

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, NOVEMBER 13, 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, Mark Spoltman, Mike Taylor
Members Absent: Jean Franz, Brad Bubp
Staff Members: Chris Schmiesing, Becky Cool,
Attendees: Jean & Bill Cline, John & Sharon Newsom, Chuck Starrett, Lonnie Starrett, Jim Gover, Jr., Charles & Shirley Sanders, Nancy Ulbrich, Russ Fashner, Kelli Cline, Jamie Rowley

Moved by Mr. Oda, seconded by Mr. Taylor to excuse Mrs. Franz and Mr. Bubp from the November 13, 2012 Piqua Planning Commission Meeting. Voice vote, Mr. Taylor, Aye: Mr. Oda, Aye: Mr. Spoltman, Aye. Nay, None.

MEETING MINUTES

Chairman Spoltman asked if there were any additions, deletions or corrections to the meeting minutes included in the agenda packet. Mr. Oda made a motion to approve the September 11, 2012 and the October 9, 2012 meeting minutes as submitted, Mr. Taylor seconded the motion. Voice vote, Mr. Oda, Aye: Mr. Taylor, Aye: Mr. Spoltman, Aye. Nay: None. A roll call vote resulted in a 3-0 vote supporting the motion to approve the meeting minutes as submitted.

NEW BUSINESS

PC-21-12

A Resolution to authorize a change to the current nonconforming use to allow a dwelling unit use at 827 W. North Street

City Planner Chris Schmiesing explained the property in question is located at 827 W. North Street when originally built was a neighborhood use with a residential use on the upper floor which continues today. Until recently the first floor was occupied by various retail use, most recently a beauty salon. The applicant is requesting a two-family zoning designation at this time to conform to the zoning of the rest of neighborhood.

Jamie Rowley, Piqua Troy Rd. applicant came forward and gave a brief overview of his plans for the property located at 827 W. North Street. Mr. Rowley would like to use it as a two-family

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residence instead of having retail on the first floor. He feels that the two-family use it is a good fit for the neighborhood, further stating there are about ten other two family residences currently in the neighborhood.

Mr. Spoltman inquired as to what type of changes would have to be made to make it a two family residence.

Mr. Rowley explained he would have to add a shower and tub, add a few additional walls, add a couple of windows on the Virginia Street side to let in natural light, and replace the two front plate glass windows with sliding windows large enough for egress if necessary.

Mr. Oda stated this property started out as a neighborhood grocery originally but feels this is a valid and positive use of the property, and that it would fit very well in the neighborhood.

Mr. Spoltman stated he feels this is a good fit for the neighborhood and the community.

Public Comment

No one came forward to speak for or against PC-21-12.

Motion was made by Mr. Oda, seconded by Mr. Taylor to approve PC 21-12. Roll Call Vote: Mr. Oda, Aye, Mr. Taylor, Aye: and Mr. Spoltman, Aye. Nay, None.

PC-22-12

A Resolution to authorize a bed and breakfast special use at 1220 Park Avenue

City Planner Chris Schmiesing gave a brief overview of the request by Dr. & Georgia Armstrong to have a bed and breakfast in their home located at 1220 Park Avenue. Dr. & Mrs. Armstrong were unable to attend the meeting but provided a letter and pictures of their home. Mr. Schmiesing presented a timeline of the various steps that have been taken and of the meetings that have taken place in the past regarding this property. Mr. Schmiesing explained the difference between a Zoning Change and a Special Use designation. There was discussion on how and when the neighboring property owners are notified, the policy and procedures of the City Commission and the Planning Commission on notifying the neighbors. Mr. Schmiesing went over each of the requirements regarding the Special Use zoning in the R-1AA, and the definition of a Bed and Breakfast along with the requirements that must be met. A Zoning Permit would be required, and Mr. Schmiesing explained that the Special Use designation goes with the property not the property owner.

There was discussion regarding the number of guests allowed to be there at one time, the parking area, on-site meals and preparation, and if the residents had to be on the premise at all times when guests are present. There was concern about the status of the property if the applicant should choose not to continue the bed and breakfast after a period of time. Mr. Schmiesing was asked to explain what would happen if the structure were not to be used as a bed and breakfast for a period of time. Mr. Schmiesing explained.

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John Newsom and his wife Sharon, 1220 Park Avenue came forward stating they live on the referenced property and are in favor of the Armstrong's providing a bed and breakfast. The Newsom's stated they feel there would be very little traffic as there is quite a bit of off street parking. With the limited number of guests being there at one time as they are only using three bedrooms, the guests should not present any problems. The Newsom's further stated they felt people should be encouraged to walk around the beautiful area, and see all the wonderful things Piqua has to offer while staying at the bed and breakfast.

Lonnie Starrett, 1222 Park Avenue (which is located on the same property and shares a right of way with the Armstrong's) came forward and voiced his concern about his property and the liability he might have if one of the guests should come on his property. Mr. Starrett also voiced his opinion about not receiving a letter concerning the procedure of notifying the adjacent neighbors. Chairman Spoltman stated this is a new resolution, and this is the first reading on this particular item for the Planning Commission.

Mr. Schmiesing explained what Mr. Starrett was referring to was an amendment to the Zoning Code that was presented to the City Commission, and the procedures were followed as directed in the Zoning Code and explained the procedure the City Commission follows. This is first time the bed and breakfast item has come before the Planning Commission, thus the reason for the letters being sent out to the adjacent property owners. Mr. Starrett also voiced his concern if the property were to be sold what the property could possibly be used as. Mr. Schmiesing explained the procedure if the property were to be sold and wanting to be used for another use. Other than the bed and breakfast.

Charles Sanders, 103 Lakewood Place came forward and voiced his concern about not being able to address the applicants since they were not in attendance. Mr. Schmiesing explained the procedure of asking questions and concerns, stating they should be voiced to the Chairman and the Planning Commission considers the concern and if they feel there is a need for additional discovery they would pursue that. Mr. Schmiesing further stated, due to the history of this item he has made sure he is well informed on the intent of the applicant, and feels he can offer some insight on some of the questions. Mr. Sanders asked if the bed and breakfast would have employees, would the bed and breakfast be closed if the residents were out of town, is this just a tax write off for the residents, further stating he feels this is a "back door" way of doing things. Mr. Schmiesing was able to answer most of the concerns and questions. Chairman Spoltman stated this is a public meeting and there is nothing being done "back door". Mr. Sanders further stated he is not against the bed and breakfast just against the rezoning of the property.

William Cline, 1229 Park Avenue voiced his opinion about having the bed and breakfast across the street from his home, stating if the Zoning was going to be changed the neighbors should have been notified. Mr. Cline believes this will increase traffic in the neighborhood, that it will affect the value of Mr. Starrett's property, and feels it is a means for the Armstrong's to try and sell the property. Mr. Cline further stated he does not feel the Armstrong's advantages should be at the disadvantage of the rest of the neighbors, further stating it appears this was all done behind everyone's back. Chairman Spoltman stated he took offense to the comment that "this was done behind everyone's back" this was very public. Mr. Cline voiced his concern over how and when he was notified and what is considered public notification.

Lonnie Starrett, 1222 Park Avenue came forward and asked if this were to be passed tonight it would still have to go to the City Commission for three readings right? Chairman Spoltman stated no, if it passes tonight this is it. Mr. Starret continued to voice his concern about the public hearings and the lack of notification of the neighbors. Chairman Spoltman stated the

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Planning Commission has had hearings on the zoning designation, but not on this particular issue.

Mr. Oda asked Mr. Starrett what he specifically wanted clarified. Mr. Starrett stated he feels everyone in the neighborhood should have a chance to come forward and voice his or her opinion, further stating he is concerned about his property value and is upset that he has no control over the situation. Mr. Oda explained what would happen if the property is sold.

Jean Cline, 1229 Park Avenue came forward and voiced her concern over the possibility of increased traffic and people driving through the property to look at the bed and breakfast, and what else the property could possibly be used for other than the bed and breakfast.

Mr. Oda explained there are only three bedrooms available for use, and this is still considered a private residence. Because it is a bed and breakfast it does not mean it is open to the public, it is still a private site and is to be viewed as that.

Russ Fashner, 801 Forrest Avenue inquired as to the number of bed and breakfast facilities in the City of Piqua, and if there have been any problems or challenges with them. Mr. Fashner asked that the Commission table this item at this time. Mr. Schmiesing provided information regarding the current bed and breakfast in town located on Caldwell Street. They have more than three rooms, and have very little parking. The neighbor's comments have all been very favorable, and there have not been any issues or concerns with the bed and breakfast.

Mr. Oda stated he lives down the street from the bed and breakfast on Caldwell Street. They had several gatherings there and have not had any issues with the bed and breakfast. Mr. Schmiesing stated the Planning Commission receives their packet the same time it goes out to the public, and they would have received them the same time the neighbors received their letters.

Kelly Cline, Boone Street came forward and read information from a letter from the Armstrong's stating *"If you feel there are too many conflicts presented at this meeting, we are requesting that you table the agenda and wait until we return to Piqua."* Ms. Cline asked if that would be possible? Chairman Spoltman stated they have not gotten to that step of the meeting yet, that would be the next step. Mr. Schmiesing explained the misunderstanding in the meeting agenda, and stated tabling the item would not make a difference on the Armstrong's presence.

Mr. Starrett voiced his opinion on having the Armstrong's present to answer questions and concerns from the neighbors.

All Board Members present stated they had no problem with tabling the resolution at this time. Moved by Mr. Oda, seconded by Mr. Taylor, to table PC 22-12 until the applicant or his agent can be present at the next regularly scheduled Planning Commission Meeting to be held on December 11, 2012. Roll call vote, Mr. Oda, Aye: Mr. Taylor, Aye: Mr. Spoltman, Aye. Motion carried on a 3-0 vote.

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.

Complete Streets Policy

A public hearing to present information and solicit public comment concerning the proposed City of Piqua Complete Streets Policy

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Mr. Schmiesing passed out a draft copy of the Complete Streets Policy to the Board Members and provided additional information regarding the new policy and procedures.

Mr. Oda stated for the record, Mr. Schmiesing indicated the committee has worked on this but Mr. Schmiesing has done the marathon work on this project and is to be commended for this. Mr. Spoltman stated he seconded that comment. Mr. Schmiesing stated he appreciates that, and he did do the heavy lifting but wants it to be clear that the Bike-Run-Ped committee members, some 20 members, are the ones who reviewed, agreed upon, and approved the content of this policy.

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 7:10 P.M.