

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO June 14, 2022

Meeting	Chairman Andrew Thornbury 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: Andrew Thornbury, Vonda Alberson, Jeff Sebor, and Vivian Davis. Others in attendance: Shaun Moore, Marilyn K. Moore, Nick Brenner, Michael Huffman ; City Planner/Zoning Administrator Colin Carville, and Board Secretary Dawn Gross.
Excuse absent Board Member DeSantis	Mr. Sebor moved to excuse the absence of Ms. DeSantis. Ms. Alberson seconded the motion. Motion passed 4-0.
Approval of Agenda	Mr. Thornbury moved to approve the agenda. Ms. Alberson seconded. Mr. Thornbury moved to amend the agenda to add a Special Use Case for TLG Peterbilt under Old Business. Mr. Sebor seconded. A vote was taken on the motion. Motion carried. A vote was taken on the amended agenda. Motion carried.
Approval of Minutes – May 10, 2022	Mr. Thornbury moved to approve the Minutes of the May 10, 2022 meeting as written. Ms. Alberson seconded the motion. Motion passed 4-0.
Items Not on the Agenda	Ms. Marilyn Moore; 218 N 3 rd Street approached the dais to discuss the removal of stop signs on Dow Street. Chairman Thornbury explained this would need to be brought to City Council to be heard.
Administration of Oath	Mrs. Gross swore in citizens and Mr. Carville.
<u>New Business</u>	Ms. Alberson moved to open the Public Hearing. Mr. Sebor seconded the motion. Motion passed 4-0.
Public Hearing – Comprehensive Plan Modification – Menard, Inc	Mr. Carville presented the following Staff Report to the Planning Board: On May 23, 2022, the Tipp City Zoning Administrator set a Public Hearing for this evening regarding a 4/29/22 request from Menard, Inc. to consider a modification to the Future Land Use Map of the Comprehensive Plan. Staff notes that this Public Hearing was set administratively with public notice published pursuant to law. General In addition to the Future Land Use Map, the existing Comprehensive Plan (adopted by City Council on 2/6/17 (Ord. 2-17)) includes Existing Land Uses, Priority Growth Areas, and general Guiding Principles for the future of Tipp City. Proposed Modification Menard, Inc. would like the Planning Board to consider a modification to the Future Land Use Map for Inlot 4052 (± 9.825 acres), whereby the designated future land use would be changed from “Commercial Node” to “Industrial Node”. If approved, the applicant would be pursuing a future zoning change to reflect the changes to the

Future Land Use Map.

The intention of the applicant is to develop the land into a self-storage facility on the property. Attachment "B" details the concept site plan showing various sized non-climate controlled units.

Charter Requirements

Regarding the Comprehensive Plan, the Charter of Tipp City States:

Code 8.02 COMPREHENSIVE PLAN:

(A) CONTENT: The Council shall have the authority to adopt a comprehensive plan setting forth in graphic and textual form policies, laws, and regulations to govern the future physical development of the municipality. Such plan may cover the entire municipality and all of its functions and services, or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire municipality and all of its functions and services. This plan should be reviewed, and if necessary, modified on a periodic basis; such review shall take place at least every ten years.

(B) ADOPTING: Upon receipt from the Manager of a proposed comprehensive plan or proposed modification of an existing plan, the Council shall refer such proposal to the Planning Board which shall, within a time specified by the Council, report its recommendations thereon. After receipt of the recommendations of the Planning Board, the Council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by ordinance, with or without amendment.

(C) EFFECT: The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

Impact on Adjacent Industrial Properties

Inlot 4052 is surrounded by properties that are zoned Highway Business. The use of those properties vary from a church, auto repair shop and restaurants. The existing Menards store is directly to the north of this proposed development.

Recommendation:

The Tipp City Planning Board recommends forwarding a positive/negative recommendation to City Council on the proposed modification to the Future Land Use Map of the Comprehensive Plan.

Mr. Sebor asked, "Colin, if I understand correctly, since it is commercial now, commercial doesn't allow the use?"

Mr. Carville responded, "Correct, the only zoning classification for that would be light industrial and that does not fit into industrial node. It is a Special Use in light industrial so hypothetically if this were to be approved, the next step would be to change it to light industrial and then we would have to pursue a Special Use to allow for storage units there."

Mr. Thornbury asked if the parcel to the south was commercial or light industrial,

Mr. Carville indicated that was the church parking lot.

Mr. Sebor asked if there had been any comments received, Mr. Carville said no.

Mr. Thornbury asked the applicant to come forward to be hears.

Mr. Nick Brenner; 5101 Menard Drive, Eau Claire, WI.

Mr. Brenner gave a brief background of the potential project. He indicated Menard's operates several locations with this type of storage facility. They have concerns with selling the excess land because there is no frontage. The struggle is determining if they should hold on and potentially sell it if a buyer can be found or utilize the land with the self-storage facility. Mr. Brenner explained the layout, "There will be a fence all around the perimeter, all the units face the inside, and all the lights are inside. You won't be able to see the doors, lights and you won't be able to see what is going on, on the inside of this facility from the outside. The way to get into the facility there is actually an entrance that has 2 overhead garage doors on it. You would go up to the gate and type in your code and the garage doors will open. Only people with active units will have a code that works. It will not be like other facilities where you can drive up and down the aisles. The Manager of the Store will run the facility."

Mr. Sebor asked, "The green and yellow angles storage, is that outdoor storage for vehicles?"

Mr. Brenner responded, "Correct. That will be our RV and Boat parking area."

Ms. Davis asked, "Will these be entirely enclosed?"

Mr. Benner answered, "Yes, it will be like the current yard gate we have at the store."

Mr. Thornbury asked, "How many total units will be in the concept site plan?"

Mr. Brenner answered, "I think we are at 350 right now, which includes the parking stalls and everything."

Mr. Brenner also addressed potential traffic issues, saying that they are low traffic generating units.

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

Mr. Thornbury asked for discussion amongst the Board.

Mr. Thornbury asked what kind of buffer would be required with the different designations.

Mr. Carville indicated a medium buffer would be required.

Mr. Sebor added, "I personally think this is a pretty good fit. It would be a quiet neighbor."

The rest of the Board agreed.

Ms. Alberson moved to forward a positive recommendation to City Council on the proposed modification to the Future Land Use Map of the Comprehensive Plan, seconded by Mr. Sebor. Motion passed 4-0.

TABLED FROM MAY 10, 2022 MEETING – APPLICANT WAS NOT PRESENT

Ms. Alberson moved to remove this item from the table, seconded by Mr. Thornbury. Motion passed 4-0.

Old Business

Special Use –
Michael Huffman –
201 W Walnut Street
– Code Sections

154.03(D)(5) &
154.06(A)(4)(i)(vii)(A)

Mr. Carville presented the following Staff Report to the Planning Board:

The applicant is seeking a Special Use Permit from the Planning Board for the installation of a new 8' galvanized chain-link fence that would extend into the front yard of the property located at 201 W Walnut St.

Proposed Use

The applicant is in the process of improving the property at 201 W Walnut St. They have struggled in the past with vandalism of the building, often finding graffiti. Their hope is that this new proposed fence and corresponding security gates will prevent future vandalism and enable them to make improvements to the property. Code 154.06(A)(4)(i)(vii)(A) states fences, walls, and hedges are not permitted in the front yard unless the Planning Board approves the fencing as a special use for public safety or security reasons.

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

Decisions on a special use review shall be based on consideration of the following review criteria. All special uses shall be subject to 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 this proposed special use is appropriate in the LD – Legacy Development.

(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);

N/A

(c) The proposed use complies with any use-specific standards as may be established for the use;

N/A

(d) The proposed use shall be adequately served by essential public facilities as listed in Section §154.01(E)(2);

It is currently 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;

The applicant has agreed to these standards.

(f) The proposed use will comply with all applicable development standards, except as specifically altered by the Planning Board in the approved special use; The proposed use follows the Tipp City Zoning 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;

Based on the application material, it is the opinion of the staff that the proposed fence would be harmonious with the existing/intended character of the general vicinity, and 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 fence would not 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 staff that the multiple access points would not interfere with traffic and 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;
The fence will not damage natural, scenic, or historic features 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 the staff that the proposed use would not impede the normal and orderly development of the surrounding properties.

(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.
The height of 8 ft. is allowed in LD – Legacy District. All other zoning requirements are met.

Recommendations:

Staff recommends the following:

1. The Planning Board moves to either grant or deny a Special Use Permit for the property located at 201 W Walnut Street for a fence to be constructed in the front yard of a LD – Legacy District based on the requirements of Code § 154.03(D)(5) & 154.06(A)(4)(i)(vii)(A).

Mr. Thornbury asked for questions of Mr. Carville, there were none.

Mr. Thornbury asked if the applicant would like to come forward and speak on the case.

Mr. Michael Huffman; 201 W Walnut Street, Tipp City.

Mr. Huffman spoke about the history of the property. He is requesting this fence for security issues. The building has been vandalized and graffiti-ed many times.

Mr. Sebor asked for clarification of some of the locations of the fence panels.

Mr. Thornbury asked for Board Member discussion.

Ms. Alberson and Ms. Davis agree it is a smart idea to secure the property to keep from further damage.

Mr. Thornbury moved to grant a Special Use Permit for the property located at 201 W Walnut Street for a fence to be constructed in the front yard of a LD-Legacy District based on the requirements of Code §154.03(D)(5) & 154.06(A)(4)(i)(vii)(A), seconded by Ms. Davis. Motion passed 4-0.

Special Use –
Larson Properties,
LLC – Vacant Land
on South Kinna
Drive – Code
Section(s) 154.03(D)
and 154.04(G)(24)

Mr. Carville briefly explained this is being heard again because the time expired for the project. It was approved unanimously at the March 10, 2020 meeting. A Special Use permit is limited to 2 years, if no action has been made then it is required to be resubmitted. The reason for the inaction, March 10th was one month before the pandemic and everything being shut down due to COVID, this thwarted all their plans.

Mr. Carville 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 a new TLG Peterbilt dealership at the vacant lot of Inlot 4209 on Kinna Dr.

Proposed Use

The applicant has indicated that this facility, similar to other TLG Peterbilt dealerships, will be the sale, leasing, repair and storage of semi tractors and other related heavy equipment and machinery. There are roughly 24 TLG Peterbilt facilities nationwide, with two other locations in Ohio. The closest location is in Huber Heights.

Staff notes that Table 154.04-3 indicates that Machinery and Heavy Equipment Sales, Leasing, Repair, and Storage are considered a Special Use within the LD – Legacy Development District requiring Planning Board review and approval per §154.03(D)(4).

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

Decisions on a special use review shall be based on consideration of the following review criteria. All special uses shall be subject to 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 this proposed business is substantially similar to the Special Use Machinery and Heavy Equipment Sales, Leasing, Repair, and Storage.

(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 business 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;

The applicant has agreed to the standards set forth in code 154.04(G)(24).

(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 business 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; No official site plan has been submitted but applicant has expressed a willingness to abide by all Tipp Cite Codes.

(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 the proposed business 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 business 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 staff that the creation of a new TLG Peterbilt would not generate enough new trips to warrant a traffic study or large interference with traffic.

(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 currently 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 business 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.

No official site plan has been submitted but applicant has expressed a willingness to adhere to all Tipp City Codes.

Specific Requirements – Automotive Repair (Heavy) Code § 154.04(G)(24)

(24) Automotive Repair (Heavy)

The following standards shall apply to any automotive repair (heavy):

(a) A heavy automotive repair establishment shall be subject to the same requirements as an automotive service station as established in § 154.04(G)(25).

(b) The storage of non-operational vehicles for longer than 1 week shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of 6 feet.

(c) The principal building shall be set back a minimum of 100 feet from any adjacent residential lot. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent residential lot.

Additional Notes

- The applicant is pursuing approval of the Special Use Permit by Planning Board before purchasing Inlot 4209 to begin development.

Recommendations:

Staff recommends the following:

1. The Planning Board moves to either grant or deny a Special Use Permit for Larson Properties, LLC based on the requirements of Code § 154.03(D)(5) and 154.04(G)(24).

Ms. Alberson asked, "Since this expired, can we do an extension?"

Mr. Carville clarified, "This is essentially just a re-issue."

Ms. Alberson asked, "The property between this and Tipp Storage, do we have any idea what the development of that property is?"

Mr. Carville answered, "They are in a similar situation. They are a proposed heavy machinery facility."

Mr. Sebor moved to grant a Special Use Permit for Larson Properties, LLC based on the requirements of Code §154.03(D)(5) and 154.04(G)(24), seconded by Ms. Davis. Motion passed 4-0.

Miscellaneous
City Council Reports

May 16, 2022

Ms. Alberson reported, Council held a work session to discuss nuisance and vacant properties. They also discussed the annexation of the Arbogast property. They had a first reading for the Cedar Grove Phase 5 Final Plat and Plan. Finally they set a Public Hearing for June 20th for the Office Service and Light Industrial properties.

June 6, 2022

Mr. Thornbury reported Council had the second reading for Cedar Grove Phase 5. They had the First Reading for the Office Service and Light Industrial properties.

Upcoming City
Council Meetings –

June 20, 2022

Mr. Sebor will report on the June 20, 2022 City Council Meeting.

July 18, 2022

Mr. Sebor will report on the July 18, 2022 City Council Meeting.

August 1, 2022

Ms. Alberson will report on the August 1, 2022 City Council Meeting.

August 15, 2022

Mr. Thornbury will report on the August 15, 2022 City Council Meeting.

Upcoming City
Council Assignments

September 19, 2022

Ms. Davis will report on the September 19, 2022 City Council Meeting.

September 26, 2022

Ms. Alberson will report on the September 26, 2022 City Council Meeting.

October 3, 2022

Mr. Sebor will report on the October 3, 2022 City Council Meeting.

October 17, 2022

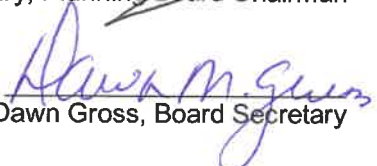
Mr. Thornbury will report on the October 17, 2022 City Council Meeting.

October 24, 2022

Ms. Davis will report on the October 24, 2022 City Council Meeting.

November 7, 2022 Ms. DeSantis will report on the November 7, 2022 City Council Meeting.
November 21, 2022 Mr. Sebor will report on the November 21, 2022 City Council Meeting.
December 5, 2022 Ms. Alberson will report on the December 5, 2022 City Council Meeting.
December 19, 2022 Mr. Thornbury will report on the December 19, 2022 City Council Meeting.
January 3, 2023 Ms. DeSantis will report on the January 3, 2023 City Council Meeting.
Board Member
Comments There were no Board Member Comments.
Adjournment Ms. Alberson **moved the meeting be adjourned**. Mr. Sebor seconded the motion.
Mr. Thornbury declared the meeting adjourned at 8:45 pm.


Andrew Thornbury, Planning Board Chairman

Attest 
Dawn Gross, Board Secretary