

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

6:00 P.M. – Chairman Spoltman called the meeting to order. Mr. Spoltman noted for the record the hearing of each item would be conducted according to a modified Roberts Rules of Order, more specifically as follows:

- A. Clerk to State the Agenda Item
- B. Staff Comments
- C. Applicant/Agent Comments
- D. Other Affected Parties Comments
- E. Board Member Comments and Questions
- F. Board to Take Action on the Item

ROLL CALL

Members Present: Jim Oda, Jean Franz, Mark Spoltman, Brad Bubp
Members Absent: Mike Taylor
Staff Members: Chris Schmiesing, Becky Cool, Amy Havenar
Attendees: Steve Reindel, Jim Sherry, Amber Crumrine, Gary Urasek

Moved by Mr. Oda, seconded by Mr. Bubp to excuse Mr. Taylor from the October 9, 2012 Planning Commission Meeting. Voice vote, Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Oda, Aye; Mr. Spoltman, Aye. Nay, None.

Chairman Spoltman stated at this time he would like to change the order of the Planning Commission Agenda and move up PC 20-12 under New Business and the rest of the agenda up for consideration as he feels Resolution PC 19-12 might entail a lengthy discussion due to the nature of the item.

Moved by Mr. Oda, seconded by Mrs. Franz to change the order of the Planning Commission Agenda of October 9, 2012 as discussed. Voice vote, Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Oda, Aye; and Mr. Spoltman, Aye. Nay, None.

Monthly Reports - Projects

City Planner Chris Schmiesing stated the board members received an email with the monthly permit activity report, and asked if there were any questions regarding the report at this time.

County Road 25A Phase II Reconstruction

City Engineer Amy Havenar came forward and gave a brief overview of the project at this time. Phase II will be kicking off in July 2013 and will extend from Country Club Road to Looney Road, and will be typical of the last phase of construction. Greg Urasek of Kleingers & Associates passed out full sets of plans to the Board Members for review at this time.

Ms. Havenar stated that Mr. Schmiesing invited them to come and share their information. As in all capital improvements, they like to run them by the Planning Commission to make sure the vision and direction they are going is consistent with the Planning Commission vision, and they are following what was set forth in the Comprehensive Plan. The project total cost will be \$3.5

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

million with the city receiving a little over \$2 million in Federal Grant funding, and receiving \$950,000 in Issue 2 funding through the Ohio Public Works Commission. The remainder of the cost will be borne by the City of Piqua and the Miami County Engineers Office and be split 50/50 since part of the project is in the City, and part of it is in the County, stated Ms. Havenar. The project is scheduled to take about a year to complete but this will be an ODOT let project similar to Ash Street project. The project will consist of five lanes from Country Club Rd. going down to four lanes at Siedel Parkway, and three lanes west of Looney Road where it funnels down to the existing cross section it is now, stated Ms. Havenar.

Mr. Schmiesing asked Board Members to turn to sheet 78 in the plans that were passed out, were they can see the illustration and be able to follow along with the design as it is explained. Ms. Havenar stated traffic will be maintained and there will be one lane open each way during construction, but it will still be congested. There will be limited utility work done along with storm sewer and mains, with a four-foot tree lawn and a five-foot sidewalk the entire route of the project. There is a Phase III plan for 2015/2016, which picks up at Looney Rd. and goes out past Indian Ridge Drive and will complete the 25-A construction, stated Ms. Havenar.

Mr. Schmiesing stated he wanted to remind the Planning Commission the format is similar, as other capital improvement project just want to give you the opportunity to comment and ask questions. Mr. Schmiesing further stated there are comment sheets in the back of the room if anyone present would like to leave their comments.

Greg Urasek of Kleinger's & Associates presented a more detailed explanation of the project going thru the plans that were previously handed out.

There was a brief discussion and several questions were raised concerning the number of traffic lanes, the width of lanes, will construction be done on both lanes at same time, sidewalks, and tree plantings. Mr. Urasek answered all of the questions.

NEW BUSINESS

PC-20-12

A Resolution to recommend the zoning designation of 437 Kitt Street change from B General Business to R1 One-Family Residential

Mr. Schmiesing stated this is an item that was brought to us by the prospective buyer of the property who is having difficulty trying to get financing due to the zoning of the property at this time. This particular property has a zoning designation of B General Business and is a single-family residence and has never had a business type use in the location. This is a 100% residential unit and would like it to have it zoned an R-1 One-Family Residential.

Public Comment

Amber Crumrine current resident of 437 Kitt Street and owner came forward to answer Board members questions.

Mr. Schmiesing stated the request will go to the Piqua City Commission at their October 16, 2012 meeting for approval

Motion was made by Mr. Oda, seconded by Mrs. Franz to approve PC 20-12. Roll Call Vote: Mr. Oda, Aye; Mr. Bubp, Aye, Mrs. Franz, Aye, and Mr. Spoltman, Aye. Nay, None.

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

PC-19-12

A Resolution to recommend an amendment to the zoning code related to high-rise/highway oriented signage

Mr. Schmiesing stated in light of the AV system not working he provided a print out of a power point presentation that was given at a City Commission Work Session in September. Mr. Schmiesing gave a brief overview of the request for the change in the zoning code at this time. The owner of the property, Mr. Sherry reached out to the City Commission to express concern he had with the current sign code and the provisions in the code that prevented him from being able to replace the existing Paul Sherry high-rise sign out by the interstate at Exit 83 in Piqua.

Mr. Schmiesing went through the slides explaining the context. The first slide shows the existing current sign conditions as a detached sign with 1260 sq ft of sign, 90 ft. in height with a setback of 25 ft. and was permitted in 1997. This was permissible in the previous code as shown in the slide. The proposed sign area is 601 sq. ft., 90 ft. high, set back of 25 ft. and would be installed on the current existing poles. A permit request was received for this sign, but due to the current sign code provisions this request could not be processed. The next slide is an illustration of the proposed location of the sign as it relates to the properties affected further explaining the area.

The next slide is Sign Code Section 154.101 Permanent; Detached Signs with Mr. Schmiesing explaining the applicable language. The next slide explains **Sign Code Section Section 154.096 Definitions and Exhibits** and explains that a Billboard is an off-premise sign with a display area larger than the display area allowed for an off-premise sign listed as an authorized accessory use in a particular use group. Off-Premise Sign is a sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. Mr. Schmiesing stated it is his interpretation of the two definitions is the sign is a billboard, which in section 154.099, billboards is a prohibited sign type. So that made it impossible to consider it for a variance for the proposed sign. The next slide **shows Sign Code Section 154.099 Prohibited Signs** showing the signs that shall be prohibited unless specifically authorized by the provisions stated in 154.099 through 154.103, (E) Bill Board. The next slide shows the **Sign Code Section 154.106 Nonconforming Signs and Structures, (2)** All signs that do not conform to the standards of this subchapter shall be brought into conformity under any of the following conditions: (c) upon any alterations to the existing sign structure, including altering, rebuilding enlarging, extending, or relocating. The repainting or re-facing of existing nonconforming signs shall not be considered an alteration as long as the re-facing complies with the general regulations section of this code. The Sign Code was reviewed by the Planning Commission, and several public meetings were held where business leaders and community members participated in the conversation. The Planning Commission and the City Commission approved the updates and the Sign Code was updated in 2006, stated Mr. Schmiesing. As a point of reference the code as it is currently written allows for a high-rise interstate sign within 1500 feet to be up to 200 sq. ft. and not to exceed 80 ft. in height. The next slide shows illustrations of other current interstate signs in area that existed before the current sign code was adopted in 2006. They include the Marathon Station on Rt. 36 East, Red Lobster, Rt. 36, Waffle House, Rt. 36 and Cracker Barrel Rt. 36, providing the size of each sign. Also the Home Depot Sign, LaQuinta Sign, and Speedway Sign explaining the sizes and the installation dates. Mr. Schmiesing provided information of several examples of sign standards and how the City of Piqua relates to other communities in the area including Sidney, Troy and Tipp City providing their sign code information compared to the City of Piqua's sign code. Other Non-Conforming Freestanding Signs in the area include Advanced Auto Parts and they are

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

bringing it into code at this time, and the Papa Johns sign was damaged and they have not requested to replace it at this time.

Mr. Schmiesing further stated the City Commission provided guidance to the staff expressing their interest in accommodating the proposed sign at the Sherry property and directing staff to formulate code language that would do that. Mr. Schmiesing highlighted and explained the proposed amendments to the Sign Code.

Changes to be amended are listed in Sections: 154.005 Definitions "Lot" 154.096, Definitions and Exhibits High-Rise/Highway Oriented Signs, 154.097 General Requirements (B) (8), 154.097 General Requirements (C) (5), 154.101 Permanent Detached Signs (C) (1), 154.097 General Requirements (2) (a) (5), 154.104 Computation of Height and Area (A) 2.

There was discussion on the information presented by Mr. Schmiesing regarding the proposed changes by Board Members, with questions being answered by Mr. Schmiesing.

Public Comment

Jim Sherry, applicant came forward and asked if there were any questions for him at this time.

Mr. Oda asked what type of damage was done to the sign and why Mr. Sherry could not repair the current sign. Mr. Sherry explained the damage that was done and reason it cannot be repaired, further explaining the type and size of the sign he is proposing. Mr. Oda asked if Mr. Sherry was in agreement with what Mr. Schmiesing presented and is proposing. Mr. Sherry stated as long as it fits his sign type.

Steve Reindel, Wilshire Dr. Chairman of the Board of Zoning Appeals, stated almost half of the requests that come before the BZA relate to sign variances, and noted that a Public Input meeting was held in 2006 to establish the Sign Code for businesses and others with a lot of time being put into the proposed changes. His concern is that the Planning Commission will be making changes that will affect the rest of the City and would like them to consider the impact to the Sign Code before adopting the proposed changes at this time.

Mr. Spoltman stated right now this cannot go to the BZA since it is a prohibited sign by the current code. Mr. Spoltman is concerned that a lot of effort was put into the establishing the sign code and for the most part it has been working quite well. This is a situation where if the language were changed this sign would fit into a non-conforming use and could go before the BZA is there room to work with the sign owner? Mr. Reindel stated there is always consideration but in the past his point of view is because there has been a board of individuals who spent a lot of time to develop the code, there has to be a very good reason to consider having a variance for that particular sign type. Mr. Schmiesing further explained the role the BZA plays in considering and granting variances.

Mr. Bubp asked if they are just modifying the existing zoning laws to accommodate this particular sign, and is that something we want to do is that the only reason we are doing this is so they can have the sign. It seems odd to modify the zoning regulations to accommodate a sign, and the question is do we really want this sign. What does it mean to the City for future properties up and down I-75 are we allowing the ability to have a Los Vegas strip of lighted signs up and down I-75 when no other communities have that? Why do we want this sign? Mr. Spoltman commented are we interested not in this particular sign, but in what changing the code would allow. There was discussion concerning this type of sign, is it acceptable on a leased lot and what and if there are going to be any changes now. In 2006 this type of sign was not acceptable do we want it now, stated Mr. Bubp. Mr. Spoltman stated he agrees with Mr. Bubp, but now this particular type of sign is prohibited. Mr. Schmiesing explained the way the

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

language currently describes a billboard or off-premise sign on a lot, makes it an off-premise sign, which makes it a billboard sign. The item was brought to the Planning Commission through the City Commission asking staff to review the sign code and see if it could be amended to accommodate the subject sign. Any amendment to the Sign Code would not only affect this sign on this property, but any other property that would meet the eligibility requirements in the future, stated Mr. Schmiesing. Mr. Bubp stated he has some major concern, not with the language, or the illumination, but with having more of this type of signs, why do we want these? Mr. Spoltman stated according to the chart that Mr. Schmiesing provided previously outlining the size and type of signs in other neighboring communities; this is way outside the community standards. Mrs. Franz commented that when the sign code was adopted it was set so that the community would never be embarrassed by signage.

Mr. Oda stated due to the restrictions in the code are there that many sites along I-75 that would meet the requirements? Mr. Schmiesing stated he did not know the exact number. Mr. Schmiesing provided several examples of action taken by the BZA on sign variances, in 2007, 2008, 2009, 2010, and 2011, with none in 2012 so far with most of the variances being denied. The BZA has been consistent in their role of enforcing the code as it was adopted, only granting variances when there are unique or peculiar circumstance that provided the basis to grant an exception, stated Mr. Schmiesing.

Mr. Spoltman asked Mr. Bubp if the issue with the lot definition was a problem, with Mr. Spoltman stating his personal issue was with the area as the other changes are reasonable. Mr. Oda stated he does not have any problem with the lot or the height either. Mr. Bubp stated as it currently stands there is no way that the sign could be put up today, with Mr. Schmiesing replying yes. Mr. Schmiesing asked if it would be possible to go through each change so they would have a better understanding of the changes in question, and proceeded to review the changes as suggested.

There was discussion regarding the sign code and the various changes including the 30-second time allotted for the moving sign among the other changes proposed.

The proposed changes are: **Maximum Height- 90 feet, Maximum Sign Area- 200 sq. ft. plus 10 sq. feet for each acre of lot greater than 10 acres, not to exceed 400 sq. feet; Minimum Lot Area-N/A.** Mr. Spoltman asked if this was agreeable with the BZA. Mr. Reindel explained his concerns.

Mr. Sherry answered the questions that were posed to him previously. What he would be advertising on the sign, is the property owner/lease all the same. Mr. Sherry stated all he is trying to do is to replace the damaged 1200 sq. ft. sign with a new state of the art sign that is one-half the square footage of the original sign. Mr. Sherry continued by further stating all he is trying to do is put up the most efficient state of the art sign that he can that is going to last the longest period of time in his business, and that is how he came up with the 600 sq. ft. If he goes smaller he would not be able to get his message across he feels.

Mr. Spoltman stated the Planning Commission is not being asked to consider just this one sign, but all signs. Mr. Sherry replied this will not only help grow his business, but it would also help the City of Piqua, noting that he would like to do things such as promote the Piqua-troy football game.

Mr. Oda asked if this passes, and if it also passes the City Commission would the 400 sq. ft. be enough? Mr. Sherry stated he did not know. If not he would leave it as it is, take his money and run and invest it somewhere else. Mr. Sherry also stated he agrees the 1200 sq. ft. is a little excessive.

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 9, 2012 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

There was additional discussion on what the goal is for the sign and Mr. Sherry voiced his concerns. Mr. Bubp voiced his concerns with the changes to the sign code. Mr. Sherry further stated he is here to grow his business, and have an awesome looking sign coming into the City of Piqua that all he is asking for.

Mr. Bubp voiced his concerns on the signage along I-75, and there was continued discussion regarding the sign. Mr. Sherry voiced his concerns about the size and the readability of the sign if the size was to be made smaller than his request of 600 sq. ft. Mr. Schmiesing gave a brief overview of typical sign size requirements as it relates to the conspicuity of the message relative to the travel speed of the vehicle.

Mr. Oda made a motion to recommend to the City Commission the changes in the Sign Code Ordinance to include the changes that were discussed previously and agreed upon by this body. Mr. Bubp seconded the motion, with voice vote approval all in were in favor of the modifications to PC 19-12. Mr. Spoltman stated the modifications to PC 19-12 were approved.

Moved by Mr. Oda, seconded by Mr. Bubp to approve PC 19-12, as amended. Roll call vote, Mr. Oda, Aye; Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye. Nay, None. Motion carried on a 4-0 vote to adopt PC 19-12, as amended.

PC 19-12 will be forwarded to the City Commission to be presented at their October 16, 2012 Regular City Commission Meeting.

Adjournment

With no further business to conduct it was moved and seconded that the regular meeting be adjourned. With all those present in favor the regular meeting was adjourned at 8:30 P.M.