CALL TO ORDER
1. Chair Comments
   Opening Remarks
2. Roll Call
   Clerk Calls the Roll

OLD BUSINESS
3. Meeting Minutes
   Adoption of July 1, 2008 Meeting Minutes
4. Resolution PC 35-08
   (Tabled 7-1-08)
   A request to permit a multi-family dwelling unit special use of an existing structure with nonstandard use conditions (lot area, setbacks, and screening), said structure located at 8470 N. County Road 25-A.

NEW BUSINESS
5. Resolution PC 37-08
   A request to permit a carry out (vending cart) special use of a portion of public right of way located in the Central Business District at the intersection of Main Street and High Street, and also at the intersection of Wayne Street and High Street.
6. Resolution PC 38-08
   A request to permit a neighborhood business (Salon) special use of a portion of a dwelling unit located at 1011 Broadway.

OTHER BUSINESS
7. Monthly Report
   General Information, Legislative Update, Special Projects, Permits

ADJOURNMENT
8. Adjournment
   Adjourn session
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: Mark Spoltman, Mike Taylor, Jim Oda, Jean Franz, and Brad Bubp

Members Absent: None

Staff Members: Chris Schmiesing, Becky Cool

Attendees: Ed Liette, Darla Liette, Jan Chalmers, Ron Chalmers, Chuck Starrett, Jim McMaken, Brad Boehringer.

MEETING MINUTES

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the June 3, 2008 meeting minutes included in the agenda packet. Mrs. Franz motioned to approve the June 3, 2008 meeting minutes as submitted and Mr. Oda seconded the motion. Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye; Mr. Oda, and Mr. Taylor, Aye. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

OLD BUSINESS

None

NEW BUSINESS

1. PC 33-08

A request to permit the reconstruction of a one-family detached dwelling unit with a nonstandard use conditions (front yard setback and lot frontage), said dwelling unit to be located at 1007 Maple Street.
Mr. Schmiesing stated a one-family dwelling unit occupied the lot until a recent explosion involuntarily destroyed it. The neighborhood is built out and the existing and proposed gravel drive, private garage and one-family dwelling unit improvements are compatible and consistent with the existing improvements found in this neighborhood. As with most of the lots and structures found in this neighborhood, the lot frontage and front yard setbacks are nonstandard.

Mr. Spoltman stated he had looked at the lot and for the record the driveway was paved.

No other persons came forward to speak for or against the resolution.

Mr. Oda moved to approve the request to grant the Special Use, as it has met all the criteria as presented by staff. Mr. Bubp seconded the motion. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the request for the Special Use Permit.

2. PC 34-08

A request to permit the enlargement and reconstruction of a nonconforming private garage with a nonstandard use condition (front yard setback), said private garage to be located on Inlot 8916 Echo Lake Drive.

Mr. Schmiesing handed out a new illustration of the proposed building and explained the reason for the request.

Mr. Schmiesing stated the subject parcel is 1.451 acres perched atop a retaining wall along side an incline in the Echo Lake Driveway. The parcel is mostly covered by mature trees and is a fair distance back from the roadway where an existing 24' by 30' private garage is situated. The proposed 36' x 60' private garage would be situated so the northwest corner of the building matches the existing structure location with the enlargement extending to the south and east. The existing nonstandard 17'-0 setback to the north lot line will remain unchanged. To the north of the north lot line lies an unimproved portion of Lake Street right of way that is land locked with no connectivity to any existing street right of way and very unlikely to be developed as currently platted. The proposed structure will be stick frame construction on concrete slab, with the exterior sides and roofs to be covered with a steel siding/roofing material.

Ron Chalmers, property owner, came to the podium and encouraged the Commission to approve his request. Mr. Chalmers explained he has six antique cars in storage in various places and would like to have them all in one place. Mrs. Franz asked if he would be doing any noisy bodywork on the vehicles. Mr. Chalmers stated no, he would not be doing any bodywork on the vehicles. Mr. Chalmers stated he has a
petition signed by all of his neighbors in favor of this request and presented it to the Clerk.

Mr. Spoltman asked Mr. Chalmers when he plans on building a house on this property. Mr. Chalmers stated he plans to build the house next year.

No other persons came forward to speak for or against the Resolution.

Mr. Bubp moved to approve the request and Mrs. Franz seconded the motion. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote to approve the request.

3. PC 35-08

A request to permit a multi-family dwelling unit special use of an existing structure with nonstandard use conditions (lot area, setbacks, and screening), said structure located at 8470 N. County Road 25-A.

Mr. Schmiesing stated the parcel was formerly operated as the Piqua Motel and the motel use has been discontinued for a number of years. Since that time the structure has remained mostly unoccupied less the conversion of the lobby space into a realtor office. The proposed plan suggests the possibility of 29 individual dwelling unit spaces. The plan also suggests that the existing asphalt parking area immediately adjacent to the building be extended into the front yard to establish an additional 24 parking spaces. The building will be refaced, have new windows installed, have new heating & cooling units installed in each unit, and each unit be refurbished. The applicant has indicated the intent is to cater to senior citizens.

Mr. Spoltman voiced his concern over the useable parking spaces and stated he would like to see one space per unit. Mrs. Franz stated she would like to see each unit have one parking space and have an area for visitor parking. Mr. Oda also voiced his concern over the available parking area. There was continued discussion of the various areas for parking for each unit and for visitor parking. Mr. Bubp voiced his concern over the lack of detail shown on the landscape plans and stated he does not see a need for the forty-eight spaces they have asked for. Mr. Oda inquired as to how many one-bedroom and efficiency units they are planning on.

Ed Liette, 9300 Country Club Road, applicant approached the lectern to speak on behalf of the item. Mr. Liette explained they intend to convert the current building into efficiencies and one-bedroom apartments. Several questions were asked regarding the number of efficiencies and apartments to be put in the building, would there be an age restriction of the tenants; is there a limit on how many people can live in each apartment or efficiency; would the apartments and the
efficiencies be furnished; would there be an outdoor area for families to sit and gather. Mr. Liette answered all the questions and explained how the rooms would be set up and how the parking would be handled. Mr. Schmiesing asked what the typical size of one of the units would be. Mr. Liette stated the units would be 12’ x 22’. Mr. Schmiesing suggested that Mr. Liette put something in his lease agreement to control the number of tenants living in each unit due to the minimal size of the units.

Mrs. Franz asked how Mr. Liette felt about putting in landscaping around the building and in front of the building. Mr. Liette stated he was agreeable to putting in landscaping, but stated he was confused on the difference between a State Licensed Landscape Architect and a Landscape Designer. Mr. Schmiesing explained the difference between the two, and suggested Mr. Liette contact a Design Professional to have his landscape plans drawn. Mr. Bubp asked if the next step was for Mr. Liette to submit plans to the Planning Commission for review. Mr. Schmiesing stated the Planning Commission could authorize the use with conditions or have Mr. Liette bring plans back to the Planning Commission for further review. Mr. Spoltman and Mr. Bubp both stated they would like to see plans first before making any recommendation on the Resolution. Mr. Spoltman stated the plans need to show the improvements that he intends to make. Mr. Oda inquired as to the number of units, and the rent that is to be charge per unit. Mr. Liette stated he is not sure yet on how many units he will have but is looking at a rent range of $450-$500 per month at this time. Mrs. Franz stated there is a market right now for housing such as this for single elderly citizens.

Mr. Spoltman stated it is very difficult to vote on this resolution without more detailed information, and stated he would like to table the resolution until Mr. Liette can submit a more detailed plan. Mr. Taylor stated he would like to see Mr. Liette bring in a letter explaining the three phases of this project noting there is not enough information in the application to make a decision at this time.

Chuck Starrett came to the podium and voiced his opinion on the landscaping and the parking areas. Mr. Starrett further stated he believes this project is a good use of the old motel.

No other persons came forward to speak for or against the resolution.

Mr. Oda made a motion, seconded by Mrs. Franz, to table Resolution No. PC-35-08 until the next scheduled meeting when the appropriate materials are available. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote
resulted in a 5-0 vote to table Resolution PC-35-08 until the next scheduled meeting when the appropriate materials are available.

4. PC 36-08

A request to amend the zoning chapter of the codified ordinances to modify the code provisions pertaining to minimum side yard setback requirements for temporary and permanent freestanding (detached) signs.

Mr. Schmiesing passed out a new handout dated June 30, 2008 with Exhibit “A” amended from the information that was in the Planning Commission packet. Mr. Schmiesing stated the current code provisions require a thirty-foot setback side yard for a temporary or permanent detached or freestanding sign type. For lots less than sixty feet in width, this provision presents a challenge. The proposed revisions include reducing the required side yard setback for these sign types. Mr. Schmiesing went over each section, and explained the changes, stating this is mostly a housekeeping issue. Mr. Oda voiced his opinion over the setback of five feet. Mr. Taylor asked how they came up with the five-foot setback. Mr. Schmiesing explained, stating it was previously based upon research of other sign codes.

No persons came forward to speak for or against the resolution.

Mr. Oda moved to recommend approval of the request. Mr. Bubp seconded the motion. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay. None. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the request.

OTHER BUSINESS

12. Monthly Report

Mr. Schmiesing provided an update to the Planning Commission on legislative items, planning activities, permit issuances and other items of interest to the Planning Commission that occurred over the previous month.

ADJOURNMENT

With no further business to conduct it was moved and seconded that the meeting be adjourned. With all those present in favor the meeting adjourned at 7:40 p.m.
WHEREAS, Edwin Liette, owner of the subject parcel, has submitted a request to permit a multi-family dwelling unit special use of an existing structure with nonstandard use conditions (lot area, setbacks, and screening), said structure located at 8470 N. County Road 25-A; and,

WHEREAS, section 154.066 of the City of Piqua Code of Ordinances states that a special use permit may issued to allow the issuance of a building permit to permit the conversion and or enlargement of a premises which constitutes a nonstandard use and describes three criteria in addition to the special use criteria that shall be considered; and,

WHEREAS, sections 154.140 of the City of Piqua Code of Ordinances provides the procedure for considering a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has given specific consideration to the criteria to be considered prior to acting on a special use request,

NOW THEREFORE BE IT RESOLVED, board member _________ hereby moves to _________ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member _________, and the voting record on this motion is hereby recorded as follows.

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Tabled to next scheduled meeting when appropriate material are submitted.
Concerning 8470 N. County Rd 25A, Piqua, O.

We would be doing the land legacy as provided by Light House State of Ohio Land Surveying Architect # 826. Dave Swearingen.

We will put all new Thermose Save Low E Glass windows.

We will replace the present windows. The front of the building will be completely remodeled above present brick along with completely sided ends and back of building. The building has been completely re-roofed and remodeled for the purpose requested.

There will be at least 5 of the units combined with another unit for each.

Well done 27 July 2006

RECEIVED
AUG 21 2006
CITY OF PIQUA
DEVELOPMENT OFFICE
Date: June 20, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: PC Resolution 35-08

GENERAL INFORMATION

Applicant: Ed Liette
Owner: Ed Liette
Location: 8470 N County Road 25-A
Zoning: B - General Business
Land Use
   Existing: Professional Office; pre-existing multi-family dwelling unit use; nonstandard gravel and asphalt parking areas
   Proposed: Professional Office; pre-existing multi-family dwelling unit use; nonstandard gravel and asphalt parking areas; and new multi-family dwelling units
Request: To permit the conversion of the former motel use to individual efficiency and one bedroom apartments, and to enlarge the existing nonstandard asphalt parking area.

DISCUSSION/FINDINGS

The subject parcel was formerly operated as the Piqua Motel and the motel use has been discontinued for a number of years. Since that time the structure has remained mostly unoccupied less the conversion of the lobby space into realtor office. The proposed plan suggests the possibility of 29 individual dwelling unit spaces being included in this project. The plan also suggest that the existing asphalt parking area immediately adjacent the building will be extended into the front yard to establish and additional 24 parking spaces. Likewise, the applicant indicates that the building will be refaced and that new windows and heating and cooling units will be installed in each unit and that each unit will be refurbished. The applicant has indicated that the intent is for this facility to cater to senior citizens. No information regarding age restrictions has been provided by the applicant.

The zoning code includes criteria to be given specific consideration when determining whether to authorize the issuance of a permit to allow the reconstruction alteration of nonstandard lot. Such consideration comes by way of the special use provisions, which also include certain criteria to be considered. The following highlights each of the criteria described in those sections and provides staff’s analysis of how this request measures up to those standards.
Effects on adjacent property, traffic, and city utility service needs?

Staff Analysis: This project will likely generate a minimal amount of additional traffic and utility service needs and will likely have little or no impact on existing traffic patterns or utility services.

Density of land use zoning for the subject property and adjacent property?

Staff Analysis: With no change in the overall dimensions of the building footprint proposed, the impact on the development density will be null. The proposed parking lot improvements would be subject to the setback and development standards applicable to the district.

Degree of hardship upon the applicant which would be caused by failure to grant a permit.

Staff Analysis: The zoning designation of this property affords the owner a variety of use options in addition to the dwelling unit special use being considered. Therefore, denial of this request would cause no plausible hardship.

The proposed special use is compatible with the stated intent of the zoning district?

Staff Analysis: The proposed use is compatible with the stated intent of the zoning district.

The proposed special use does not threaten the general health, safety, and welfare of the surrounding properties and the adjacent property values will not be negatively affected?

Staff Analysis: The nature of the proposed use in conjunction with the physical characteristics of the existing structure and site could result in undesirable conditions being present at this location if the design of the use and the supporting improvements are not carefully thought out and implemented. For example, the residents have no private outdoor space as the plan is currently drawn. This may result in residents seeking out and creating an outdoor space in an undesirable location if this concern is not addressed by the plan.

The proposed special use is compatible with the general economic development policies of the city?

Staff Analysis: The adaptive reuse and or redevelopment of existing buildings with productive use activities that contribute positively to the community is consistent with the general economic development policies of the city.

The proposed special use conforms to all other applicable codes and regulations of the city?

Staff Analysis: Aside from the existing and proposed nonstandard use conditions this development includes, the information presented conforms to all other applicable codes and regulations of the city and will be subject to the zoning and building permit review process.
COMPREHENSIVE PLAN

This proposal is mostly consistent with the goal, principles, objectives and strategies described in the Land Use, Redevelopment, Housing, and Economic Development chapters of the Comprehensive Plan. However, there are concerns presented in the Housing chapter of the Existing Conditions and Technical Memorandum Appendix to the Plan, when it comes to the creation of additional apartments within the community.

CONCLUSION

The number of apartments available in Piqua already makes up a percentage of the housing stock that is more than sufficient with regards to providing this type of living option. The structure could easily be converted to multiple commercial tenant spaces for use as professional offices and or road service commercial use types. However, if there is no market interest in the commercial development of the site, the multi-family use may provide a reasonable reuse alternative for the existing improvements found at this location if the project is fully developed to afford the residents the basic amenities essential to a quality living that measures up to the adopted community standards. Hence, if the multi-family use is the only use option the current owner is willing to pursue, and if no sale of the land is foreseeable, perhaps the best use of the Planning Commissions’ time and energy in considering this request would be to focus on maximizing the improvements to be included with this project to improve not only the subject buildings, rather the entire parcel.

RECOMMENDATION

Staff recommends that the Planning Commission conditionally approve this request subject to the following requirements.

In lieu of installing the proposed asphalt to create additional parking spaces:

The applicant shall secure the services of a professional landscape architect licensed in the State of Ohio to prepare a landscape plan for the entire property to be presented to and approved by the Planning Commission prior to the proposed multi-family use of this building commencing. Said landscape plan shall include densely spaced trees and other plantings throughout the front yard of the parcel along both the County Road 25-A and Hetzler Road frontages; and incorporate a variety of plantings and hardscape improvements at the rear of the existing buildings (including pathways to and from) to create one or more open air common spaces with sitting facilities and the like for the relaxation and enjoyment of the residents; and, said plans shall indicate the existing gravel driveway to and from Hetzler Road is to be excavated and restored with topsoil and grass; and, the plan shall indicate the reconstruction of the existing gravel parking area in accordance with the applicable zoning standards of the City of Piqua, except no curbing shall be required along those borders of the pavement except for the edge nearest to the apartment building; and, all of the proposed interior and exterior improvements to the building shall be completed within one year of the approval date of this resolution.
CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name  EDWIN LIETTE  Phone  937-418-0278
   Applicant's Address  9300 COUNTRY CLUB RD  PIQUA, OH

2. Owner's Name  EDWIN LIETTE  Phone  937-418-0278
   Owner's Address  9300 COUNTRY CLUB RD  PIQUA, OH

3. Type of legal interest held by applicant  OWNER

4. Location of Special Use Permit request
   A. Legal description (Inlot No. or attach legal description)  8490 N COUNTY RD 25A, PIQUA, OH
   B. Address  8490 N COUNTY RD 25A, PIQUA, OH

5. Existing zoning  BUSINESS

6. Existing usage  OFFICE 4 29 VACANT ROOMS

7. Proposed usage  EFFICIENCY + 1 BEDROOM APARTMENTS

8. Proposed special usage

9. No. of plot plans submitted (16 required UNLESS waived)  10

10. Describe the reason for the requested special use:

There is a demand by older people having lost their spouse, need a small unit that they can afford.

I hereby certify that the proposed request is authorized by the “Owner of Record” and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant  EDWIN LIETTE  Date  6-5-08

Signature of Owner  EDWIN LIETTE  Date  6-5-08

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

******************************** OFFICE USE ONLY ********************************

$100.00 Fee Paid  $100.00  Date Fee Paid  JUNE 5, 2008

Receipt No.  180 33 6  P.C. Res. No.  

June 03, 2008

To: City of Piqua
From: Edwin L. Liette
   Ed Liette Realty, Inc.

Planning and Zoning Department
RE: Proposed changes for 8670 North County Road 25A, Piqua, Ohio 45356
   Application for Special Use Permit

I am submitting for Special use Permit for the above stated property. Please review the
following items I have detailed and feel will both enhance the property's appearance and
functionality.

Ed Liette Realty, Inc. office is located in the center of this complex. I have had a new
roof installed over the entire building. The building has been completely rewired and has
wired smoke detectors in each unit. I plan to make efficiency apartments with each room
and some one bedroom apartments. I would plan to make these changes in three phases.

The entire building would be refaced. Each unit will have its own heating and cooling
equipment. All new thermopane windows will be installed. The entire inside will be
refurbished. Two black top parking spaces will be provided for each residence.

My intention is to cater to senior citizens since all units are on 1st floor. And due to the
economic times, some of the older people need to down size.

Thank you in advance for you consideration in this matter.

Sincerely,

[Signature]
Edwin L. Liette
Ed Liette Realty, Inc.
RESOLUTION No. PC 37-08

WHEREAS, Bag Concessions, has submitted a request to permit a carry out (vending cart) special use of a portion of public right of way located in the Central Business District at the intersection of Main Street and High Street, and also at the intersection of Wayne Street and High Street; and,

WHEREAS, sections 154.140 of the City of Piqua Code of Ordinances provides the procedure for considering a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has given specific consideration to the criteria to be considered prior to acting on a special use request,

NOW THEREFORE BE IT RESOLVED, board member _____________ hereby moves to _____________ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member _____________, and the voting record on this motion is hereby recorded as follows.

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STAFF REPORT

Date: August 21, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: PC Resolution 37-08

GENERAL INFORMATION

Applicant: Bag Concessions
Owner: Bag Concessions
Location: Main and High, and Wayne and High
Zoning: CBD – Central Business District
Land Use
  Existing: Public right way; public sidewalk
  Proposed: Public right way; public sidewalk; carry out (vendor cart) sales
Request: To permit a carryout special use to be located within the Central Business District.

DISCUSSION/FINDINGS

There are several elements to this proposal that will require several levels of authorization before the use can take place. One – The proposed vending cart operation is a classified as a carryout under the zoning code definitions. A carryout is a special use within the Central Business District. The food sales component of the operation necessitates a food license from the Health Department (see enclosed copy of communication from Health Department secured permit). The location of the private venture on a public sidewalk necessitates that a right of management permit be issued (see enclosed copy of secured permit). The location of the vending cart in the Downtown Historic District will necessitate that the Downtown Design Review Board approve the appearance of the equipment to occupy the location. This item will be considered at their August 26 meeting. The proposed cart location is the east and west end of the public lawn area between Main and Wayne Streets, and between High and Market Streets. Only one end or the other will be occupied at any one particular time. The vending cart, which has a footprint of approximately 6 feet by 4 feet, will be stationary during operation.

The zoning code includes criteria to be given specific consideration when determining whether to authorize the issuance of a permit to allow the reconstruction alteration of nonstandard lot. Such consideration comes by way of the special use provisions, which also include certain criteria to be considered. The following highlights each of the criteria described in those sections and provides staff’s analysis of how this request measures up to those standards.
Effects on adjacent property, traffic, and city utility service needs?

*Staff Analysis:* The traffic to and from this use is likely to be existing traffic that will frequent this location while conducting their normal business in the downtown area. The use will likely have little or no impact on existing traffic patterns or utility services.

Density of land use zoning for the subject property and adjacent property?

*Staff Analysis:* Density is encouraged in the Central Business District zoning area. As such, the proposed location upon an otherwise seldom occupied portion of public sidewalk will add a use that is well suited to the downtown environment.

Degree of hardship upon the applicant which would be caused by failure to grant a permit.

*Staff Analysis:* Given the proprietor of the proposed use has no vested interest in this particular property, and with reference to other vending location opportunities that exist, it is reasonable to suggest that denial of this request would cause no plausible hardship to the applicant.

The proposed special use is compatible with the stated intent of the zoning district?

*Staff Analysis:* The proposed use is compatible with the stated intent of the zoning district.

The proposed special use does not threaten the general health, safety, and welfare of the surrounding properties and the adjacent property values will not be negatively affected?

*Staff Analysis:* The nature of the proposed use fits well with the urban environment of the downtown. The use is governed by multiple permitting requirements that protect the public health, safety and welfare, and the proposed use activity is most likely to contribute positively to the public realm of the downtown experience and the surrounding properties.

The proposed special use is compatible with the general economic development policies of the city?

*Staff Analysis:* The economic policies of the City encourage productive use activities that contribute positively to the community.

The proposed special use conforms to all other applicable codes and regulations of the city?

*Staff Analysis:* As noted, this use is subject to a number of code and regulations and has, or will be required to, comply with each of those applicable before being permitted.
COMPREHENSIVE PLAN

This proposal is consistent with the goal, principles, objectives and strategies described in the Comprehensive Plan. In particular, those outlined in the Economic Development chapter that describe retaining and attracting a strong demographic through the addition of desirable amenities to the community.

CONCLUSION

The proposed street vendor use provides an amenity currently missing from the downtown and will introduce an added element of interest to the Main Street experience. The numerous regulations and requirements in place will ensure the public health, safety, and welfare will be protected.

RECOMMENDATION

Staff recommends that the Planning Commission approve this request subject to the following requirements.

All permits required by the applicable codes and regulations shall be properly secured before the vending operation may commence.

With reasonable notice provided to the proprietor, the Mainstreet Piqua board of trustees may prohibit or limit the hours of operation of this use during the times and dates of special events to be held in the downtown area when said events have been authorized by the City of Piqua.

With reasonable notice provided to the proprietor, the City of Piqua City Manager may prohibit or limit the hours of operation of this use for any reason deemed appropriate and necessary to protect and promote the best interest of the community.
CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name  Bag Concession  Phone 937-474-3298
   Applicant's Address  833 Plumwood Drive New Carlisle, Ohio 45344

2. Owner's Name  Gregory Lee  Phone 937-474-3298
   Owner's Address  833 Plumwood Drive New Carlisle, Ohio 45344

3. Type of legal interest held by applicant Owner/Operator of food vending cart that will occupy right of way

4. Location of Special Use Permit request
   A. Legal description (Inlot No. or attach legal description)  N/A
   B. Address  Corner of North Main St. and Market St. Piqua Ohio 45356

5. Existing zoning  CBD Central Business District 6

6. Existing usage  Public sidewalk 9

7. Proposed usage  Operate food vending cart

8. Proposed special usage  Operate food vending cart

9. No. of plot plans submitted (10 required UNLESS waived)  10

10. Describe the reason for the requested special use:
    To operate a food vending cart in the Central Business District 6 of Piqua.

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant  Signing Official  Date 08-14-2008

Signature of Owner  Date

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

*************** OFFICE USE ONLY***************

$100.00 Fee Paid  Date Fee Paid

Receipt No.  P.C. Res. No.
Due to regulations need to alternate location every 40 days. Would like to make the corner of W. High St. and H. Wayne St. the alternate location.
Chris Schmiesing

From: Shane Snapp  
Sent: Friday, August 22, 2008 8:14 AM  
To: Chris Schmiesing  
Subject: RE: Bag Concessions  
Attachments: Mobile Food Service Operation Packet.doc

Chris,

He is licensed through another Health Department as a state mobile license. I do not have a copy. I do have information on the state food laws for mobiles (attached).

Thanks,

Shane

From: Chris Schmiesing  
Sent: Friday, August 22, 2008 7:59 AM  
To: Shane Snapp  
Subject: Bag Concessions

Shane,

On September 2 the Planning Commission will consider the he proposed vending cart operation for the downtown. Can you provide me with a copy of the food license permit so I may include a copy with material I will be mailing the Planning Commission this afternoon.

Thanks.

Chris

8/22/2008
City of Piqua Engineering Department - (937) 778-2044

**RIGHT-OF-WAY MANAGEMENT APPLICATION**

**PROJECT INFORMATION**

- Tracking No: 03-08

- Sidewalk [X], Tree Lawn [ ], Parking Space(s) [ ], Other [ ]

**Location/Street Address:** Corner of North Main St. and Market St.

**Reason for use of Right-of-Way:** Food Vending Cart

**Dates:** From Jan 31, 2008 To Aug 31, 2008

**PROPERTY OWNER**

- Name(s): City of Piqua
- Address: 201 W. Water St, City/State: Piqua / Ohio, Zip: 45356

**CONTRACTOR/AGENT**

- Business Name: Bag Concession
- Name of contact: Gregory Lee
- Address: 833 Plumwood Drive, City/State: New Carlisle, Zip: 45344
- Phone: 937-474-3296, Fax: [ ]
- Email: u8dirt@yahoo.com

**SUBMITTAL INFORMATION**

- [X] Drawing, [ ] Proof of Liability Insurance
- Fee: $100.00, Receipt Number: 173343, Received By: dlw

**SIGNATURES:**

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws and regulations of the City of Piqua, Ohio. "PLEASE NOTE: Proof of liability insurance. The only accepted form of proof will be a Certificate of Insurance that can be secured from your insurance agent. This certificate must include in the description of operations section a clause stating: The Piqua City as an additional insured.

- Owner or Contractor: Amy Atkinson [ ]
- Date: 08-14-2008
- City of Piqua: [ ]
- Date: 8/14/08

**Comments or Special Conditions:** Approval for right-of-way use only during operation.

Copies to: City Manager [ ], Fire [ ], Planning & Zoning [ ]
- Streets [ ], Police [ ], Health [ ]
- Applicant [ ]
Due to regulations need to alternate location every 40 days. Would like to make the corner of W. High St. and N. Wayne St. the alternate location.

Proposed locations for vending cart (either corner).

W. High St.

Bench

Market St.
<table>
<thead>
<tr>
<th>Policy/Coverage Form</th>
<th>Insurance Limits</th>
<th>Property or Interests Covered</th>
<th>Location and Description of Property or Interests</th>
<th>Premium</th>
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Orders: $1,000

Premium: $25.00

Agent: It is very important that you mail a copy of the binder and completed application to this Company on the day issued.

530-2008 Rev 06-23-03
RESOLUTION No. PC 38-08

WHEREAS, Jeffrey Scot Young, owner of the subject parcel, has submitted a request to permit a neighborhood business (Salon) special use of a portion of a dwelling unit located at 1011 Broadway; and,

WHEREAS, sections 154.140 of the City of Piqua Code of Ordinances provides the procedure for considering a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has given specific consideration to the criteria to be considered prior to acting on a special use request,

NOW THEREFORE BE IT RESOLVED, board member ____________ hereby moves to ____________ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member ____________, and the voting record on this motion is hereby recorded as follows.

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<td>Mr. Jim Oda</td>
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<td>Mr. Brad Bubp</td>
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<td>Mr. Mike Taylor</td>
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<td>Mrs. Jean Franz</td>
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<td>Mr. Mark Spoltman</td>
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Date: August 21, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: PC Resolution 38-08

GENERAL INFORMATION

Applicant: Jeffery Young
Owner: Jeffery Young
Location: 1011 Broadway
Zoning: R-1 (One-Family Residential)

Land Use
Existing: One family dwelling unit
Proposed: One family dwelling unit; Neighborhood business (salon)
Request: To permit a neighborhood business (salon) special use to be located within an R-1 One-Family Residential District.

DISCUSSION/FINDINGS

The existing use of the property is as a one-family dwelling unit. The proposed use includes converting an existing bedroom and living room space into a salon styling area complete with the incidental features customarily found in a salon setting. The drawing submitted indicates off-street parking as being available at the rear of the property, said spaces being accessible via a public alley. The entrance to the salon is shown as being on the front elevation of the building, adjacent to the public street and opposite the off-street parking area shown.

The zoning code includes criteria to be given specific consideration when determining whether to authorize the issuance of a permit to allow the reconstruction alteration of nonstandard lot. Such consideration comes by way of the special use provisions, which also include certain criteria to be considered. The following highlights each of the criteria described in those sections and provides staff's analysis of how this request measures up to those standards.

Effects on adjacent property, traffic, and city utility service needs?

Staff Analysis: The proposed use is likely to generate a moderate increase in traffic to and from this location. The use will likely have little or no impact on existing demands placed utility services.
Density of land use zoning for the subject property and adjacent property?

Staff Analysis: An R-1 zoning designation is a district that does not generally support a high level of density. However, the setback standards provided for this district allow the density to increase to the maximum build area of a particular lot provided the lot will also support the necessary incidental and accessory uses associated with the principal and or special uses being located on the premises.

Degree of hardship upon the applicant which would be caused by failure to grant a permit.

Staff Analysis: The one-family dwelling unit is consistent with the uses permitted and typically found in this district. Therefore, denial of this request would cause no plausible hardship to the applicant.

The proposed special use is compatible with the stated intent of the zoning district?

Staff Analysis: The intent of the R-1 zoning district is focused on providing a stable residential district.

The proposed special use does not threaten the general health, safety, and welfare of the surrounding properties and the adjacent property values will not be negatively affected?

Staff Analysis: The increased traffic and resulting demand for on-street and off-street parking could potentially affect the surrounding property values.

The proposed special use is compatible with the general economic development policies of the city?

Staff Analysis: The economic policies of the City encourage productive use activities that contribute positively to the community.

The proposed special use conforms to all other applicable codes and regulations of the city?

Staff Analysis: Based upon the information provided by the applicant it is unclear as to whether the proposed project will comply with off-street parking requirements.

COMPREHENSIVE PLAN

Generally speaking the goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of increased density and mixed uses so long as the use and improvement activities can be implemented in accordance with the community standards.

CONCLUSION

The proposed use, if permitted, would establish a business use within a residential district. The number of proposed off-street parking spaces will create a parking lot use that fails to provide the minimum maneuvering lane and ingress/egress features required for a parking facility. In addition, the surface material and stall dimensions are not indicated on the drawing provided and it is unclear whether these two elements of the parking facility will be
Date: August 21, 2008
Subject: PC Resolution 38-08

in compliance or not. The availability of adequate off-street parking and the possible future use of this space for another type of Retail Commercial and Service Use raise legitimate concerns regarding the impact the proposed use will have on this neighborhood.

RECOMMENDATION
Staff recommends that the Planning Commission deny this request.
Application for Special Use Permit

1. Applicant's Name: Jaffrey Scott Young
   Phone: 937-773-0649
   Applicant's Address: 1011 Broadway St, Piqua, OH 45356

2. Owner's Name: Jaffrey S. Young
   Phone: 937-773-0649
   Owner's Address: 1011-1011 1/2 Broadway St, Piqua, OH

3. Type of legal interest held by applicant: Sole Proprietorship

4. Location of Special Use Permit request: 1011 1/2 Broadway

   A. Legal description (Inlot No. or attach legal description)
   B. Address

5. Existing zoning: R1

6. Existing usage

7. Proposed usage

8. Proposed special usage

9. No. of plot plans submitted (16 required UNLESS waived)

10. Describe the reason for the requested special use:
    Convert 1 bedroom apt into low volume salon, with off street parking to rear of property

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant: 
Date: 8-14-08

Signature of Owner: 
Date: 8-14-08

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

******************************* OFFICE USE ONLY *******************************

$100.00 Fee Paid: 10.00
Date Fee Paid: 8/15/08
Receipt No.: 180379
P.C. Res. No.: 

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE "C" of the Flood Insurance Rate Map, Community Panel No. 390400 0001 C with an effective date of NOVEMBER 9, 1979. Exact designation can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

Date: 08-14-07 Scale: 1"=25'
Mortgage Location Survey made for and at the insistence of:

TitleQuest Agency, Inc. & Preferred Mortgage

I hereby certify that this Mortgage Location Survey shows the primary improvements as located on the premises described; the buildings, if any, are contained within the boundaries as shown; there are no apparent encroachments or visible easements unless shown. This Mortgage Location Survey was prepared in accordance with Chapter 4733-38 of the Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of the Ohio Administrative Code, nor is it an ALTA/ACSM Land Title Survey. This inspection was prepared for identification purposes for the mortgagee in connection with a new mortgage. No corners were set. Do not use for establishing fence or building lines. No responsibility is extended to the landowner or occupant.

By: Everett E. Roach

Everett E. Roach, Ohio Registered Surveyor No. S-7542
August 22, 2008

*** MEETING NOTICE ***

Please be advised that the City of Piqua Planning Commission will conduct a meeting at the time and location stated below.

TIME: 5:00 P.M.
DATE: Tuesday, September 2, 2008
LOCATION: Commission Chambers, Municipal Government Complex
           201 W. Water Street

It has been determined by this office that you may have an interest in an agenda item that will be discussed at this meeting (see enclosed meeting agenda). To view the Planning Commission packet in its entirety, visit http://www.piquaoh.org/agenda_plan_comm.htm or visit this office.

This is your opportunity to speak in favor of, or object to, the item requested. If you desire to state your opinion concerning this matter and will be unable to attend the meeting, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

Please contact this office if you have any questions pertaining to this notice.

Chris Schmiesing
Christopher W. Schmiesing
City Planner
Enc.
<table>
<thead>
<tr>
<th>RESOLUTION</th>
<th>NAME</th>
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**ENTIRE PACKET TO:**
- FRED ENDERLE  INTER-OFFICE MAIL
- CHRIS SCHMIESING  INTER-OFFICE MAIL
- PLANNING COMMISSION  REGULAR MAIL

**E-MEETING NOTICE TO:**
- AMY WELKER  EMAIL
- CHRIS BOEKE  EMAIL
- CITY COMMISSION  EMAIL
- DEAN BURCH  EMAIL
- DEBBIE STEIN  EMAIL
- FRED ENDERLE  EMAIL
- HARRY BUMGARNER  EMAIL
- LORNA SWISHER  EMAIL
- MARTIN KIM  EMAIL
- STACY WALL  EMAIL
- TOM ZECHMAN  EMAIL
- WAYNE WILLCOX  EMAIL
- PIQUA DAILY CALL  EMAIL
- DAYTON DAILY NEWS  EMAIL
- WPTW  EMAIL
- PIQUA TV5  EMAIL