

**PLANNING COMMISSION AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, NOVEMBER 4, 2008
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

- | | |
|-------------------|----------------------|
| 1. Chair Comments | Opening Remarks |
| 2. Roll Call | Clerk Calls the Roll |

OLD BUSINESS

- | | |
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| 3. Meeting Minutes | Adoption of October 7, 2008 Meeting Minutes |
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NEW BUSINESS

- | | |
|---------------------|--|
| 4. Resolution 41-08 | Request to be permitted to subdivide an existing lot with nonstandard use conditions, with the proposed separate lots to include nonstandard use conditions related to the lot area and improvement setbacks, said lot located at 1223 South Street and 705 Wilson Avenue. |
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OTHER BUSINESS

- | | |
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| 5. Monthly Report | General Information, Legislative Update, Special Projects, Permits |
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ADJOURNMENT

- | | |
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| 6. Adjournment | Adjourn Regular Session |
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WORK SESSION

- | | |
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| 7. Land Use Code Update Initiative | Review comprehensive plan land use chapter and develop update strategy. |
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CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 7, 2008 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

5:00 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

Mr. Oda moved to excuse Mrs. Franz from the Planning Commission Meeting of October 7, 2008. Mr. Bubp seconded the motion. Mr. Taylor, Aye; Mr. Bubp, Aye; Mr. Spoltman, Aye; and Mr. Oda, Aye. Nay, None. A voice vote resulted in a 4-0 vote to excuse Mrs. Franz from the October 7, 2008 Planning Commission Meeting.

ROLL CALL

Members Present: Chairman Spoltman, Mike Taylor, Jim Oda, and Brad Bubp
Members Absent: Jean Franz
Staff Members: Chris Schmiesing, Becky Cool
Attendees: Dean Miller, Mike Yannucci, and Jerry Hunolt

MEETING MINUTES

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the September 2, 2008 meeting minutes included in the agenda packet. Mr. Oda made a motion to approve the September 2, 2008 meeting minutes as submitted and Mr. Taylor seconded the motion. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Spoltman, Aye; and Mr. Taylor, Aye. A roll call vote resulted in a 4 -0 vote in supporting the motion to approve the meeting minutes as submitted.

NEW BUSINESS

1. PC-39-08

A request to permit the alteration of a nonstandard front porch use, said use located at 419 Garnsey Street

Mr. Schmiesing stated the request is to permit an alteration (add a roof) to a porch with a nonstandard side yard setback. The subject porch use with a nonstandard side yard setback is an existing condition at this location. However, the placement of a roof over the porch constitutes an alteration to a nonstandard condition, which necessitates Planning Commission approval of a special use permit prior to the issuance of zoning and building permits.

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No one came forward to speak for or against the Resolution.

Dean Miller, applicant was present at the meeting to answer any questions.

Mr. Oda moved to recommend approval of the request to alter a nonstandard porch use, said porch being located in a side yard, 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, and Mr. Spoltman. Nay, None. A roll call vote resulted in a 4-0 vote in supporting the motion to approve the request for the Special Use Permit.

2. Resolution No. PC 40-08

A request to permit the vacation of the Campbell Street right of way from Water Street to the north end

Mr. Schmiesing stated the northernmost portion of Campbell Street right of way was previously vacated earlier this year. The portion of right of way affected by this request begins at Water Street and ends approximately 180 feet to the north. The property found on either side of the right of way is owned by the proprietor of the Jamieson & Yannucci Funeral Home. The impetus for the vacation request is the property owner's recent acquisition of these properties and the desire to rework this area to better compliment the use of the surrounding properties. Currently, the only traffic volume of any significance that this section of Campbell Street experiences, is generated by the adjacent funeral home, dwelling unit, and professional office space uses. The petitioner indicates that it is his intent to continue to allow the adjacent property owners use of the vacated portion of Campbell Street as needed to access/exit their property. Staff's initial observations concerning this request finds that the subject right of way does not appear to be essential to the surrounding neighborhood or to the maintenance of city services provided to this area, although staff recommends maintaining a utility easement over the entire area to be vacated, and an alley easement across the north end to maintain the connectivity of the east west alley that intersects Campbell Street.

There was discussion on the reason for and the use of the easements requested. Mr. Schmiesing explained the reason for the request of the easements and explained where they would be located.

Mike Yannucci, applicant, came forward to answer any questions and to explain how the easements would be included in his plan for parking.

Jerry Hunolt, 216 N. Downing Street, came forward to voice his concern about the vacating of Campbell Street at this time. This is the most convenient way to enter his 4-car garage that is located off the alley from Campbell Street. There was discussion of the use of the east and west alley access. Mr. Hunolt also voiced concern about entering through the alley beside Winan's to enter his garages.

Mr. Jamieson stated once his project is completed the alley east and west will be greatly improved. A question was raised if the alley would disappear what would the result be for Mr. Hunolt's property. Mr. Schmiesing explained. Mr. Hunolt stated the alley beside Winan's is not always accessible due to large trucks parking there for delivery at times. There was discussion

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on how the other business in the area accessed the rear parking area. Mr. Schmiesing explained there is an 'L' shaped alley that allows them access to the rear of their business for parking, which Mr. Hunolt can also utilize. Mr. Oda asked how much of the property surrounding Campbell Street is owned by Mr. Jamieson. Mr. Schmiesing replied Mr. Jamieson owns all of the property adjacent to Campbell Street.

Mr. Oda moved to approve the request with conditions that the utility easement and alley easement be provided as described in testimony. Mr. Bubp seconded the motion. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 4-0 vote to approve the request with the conditions as stated.

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 two months.

Mr. Oda asked several questions regarding zoning permits.

13. Other

Mr. Schmiesing provided information concerning several land use code sections that have gotten to be difficult to apply due to the code language being out of date or nonexistent. Specifically, the concerns presented related to accessory structures, in particular the proximity of in-ground pools to building exits and fence requirements for around pools; height, size and location issues concerning satellite dishes and TV antennas; and, other amenities sometimes located on residential lots. Also noted was the increasing number of permit request for temporary uses such as vegetable stands, ice cone shacks, or vending trailers being located in commercial parking lots, and the lack of direction included in the code language concerning these items. Staff suggested these items, along with anticipated concerns that will arise as emerging wind and solar energy technologies and water conservation techniques begin to be applied to residential uses, warrant the Planning Commission initiating a review of the accessory structure and temporary use sections of the codes.

The Planning Commission members agreed, suggesting that the review should not stop with those two sections, indicating that they would like to initiate a review and update of the entire code. Mr. Schmiesing stated that without the fiscal resources needed to hire a consultant to assist with such an undertaking that this would be a monumental task to complete in-house, but that it can be done if a carefully planned systematic approach is utilized. Mr. Schmiesing indicated he would begin developing a code review and update strategy, including a tentative schedule, to present to the Planning Commission for approval before we commence with this process. Mr. Oda mentioned having a work-study session to discuss the various revisions and changes. Mr. Bubp stated he felt from a public relations standpoint it would help to define the challenge. Mr. Schmiesing noted that it is a given that the Planning Commission input and involvement will be instrumental in any review and update of the Land Use codes. Mr. Schmiesing went on to point out that it will be equally important that the process be structured to clearly present the issues and possible solutions concerning each topic, and to invite input from

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all stakeholders in the community, and afford the citizens of Piqua the opportunity to influence the final content of the recommendations.

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 7:15 p.m.

RESOLUTION No. PC 41-08

WHEREAS, Dan Paldino, the owner of Inlot 3009, has submitted a request to be permitted to subdivide an existing lot with nonstandard use conditions, with the proposed separate lots to include nonstandard use conditions related to the lot area and improvement setbacks; and,

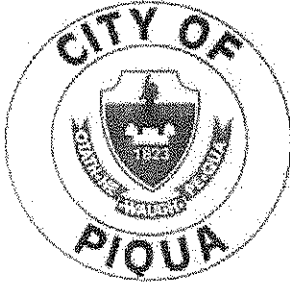
WHEREAS, section 154.066 of the City of Piqua Code of Ordinances provides the procedure for allowing the alteration of a nonstandard use with approval of a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the proposed use:

- Will be compatible with the stated intent of the zoning district.
- Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
- Is compatible with the general economic development policies of the City.
- Conforms to all other applicable codes and regulations of the city.

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.


	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

STAFF REPORT

Date: October 30, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner 
Subject: PC Resolution 41-08

GENERAL INFORMATION

Applicant: Dan Paldino
Owner: Dan Paldino
Location: 1223 South Street / 705 Wilson Avenue
Zoning: R-1 (One-Family Residential)
Land Use
Existing: Business Office / One family dwelling unit
Proposed: Business Office / One family dwelling unit
Request: To permit an existing nonstandard lot to be subdivided into two lots.

DISCUSSION/FINDINGS

The subject lot alteration divides an existing lot with nonstandard use conditions into two separate lots. The purpose of the proposed lot split is to separate ownership of the improvements occupied by the business office and the one-family dwelling unit found on this parcel.

The zoning code includes criteria to be given specific consideration when determining whether to authorize the alteration of a nonstandard use. Such consideration comes by way of the changes to nonstandard uses and special use provisions included in the zoning code. Both of these provisions include certain criteria to be considered. The following highlights 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 no increase in traffic to and from this location. The use will likely have no impact on existing demands placed utility services.

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

Staff Analysis: The lot includes existing nonstandard area and frontages and existing improvements with nonstandard setbacks that have existed at this location for many years. The proposed lot split will have no discernible affect on the outward

STAFF REPORT

Date: October 30, 2008
Subject: PC Resolution 41-08

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appearance or density of the lot development. The proposal will in effect further restrict any future increase in the density of the development found at this location.

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

Staff Analysis: The proposed lot split is presented as a practical solution to separate the two varying use types currently located on the same lot of record. This makes possible the sale of one use and the underlying land, without the other use being attached. Given that other forms of land use agreements make it possible to continue the use of this parcel as it currently exist, the denial of this request would cause no plausible hardship to the applicant. However, approving this request eliminates an inconvenience that need not exist and makes practical the separation of ownership for the two different principal uses that are found at this location.

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. This request has little bearing on the intent of this 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: It is unlikely this proposal will negatively impact the general health and values of 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: A number of nonstandard use conditions that currently exist will continue to exist regardless of the action taken on this request.

COMPREHENSIVE PLAN

Generally speaking the goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of increased density within residential districts so long as the uses and improvement do not adversely affect the character and well being of the subject neighborhood.

CONCLUSION

The close proximity and lack of buffer between the commercial and residential uses causes some concern, in particular if they are to be under separate ownership. Otherwise, the proposed lot split does not raise any concerns from a community standards perspective.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** this request.

CITY OF PIQUA, OHIO

Application for Special Use Permit

- 1. Applicant's Name Dan Peldino Phone 937-778-0973
Applicant's Address 10 Coronado Ct.
- 2. Owner's Name same Phone _____
Owner's Address _____
- 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) _____
B. Address 1223 South St.
- 5. Existing zoning R1
- 6. Existing usage Dwelling Unit - Business Office
- 7. Proposed usage same
- 8. Proposed special usage non-standard lot split
- 9. No. of plot plans submitted (16 required UNLESS waived) waived
- 10. Describe the reason for the requested special use:
split lot to 2 separate

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 Dan Peldino Date 10-6-08

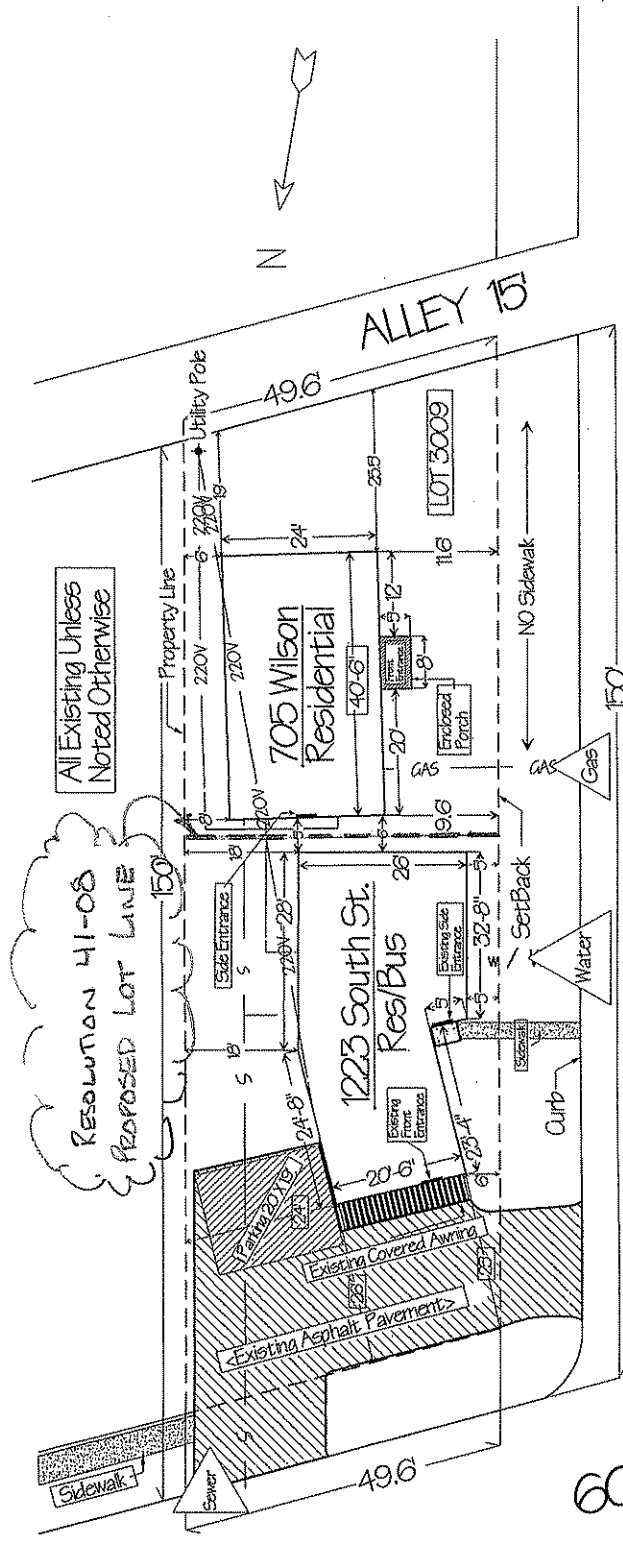
Signature of Owner Dan Peldino Date 10-6-08

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 10-6-08

Receipt No. 186212 P.C. Res. No. _____



All Existing Unless Noted Otherwise

RESOLUTION 41-08
PROPOSED LOT LINE

SOUTH ST.

ALLEY 15

WILSON AVENUE

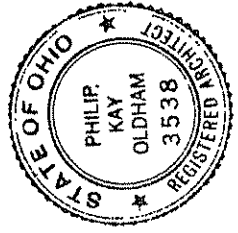
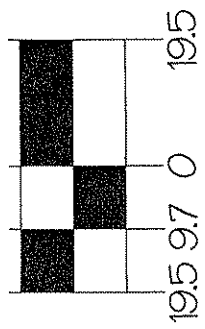
60' RW

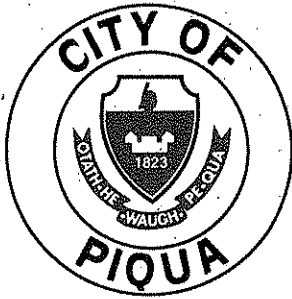
60' RW

Property Owner
Dan Paldino
230 Coronada Ct
357-773-4997

GRAPHIC SCALE IN FEET

1"=19.5'





PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-0809
E-Mail: cschmiesing@piquaoh.org
Website: <http://www.piquaoh.org/zoning.htm>

October 24, 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: **6:00 P.M.**

DATE: **Tuesday, November 4, 2008**

LOCATION: **Commission Chambers, Municipal Government Complex
201 W. Water Street**

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.

NOVEMBER 4, 2008 PLANNING COMMISSION MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
RES 41-08	PALDINO DAN	10 CORONADA CT	PIQUA OH 45356
RES 41-08	BAKER GUY & DELORIS	1217 SOUTH ST	PIQUA OH 45356
RES 41-08	STALEY VINCENT & BETTY L	707 WILSON AV	PIQUA OH 45356
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 COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	HARRY BUMGARNER	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	STACY WALL	EMAIL	
	AMY HAVENAR	EMAIL	
	WAYNE WILLCOX	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	