R-1A) at the northeast of the Randall Residence building and is nonconforming. The proposed expansion would not increase this existing nonconformity and is in compliance with Code §154.12(D)(1) which states:
Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code. The structure or site may be modified in a manner that will decrease the nonconformity.
- (b) All other site development standards of the applicable zoning district shall apply to the site.
See "General Requirements" below.
- (c) The maximum density of these facilities varies based on the specific type of facility as established below:
 - (i) If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six units per acre. In no case shall the independent living component comprise more than 50

percent of the dwelling units or rooms in the proposed development.
n/a. Randall Residence does not contain an independent living component.

- (ii) The maximum density of congregate housing or assisted living facilities shall be 10 units per acre in the R-3 and OS Districts and 20 units per acre in the GB and HB Districts, regardless if the unit is a complete dwelling unit with separate kitchen facilities.

n/a. Randall Residence is located within the PD – Planned Development Zoning District with density established by the District (see below).

- (iii) All other facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the special use approval.
See “General Requirements” below.

- (iv) The Planning Board may set maximum density or intensity requirements as part of the special use approval based on the density or character of surrounding uses.

Randall Residence is located within the PD – Planned Development Zoning District with density established by the District (see below).

- (d) The proposed use shall be located along an arterial or collector street, as defined by the City Engineer.

The Randall Residence is located on CR 25A, which is defined as a Principal Arterial by the Tipp City Thoroughfare Plan (Ord. 26-15).

- (e) Prior to the issuance of a final certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for this proposed special use on the subject property. If licensing is not available, a verified affidavit so stating shall be presented.

Ms. Wall asked Mr. Spring, “Why is this necessary?”

Mr. Spring answered, what you are approving is the expansion of an existing special use. When special uses expand it is required that they be reviewed.

Ms. Wall asked for discussion by the board, there was none.

Ms. Alberson moved to approve the Special Use with the following conditions: 1. Prior to the issuance of a final certificate of occupancy, the owner shall provide evidence that a valid license has been issued or is obtainable for this proposed special use on the subject property. 2. With the faithful execution of the above noted conditions/requirements that the Planning Board finds that the existing and proposed expansion to the Randall Residence meets or exceeds the general and specific requirements for Special Uses delineated in Code; and grants a “Special Use Permit” for the same, seconded by Mr. Sebor. Motion passed 5-0.

City of Tipp
City – Zoning
Code
Amendment -
Temporary
Certificate of
Occupancy –
Code
154.03(J)(5)

Ms. DeSantis motioned to open the Public Hearing. Ms. Alberson seconded the motion.
Motion passed 5-0.

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

The current Tipp City Zoning Code (revised 2014) places restrictions on the issuance of Temporary Certificates of Occupancy, primarily requiring that they be issued only during the winter months (when placement of sod, concrete, etc. might be more difficult due to weather conditions). Accordingly, City Manager Eggleston has asked the Planning Board to consider a Zoning Code revision that allow for the issuance of Temporary Certificates of Occupancy at any time of year. On August 15, the Tipp City Zoning Administrator set a Public Hearing for this evening to review proposed requirements regarding scoreboard signs. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law.

In City Manager Eggleston’s memorandum dated 8/15/17 (Attachment “B”), he states:

It has been brought to my attention that on two occasions this section of the zoning code has resulted in frustration between staff, developers, and business owners alike. Part of the issue for consideration are the many variables regarding construction. Weather including seasonal changes, as well as material shortages and contractor delays play an important role for every contractor and construction site. Section 154.03(J)(5) states that a Temporary Certificate of Occupancy (TCO) cannot be issued unless the site improvements are completed, unless there is a delay due to weather or seasonal conditions.

§ 154.03(J) CERTIFICATE OF OCCUPANCY

(5) Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding 6 months during alterations or partial occupancy of a building pending its completion or if certain site improvements are delayed due to weather and seasonal conditions.

Communities typically include within their zoning code a section to stating if surety is provided to cover the costs of the improvements and agree upon to have them completed within six (6) months, a temporary Certificate of Occupancy or a Final Certificate of Occupancy (C/O) can be issued.

Complaints received include a new business wishing to conduct a “soft opening” and a Temporary Occupancy Permit would not be issued. This project was near completion minus landscaping, but due to the language in the zoning code, the Temporary Certificate of Occupancy could not be issued. Staff was able to work with this business owner to allow for their “soft opening.”

The second incident came from a residential builder who had a client that wanted to sod their entire yard. The homeowner wanted to move in prior to the sod being installed. Under our current zoning code, sod is to be installed between the

sidewalk and curb and foot behind the sidewalk prior to receiving a Certificate of Occupancy. It is not cost effective for a contractor to come to a site twice. This created an increased cost due to the mobilization of equipment to the site twice. The builder was willing to put up surety guaranteeing the sod would be installed; however, due to the language contained in Section 154.03(J)(5) regarding site improvements, this would not be permitted to occur.

The following language (Attachment "A") is being proposed for the Board's consideration. This modification will provide staff with the flexibility in providing better customer service to our citizens and businesses.

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.

- (a) *The proposed amendment is consistent with the comprehensive plan, other adopted city plans, and the stated purposes of this code;*
It is the opinion of staff that the proposed Code amendment is consistent with the comprehensive plan and other adopted city plans.
- (b) *The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;*
It is the opinion of staff that the proposed Code amendment is desirable due to changing conditions or other social conditions.
- (c) *The proposed amendment will promote the public health, safety, and general welfare;*
It is the opinion of staff that the proposed amendment would be promote the general welfare.
- (d) *The proposed amendment, if amending the zoning map, is consistent with the stated purpose of the proposed zoning district;*
n/a. The proposed amendment is not a zoning map amendment.
- (e) *The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated; and/or*
The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation.
- (f) *The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.*
n/a. The proposed amendment is not a zoning map amendment, and thus there is no "subject tract" of property to be considered.

Ms. Wall asked for questions for Mr. Spring.

Ms. Wall asked, "what is the repercussion if you issue the six month temporary certificate pending completion and it is not completed in those six months is it a forfeiture of the surety or bond?" Mr. Spring responded, "usually the bond will be used to install whatever hasn't been installed."

Ms. Wall, "the primary change to this language is adding that requirement, that a bond or surety be posted?"

Mr. Spring said, "and that it can be issued at any time, not just during winter months."

Ms. Wall asked Mr. Eggleston to speak.

Mr. Eggleston discussed the interpretation of the verbiage of the provision.

Ms. Wall asked Mr. Spring for his interpretation of the provision currently.

Mr. Spring responded, "I interpret it that the first portion is specific to building issues or if something in your site outside is delayed due to weather. My opinion is that if you want to do away with the weather requirement, there needs to be a change according to the way it is written here today. The Code specifically states that interpretations are first to The Zoning Administrator and if there is a disagreement or a misunderstanding then to The Board of Zoning Appeals."

Ms. Wall then asked, "is this proposal also going to the Zoning Board for their review and input?"

Mr. Spring responded, "no, there has never been a question as to its interpretation."

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

Ms. DeSantis motioned to close the Public Hearing. Mr. Thornbury seconded the motion. **Motion passed 5-0.**

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

Mr. Thornbury **moved to forward a positive recommendation to City Council on the proposed Ordinance**, seconded by Mr. Sebor. **Motion passed 5-0.**

Mr. Thornbury motioned to open the Public Hearing. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

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

At the August 8, 2017 Planning Board meeting, the Board requested that staff provide a review of the previous Zoning Code changes associated with the Tipp City Seniors and their proposed location change from their existing S. First Street site. According to the Zoning Code, the Tipp City Seniors use is defined as a Fraternal, Charitable, and Service Oriented Club which is defined by Code §154.14(B) as:

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, religious, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

History - General

For many years the Tipp City Seniors Inc. (a non-profit service organization serving the needs of senior citizens in Tipp City) have struggled with inadequate off-street parking facilities at their existing 320 S. First Street location (the organization has ± 200 members and only 5 off-street parking spaces available). Accordingly, back in approximately 2013, the Tipp City Seniors (Seniors) began to explore the possibility of relocating.

City of Tipp
City – Zoning
Code Text
Amendment –
review of
previous code
changes -
Code
154.14(B)

History – Third Street Location

In 2014, the Seniors began working with City regarding the use of a property located on N. Third Street (zoned CD – Conservation District) as a possible location for the construction of a new facility. However, per Code Table 154.04-5, Fraternal, Charitable, and Service Oriented Clubs, were not a permitted use in the CD Zoning District. Consequently, and as a part of the Seniors due diligence prior to a financial commitment, the group sought out a zoning code change that would allow Fraternal, Charitable, and Service Oriented Clubs in the CD Zoning District. Accordingly, on 1/13/15, Planning Board forwarded a positive recommendation to City Council (adopted by Council Ord. 3-15) regarding an amendment to allow Fraternal, Charitable, and Service Oriented Clubs in the CD – Conservation Zoning District. Subsequently, the N. Third Street property under consideration was removed from consideration due to an issue with an overlay easement with the Miami Conservancy District.

History – 855 N. Hyatt Street Location

Later in 2015, the Seniors became interested in the vacant parcel located at 855 N. Hyatt Street (zoned LI – Light Industrial Zoning District) as a possible alternative to the N. Third Street property for the construction of a new facility. However, per Code Table 154.04-5, Fraternal, Charitable, and Service Oriented Clubs, were also not a permitted use in the LI Zoning District. Again, and as a part of the Seniors due diligence prior to a financial commitment, the group sought out a zoning code change that would allow Fraternal, Charitable, and Service Oriented Clubs in the LI Zoning District. Accordingly, on 8/11/15, Planning Board forwarded a positive recommendation to City Council (adopted by Council Ord. 38-15) regarding an amendment to allow Fraternal, Charitable, and Service Oriented Clubs in the LI – Light Industrial Zoning District. Unfortunately, the 855 N. Hyatt Street property was subsequently also removed from consideration due to high expense costs associated with construction of a new building.

History – Passage of Levy in support of the Seniors

On 11/3/15, area voters approved a 1-mill, five-year levy in support of the Tipp Seniors need for a new facility. John Berk, Tipp Seniors building committee chairman, has stated that the 1-mill, five-year levy will generate \$388,785 a year, or \$1.9 million over the levy life.

History – 528 N. Hyatt Street Location

As noted at the August 8, 2017 Planning Board meeting, the Seniors have tentative plans for the purchase of the existing building located at 528 N. Hyatt Street/Evans Title Building (currently zoned OS – Office Service). Again however, per Code Table 154.04-5, Fraternal, Charitable, and Service Oriented Clubs, were not a permitted use in the OS Zoning District. As previously, and as a part of the Seniors due diligence prior to a financial commitment, the group sought out a zoning code change that would allow Fraternal, Charitable, and Service Oriented Clubs in the OS Zoning District. Accordingly, on 8/8/17, Planning Board forwarded a positive recommendation to City Council (second reading of the Ordinance scheduled for 9/18/17) regarding an amendment to allow Fraternal, Charitable, and Service Oriented Clubs in the OS – Office Service Zoning District.

Impact on the current Zoning Code

Staff notes that the two Zoning Code amendments adopted during this process that allows Fraternal, Charitable, and Service Oriented Clubs in the CD – Conservation Zoning District and LI – Light Industrial Zoning District (Ordinances 3-15 and 38-15 respectively) are essentially superfluous. There have been no approved Zoning Occupancy/Change of Use Permits issued for Fraternal, Charitable, and Service Oriented Clubs in either the CD or LI Zoning Districts since the adoption of these ordinances.

Recommendation

Accordingly, staff has drafted an Ordinance that removes Fraternal, Charitable, and Service Oriented Clubs as Principally Permitted Uses from both the CD – Conservation Zoning

District and LI – Light Industrial Zoning District of Code Table Section 154.04-5. Staff recommends Planning Board forward a positive recommendation to City Council regarding this proposed text amendment.

Ms. Wall asked for questions of Mr. Spring.

Ms. DeSantis added, City Council had a special meeting last Tuesday (September 5th) for the second reading.

Ms. Alberson motioned to close the Public Hearing. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

Ms. Wall asked for discussion by the Board.

Ms. Wall stated, "if I read this correctly, I am not voting in favor of it, for the reason that if you look at the chart, I don't think a Fraternal, Charitable and Service Oriented Clubs are out of lines with Institutional Uses.

Mr. Sebor asked, "This proposed amendment just means that is going back to the way it was originally written, correct?" Mr. Spring responded "correct."

Ms. Wall added, "It does, but this Board found it was appropriate. It is questionable to me why it was appropriate at one time but not appropriate now even though we have had no body apply for that."

Mr. Thornbury **moved to forward a positive recommendation to City Council on the proposed Text Amendment**, seconded by Mr. Sebor. **Motion passed 3-2. Ayes: Thornbury, Sebor, DeSantis. Nays: Wall, Alberson.**

Old Business

Mike Dungan,
Fieldstone
Partners, LLC –
Inlot 4117 –
Final Plan for
Phase 1

Ms. Alberson motioned to remove the case from the table at last month's meeting. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

Mr. Thornbury motioned to open the Public Hearing. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

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

History

On 6/8/07, City Council adopted Resolution 22-07 approving the original Preliminary Plan for the Fieldstone Place Subdivision.

On 11/15/10, City Council adopted Resolution 44-10 approving a revised Preliminary Plan for the Fieldstone Place Subdivision.

On 10/21/13, City Council adopted Resolution 43-13 approving a revised Preliminary Plan for the Fieldstone Place Subdivision.

On 6/13/17, Planning Board recommended to City Council a revised Preliminary Plan for the Fieldstone Place Subdivision. On 6/19/17, City Council approved (Resolution 20-17) the revised Preliminary Plan of the Fieldstone Place Subdivision.

On 7/19/17, the Tipp City Zoning Administrator set a Public Hearing for 8/8/17 regarding a request to review the Final Plat for Phase 1 of the Fieldstone Place Subdivision. Staff notes that this Public Hearing was set administratively with public notice published pursuant

to law.

On 8/8/17, the Planning Board tabled the Public Hearing until September 12, 2017 due to corrections and additions needed on the Final Plan, construction drawings, and other required documents.

General

The Fieldstone Place Subdivision is a planned (PD) ± 43 acre subdivision located near the northwest corner of S. CR 25A and Evanston Road and includes the existing Randall Residence assisted living facility.

Final Plan/Plat – Phase 1 - Inlot 4117

Phase 1 AREA SUMMARY	
Usage	Acreage
16 Single-Family Residential lots	3.557 acres
1 Lot for Transfer (to Randall Residence)	0.819 acres
Dedicated Street ROW	1.326 acres
3 Common Area lots	3.902 acres
TOTAL	9.604 acres

Setbacks

In accordance with the approved Preliminary Plan/Plat, the applicant proposes the following setbacks for each single-family Inlot:

- Front: 25'
- Side: 7.5'
- Rear: 30'

Ingress/Egress

Phase 1 shall have primary Ingress/Egress to Evanston Road on the south via Marjean Drive.

Utilities

The Fieldstone Place Subdivision will provide a potable water supply by placing a combination of 8" and 12" pipe accessed at the existing 12" water main at Evanston Road.

Sanitary sewer will be through an 8" sanitary line, accessed via connection easterly (Randall Residence).

Electric will be accessed from the 3-Phase currently running along Evanston Road at the south of the plat. The electric poles currently on Evanston Road will be moved northerly to allow for the required widening of Evanston Road (see below).

Storm Water Detention

The Fieldstone Place Subdivision will provide on-site storm water detention areas for the entire subdivision, which shall allow storm water to exit the subdivision at a rate equal to the pre-development rate. Phase 1 will utilize the first of two proposed basins located at the southeastern corner of the Plat. A second basin will be installed west of Marjean Drive as the Subdivision builds out. City Engineer Donnelly has approved the storm water plan and calculations.

Thoroughfare Plan

Code §155.107(D) requires the following:

(D) Official thoroughfare construction requirements. In cases in which a proposed thoroughfare, as shown on the Official Thoroughfare Plan, abuts or crosses the

proposed subdivision, the subdivider shall be responsible for all required improvements, including the required pavement width on an undivided street. In the case of a divided street, the subdivider shall be responsible for the sidewalk, 1 curb, 1 pavement 37 feet in width measured from curb back to curb back, and storm drainage. Certain improvements may be waived on review and approval by the Planning Board; however, right-of-way dedication shall be required in all cases.

The Tipp City Thoroughfare Plan (Ordinance 26-15) requires that Evanston Road incorporate a 70' right-of-way and CR 25A incorporate a 100' right-of-way. All required right-of-way for Fieldstone Phase 1 (Inlot 4117) was dedicated with Phase 1 (Randall Residence) Inlot 4116.

For Phase 1, the Final Plan/Plat indicates the widening of ± .11 miles of Evanston Road right-of-way from its current ± 40' width to the required 70' width (35' northern half). Surety will be posted to guarantee completion of Evanston Road, including sidewalks.

Easements

Individual Inlots will provide "standard" utility and drainage easements as follows:

- 10' front & rear
- 5' side
- All common area lots are dedicated as utility and drainage easements
- There are several other specialized easements within & proximate to the plat that allow for installation and access of various utilities, pipes and/or appurtenances.

Maintenance of Infrastructure

Phase 1 of the Fieldstone Place Subdivision (including widening of Evanston Road) will add the following public improvements to the City of Tipp City, which after the one year maintenance period, will be the City's responsibility to maintain in perpetuity:

- ± 0.31 lane miles of pavement (Evanston Road, Marjean Drive, Flagstone Way and Pebble Place Way)
- ± 1,385 lineal feet of sanitary sewer mains (8")
- ± 1,699 lineal feet of water mains (1,103' of 8" and 596' of 12")
- ± 1,799 lineal feet of storm sewer mains (799' of 12"; 293' of 15"; 5' of 18"; 83' of 24"; 337' of 24"; and 282' of 36")
- 1 storm water detention basin (privately maintained by HOA)
- ± 37 additional persons of which ± 8 will be using Tipp City Schools (based on census data estimate)
- 16 additional homes will be protected by Tipp City's Police, Fire, & EMS services.

It should be noted that with the passage of the 10-year LIT Levy the City's repaving schedule has been reduced to an estimated 18-19 years (assumes that the levy will be renewed in 2021). The estimated life of water, sewer, and storm lines is at least 30-50 years, and is usually much longer.

When eventually required in the future (18-19 years), the proposed ± 0.31 lane miles of new pavement will cost ± \$24,000 to resurface (based upon 2017 asphalt resurfacing bids material & labor costs). This monetary figure does not take into account any increase in material/labor costs that will occur in 18-19 years.

Surety

Staff notes that the applicant will be required to provide surety (bond, irrevocable letter of credit, cash) per Code §155.117(B) for the required thoroughfare construction and all required Public Improvements. City Engineer Donnelly has approved the Engineer's estimate of \$851,082.75 for all public improvements. Surety in this amount, plus 10%, shall

be provided prior to the introduction of the Final Plan/Plat Ordinance by City Council.

Facade Treatment

In keeping with the minimum standards previously utilized in other Planned Residential Subdivisions (Hunters Ridge, Cedar Grove, Curry Branch, & Rosewood Creek), the Fieldstone Place Subdivision (through the covenants, conditions, and restrictions) has required each home be sided with a 35% minimum combination of wood, brick, stone, manufactured stone, stucco, cementitious fiberboard, and/or hardy-plank. This language is also in the Construction & Subdivider's Agreement.

Construction/Subdivider's Agreement & Covenants, Deeds and Restrictions

The Construction/Subdivider's Agreement and the Covenants, Deeds and Restrictions are important components for Planning Board & City Council approval of any Subdivision. Copies of these documents are attached (attachments "E").

Drafting Changes

There are still several minor drafting changes that were not corrected by Choice One Engineering during the creation of the latest set of construction drawings. Choice One and the City Engineer will resolve these minor changes.

Recommendation

Staff recommends Planning Board forward a positive recommendation to City Council with the following conditions:

1. That the minor drafting changes be made to the construction drawings to the acceptance of the City Engineer.
2. Prior to the introduction of the Final Plan/Plat to City Council, the applicant will provide: fees due, insurance certificate, surety in accordance with Code.

Ms. Wall asked "On the expansion of Evanston, what does that mean practically for the road, will it add a middle turn lane, or will it remain a 2 lane road?"

Mr. Spring answered, "Ultimately they're only widening that one half of it, so it's not really going to effect the true nature of the road until the other half is widened. It is similar to Hunter's Ridge, there will be an indent that is not fully utilizable until the entire road is widened."

Ms. Wall inquired if a traffic study had been done? Mr. Spring responded a traffic study was not done in association with this.

Ms. Wall asked, "Did the City Engineer provide any comments regarding traffic?" Mr. Spring responded "no, he did not require any."

Ms. Wall asked for questions of the applicant, there were none.

Ms. Alberson motioned to close the Public Hearing. Ms. DeSantis seconded the motion. **Motion passed 5-0.**

Ms. Wall asked for Board Member discussion.

Ms. Wall stated, "I think we just have to rely on the City Engineer to make sure those modifications are satisfactory."

Mr. Thornbury moved to forward a positive recommendation to City Council with the following conditions: 1. That the minor drafting changes be made to the construction drawings to the acceptance of the City Engineer. 2. Prior to the introduction of the Final Plan/Plat to City Council, the applicant will provide: fees

due, insurance certificate, surety in accordance with Code, seconded by Ms. Wall. Motion passed 5-0.

Miscellaneous

5-year Capital Improvement Plan Presentation

Timothy J. Eggleston, City Manager, presented the 5 year Capital Improvement Plan to the Board.

Ms. Wall thanked Mr. Eggleston for his time and presentation.

City Council Reports –

August 21, 2017

Mr. Sebor reported, there was a Motion to call a Special Meeting to expedite the Ordinance regarding Fraternal, Charitable, and Service Oriented Clubs to allow them in the OS Zoning District. Mr. Sebor also added there was a minor significant item presented, a (well done) public comment to add a noise ordinance modification to our ordinance, which would prohibit noise on a broader scale than how it is currently addressed.

Upcoming City Council Meetings –

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.

Board Member Comments

There were no Board Member comments.

Adjournment

Mr. Thornbury **moved the meeting be adjourned**. Ms. DeSantis seconded the motion. Ms. Wall declared the meeting adjourned at 8:52 pm.



Stacy Wall, Planning Board Chairman

Attest: 

Dawn Gross, Board Secretary