CALL TO ORDER

1. Chair Comments
   Opening Remarks

2. Roll Call
   Clerk Calls the Roll

OLD BUSINESS

3. Meeting Minutes
   Adoption of November 4, 2008 Meeting Minutes

NEW BUSINESS

4. Resolution 42-08
   Request to authorize a cellular/communications tower as a special use to be located at 415 S. College Street.

5. Resolution 43-08
   Request to authorize a restaurant, fast-food, as a special use to be located at Suite 110, 646 W. Water Street.

OTHER BUSINESS

6. Meeting Schedule
   2009 Planning Commission Meeting Schedule

7. Nominations
   Nomination of 2009 Planning Commission Chair, Vice Chair, and appointment of BZA Storm Water Advisory Committee representatives.

8. Monthly Report
   General Information, Legislative Update, Special Projects, Permits

ADJOURNMENT

9. Adjournment
   Adjourn Regular Session

WORK SESSION

10. Land Use Code Update Initiative
    Zoning Code Rewrite Work 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: Chairman Spoltman, Mike Taylor, Jim Oda, Jean Franz, and Brad Bubp
Members Absent: None
Staff Members: Chris Schmiesing, Becky Cool
Attendees: Dan Paldino, Paul Detrick, Vince Staley and Janet Staley

MEETING MINUTES
Chairman Spoltman asked if there were additions, deletions or corrections to be made to the October 7, 2008 meeting minutes included in the agenda packet. Mr. Oda stated he would like to make corrections on page 2, last paragraph, the name Mr. Jameison should read as Mr. Yannucci, and on page 3 the first paragraph the fourth line the names should also read Mr. Yannucci instead of Mr. Jamieson. Mr. Oda made a motion to approve the October 7, 2008 meeting minutes as submitted, and amended, and Mrs. Franz seconded the motion. Mr. Oda, Aye: Mr. Bubp, Aye: Mrs. Franz, Aye: Mr. Spoltman, Aye; 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, and amended.

NEW BUSINESS
1. PC-41-08
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, said lot located at 1223 South Street and 705 Wilson Avenue.

Mr. Schmiesing stated the request by the applicant is to permit an existing nonstandard lot be subdivided into two separate lots. The existing lot is nonstandard in area and includes existing improvements.
that have existed at this location for many years with nonstandard setbacks. The proposed lot split will have no discernible effect on the outward 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.

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, and makes practical the separation of ownership for the two different principal uses that are found at this location, said Mr. Schmiesing.

Mr. Oda stated the resolution is straightforward and resolves the issues that have evolved over time and feels it is the perfect solution.

Dan Paldino, applicant, stated in order for him to sell the property he had to split the lots at this time, and thanked the Planning Commission for their consideration of this request.

No one else came forward to speak for or against the resolution.

Mr. Oda moved to approve the request, and 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 to approve the request.

**OTHER BUSINESS**

**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.

**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 meeting regular adjourned at 6:15p.m. and a Zoning Code Update workshop began.
RESOLUTION No. PC 42-08

WHEREAS, New Par dba Verizon Wireless, represented by Pike Legal Group, on behalf of Holtvoigt LLC, owner of the subject parcel located in the City of Piqua, being in a district zoned II (Light Industrial), has submitted a request to permit a cellular/communications tower to be located at 415 S. College Street; and,

WHEREAS, a cellular/communication tower is a special use in the II Light Industrial zoning designation in which the property is located; and,

WHEREAS, section 154.066 of the City of Piqua Code of Ordinances provides the procedure for authorizing the special use of a premises by 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.

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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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STAFF REPORT

Date: November 21, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: PC Resolution 42-08

GENERAL INFORMATION

Applicant: New Par dba Verizon Wireless
Owner: Holtvogt LLC
Location: 415 S. College Street
Zoning: I-1 (Light Industrial)
Land Use
Existing: Wholesaling and storage, Warehouse, Parking lot, Loading and unloading facility, Heavy equipment storage
Proposed: Wholesaling and storage, Warehouse, Parking lot, Loading and unloading facility, Heavy equipment storage; Cellular/communications tower
Request: To permit a cellular/communications tower on the subject parcel, said use being a special use listed in section 154.027(D) of the zoning code.

DISCUSSION/FINDINGS

The special use element of this request seeks permission to install a 120 foot tall cellular/communications tower on the subject parcel, with the location of the tower to be setback more or less 120 feet from the west lot line which is contiguous with the College Street right of way. The proposed tower will be owned and operated by New Par, commonly known as Verizon Wireless, an FCC licensed wireless communications entity. New Par has provided submittals declaring their intent to operate the proposed facility in compliance with all applicable code and regulations and to restrict transmissions to the operating frequencies and service area stipulated by their license issued by the FCC. New Par has also submitted a letter indicating the design capacity of the pole may accommodate up to three wireless providers, and affirmed that a lease opportunity for future co-locate tenants will be made available at industry standard rates and provided the poles design capacity is not compromised. Further, New Par has affirmed in writing that should the abandonment of the facility for communications purposes occur, New Par will dismantle and remove the structure within 180 days of the date of discontinuance.
STAFF REPORT

Date: November 21, 2008
Subject: PC Resolution 42-08

It should be noted that section 154.125(C) requires a cellular/communications tower to be centrally located on a lot with a minimum setback dimension to the property lines equaling the height of the tower, and the proposed cellular/communications tower is 120 feet in height with proposed setbacks less than 120 feet in two directions. Therefore, this submittal has also been forwarded the Board of Zoning Appeals for their consideration.

The zoning code includes criteria to be given specific consideration when determining whether to authorize a special use. The following highlights the criteria described in the code and provides staff's analysis of how this request measures up to those standards.

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

Staff Analysis: The basic intent of the I-1 zoning district is to permit clean and quiet industrial use activities with limited objectionable external effects, provided adjacent business and residential uses are protected. It is staff's opinion the proposed use is consistent with the stated intent of the I-1 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 proposed facility is required to operate within FCC regulations applicable to this type of use. Thus, it is unlikely this use will negatively impact the general health of the surrounding properties. Likewise, the location of the structure will be setback from the surrounding uses in accordance with the zoning code setback requirements, or in accordance with an authorized setback variance, and the view of the facility will be partially obstructed by existing industrial buildings found on three sides of the proposed facility.

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: Full compliance with all applicable code requirements will be a prerequisite to the issuance of any zoning or building permits for this project.

COMPREHENSIVE PLAN

Generally speaking the goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of the redevelopment of existing underutilized industrial sites with uses and improvements that incorporate the land back into the community fabric.

CONCLUSION

The proposed location of the tower is consistent with the intent of the zoning district in which the property is located. With regards to the impact on surrounding properties, in particular the nearby residential uses, the overall aesthetics of the site and possibility of the tower
being an impediment to any future redevelopement opportunities that might come along would be the biggest concerns

**RECOMMENDATION**

Staff recommends that the Planning Commission **approve** this request with the following conditions:

- The proposed cellular/communications tower and accessory facilities shall be designed and installed to accommodate the equipment of not less than three wireless carriers; and, any space available on the cellular/communications tower not occupied by New Par will be made available for lease at industry standard rates to any FCC licensed entity interested in co-locating and operating and maintaining a wireless service from this location, provided the structure design can accommodates the lessees proposed equipment in accordance with the Ohio Building Code and any standards applicable by law.

- New Par, or it's successors, shall immediately notify the City of Piqua upon each occurrence of a lease agreement commencing or terminating the operation and maintenance of any co-locate wireless carrier accommodated by this facility.

- New Par, or it's successors, shall immediately notify the City of Piqua upon the discontinuance of all operations and maintenance of the wireless carriers accommodated by this facility, and New Par shall remove the cellular/communications tower and accessory structure within one-hundred eighty (180) days from the date the discontinuance first occurred.

- New Par, or it's successors, shall negotiate in good faith to provide for the removal of the proposed cellular/communications tower and accessory structure to allow for the redevelopment of the subject parcel or any of the surrounding parcels in the event a redevelopment plan for this area is brought forward for consideration and approved by the City of Piqua.
CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name: New Par d/b/a Verizon Wireless Phone 800-516-4293 c/o David Pike
   Applicant's Address: Pike Legal Group PLLC, P.O. Box 369, Shepherdsville, KY 40165

2. Owner's Name: Holtwogt LLC Phone 937-773-3632
   Owner's Address: 4 Hopewood Drive, Piqua, OH 45356

3. Type of legal interest held by applicant: Leasehold

4. Location of Special Use Permit request:
   A. Legal description (lot No. or attach legal description): Map 84, Parcel A
   B. Address: 415 College St., Piqua, OH 45356

5. Existing zoning: Light Industrial Zone

6. Existing usage: Industrial

7. Proposed usage: Wireless Telecommunications

8. Proposed special usage: Communications Tower

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

10. Describe the reason for the requested special use:
    Correct Wireless Telecommunications Service Problems in this Area of the City 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: [Signature] Date 10-08-08

Signature of Owner: [Signature] Date 10-08-08

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 10-08-08 Date Fee Paid 10-10-08

Receipt No. 184214 P.C. Res. No.  

RECEIVED
OCT 11 2008
CITY OF PIQUA
DEVELOPMENT OFFICE
BOARD OF ZONING APPEALS

APPLICATION REQUESTING A ZONING VARIANCE

- PLEASE TYPE OR PRINT -

APPLICANT NAME: New Par d/b/a Verizon Wireless c/o David A. Pike
APPLICANT ADDRESS: P.O. Box 369
CITY: Shepherdsville
STATE: KY
ZIP: 40165
PHONE: (800) 516 - 4293
LEGAL INTEREST OF APPLICANT: Leasehold

OWNER NAME: Holtvogt LLC
BUSINESS NAME: 
OWNER ADDRESS: 4 Hopewood Drive
CITY: Piqua
STATE: OH
ZIP: 45356
PHONE: (937) 773 - 3632

PROPERTY LOCATION WHERE VARIANCE IS BEING REQUESTED
STREET ADDRESS: 415 S. College Street
CITY: Piqua
STATE: Ohio
ZIP: 45356
LOT NUMBER: Map 84, Parcel A
ZONING DESIGNATION: Light Industrial

TYPE OF VARIANCE BEING REQUESTED - (CIRCLE ONE)
- ZONING - OR - SIGN
- CHECK ALL BOXES THAT APPLY -
- ZONING ENFORCEMENT APPEAL
- SPECIAL DRIVEWAY
- HEIGHT VARIANCE
- SETBACK VARIANCE
- AREA VARIANCE
- PARKING VARIANCE
- ZONING MAP BOUNDARY LINE
- OTHER

BRIEFLY DESCRIBE VARIANCE REQUEST: Waive the 1:1 setback
requirement for a 185' Monopole

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.

OWNER SIGNATURE: ___________________________ DATE: 10-8-08

APPLICANT SIGNATURE: _________________________ DATE: 10-9-08

NOTE - BOTH OWNER AND APPLICANT DATED SIGNATURES IN INK REQUIRED TO PROCESS REQUEST

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

$25.00 FEE PAID - 25.00 RECEIVED BY - S. Cool
RECEIPT NO. - 186216
DATE - 10-10-08

RECEIVED

OCT 17, 2008
CITY OF PIQUA
DEVELOPMENT OFFICE
October 9, 2008

VIA EXPRESS MAIL

Chris Schmiesing
Planning and Zoning
201 West Water Street
Piqua, Ohio 45356

RE: Application for Wireless Telecommunication Facility
Verizon Wireless Site Name: Echo
Location: 415 College St. Piqua, OH 45356

Dear Chris:

New Par d/b/a Verizon Wireless (hereinafter referred to as "Applicant"), by counsel, and pursuant to the Telecommunications Act of 1996 respectfully submits the enclosed application to construct, maintain and operate a wireless communications facility to serve the customers of the Applicant with wireless telecommunications services, and to provide co-location opportunities for other wireless service providers. We request that this matter be scheduled for the next available meetings before the Piqua Board of Zoning Appeals and the Piqua Planning Commission.

We have enclosed the following:

1) Application for Special Use Permit
2) Application Requesting A Zoning Variance
3) A check payable to the City of Piqua in the amount of $125.00 for application fees for a special use and for a variance.
4) Nine (9) copies of the survey.
5) Nine (9) copies of the site plan.

Pursuant to a license issued by the Federal Communications Commission, Verizon Wireless has the right to operate its wireless communications network in a licensed area which includes Piqua, Ohio. Wireless communication systems rely on an overlapping and interconnected network of wireless communication facilities, including antennas and the towers, poles, or other structures that support them. These facilities receive and transmit wireless communications
signals to and from mobile wireless handsets and similar products. Each facility has a limited coverage area, the extent of which depends on several factors including, but not limited to, tower height, local topography, existing structures or landscape features that block the path of the wireless signal, proximity to other antennas, and public usage demands.

A significant service gap in Verizon Wireless’ network coverage exists in a portion of Piqua, Ohio, at or near College Street, which negatively affects industrial, commercial, residential, and other uses throughout the area. Within this gap, Verizon Wireless customers have only intermittent ability to use their mobile wireless handsets to make and maintain a connection with the national communications system.

Applicant’s radio frequency engineers have determined that a new wireless communication facility is required to remedy this gap. In order to fill the coverage gap, Verizon Wireless’ radio frequency engineers first determined the service requirements to remedy this deficiency. Applicant’s engineers then identified the optimum location and height at which Verizon Wireless’ antenna(s) should be placed to interface properly with existing network components, to accommodate customer usage patterns, and to avoid interference with other wireless communications sites.

Taking into account such factors as topography, usage demands, and the location of other network components, and after limiting the site selection to parcels that are both suitable for and compatible with a wireless communications installation, Verizon Wireless’ engineers have determined that a new facility at 415 College St. Piqua, OH is the optimum location for the required facility.

The Applicant proposes to construct a wireless communications facility within an industrial zoning district at 415 College St. Piqua, OH (N40°08'33", W84°14'52") on real property located entirely within the City of Piqua, Ohio. The property on which the wireless communications facility will be located is owned by Holtvogt Limited Liability Company, by means of a Deed recorded at Deed Volume 786, Page 296 in the office of the Miami County Recorder and a portion thereof has been leased to applicant. The Miami County Parcel Identification (PID) number of subject property is Map 84, parcel Number A. The existing land use is industrial. The owner has signed the applications.

Under §154.027(B)(2)(d) of the Piqua Zoning Regulations public utilities are principally permitted use within a Light Industrial Zoning District. Verizon Wireless is registered with the Public Utilities Commission of Ohio as a public utility and is a public utility as interpreted by the Supreme Court of Ohio in Campanelli v. AT&T Wireless Services, Inc., 85 Ohio St. 3d 103, 706 N.E.2d 1267(1999). However, under §154.027(D)(3) cellular/communication towers are permitted as a special use requiring a special use permit.
Pursuant to §154.125 (C) of the Piqua Zoning Regulations cellular communication towers are excepted from height limits but must be located the height of the tower from each property line. The height of the proposed facility is 120'. This height is necessary to meet the engineering needs of the project as previously discussed hereinabove. Because of the unique topographical features of the parcel it is impossible to locate the tower to meet the setback requirements to the east and west property lines and applicant requests a waiver of the strict application of this requirement of the zoning regulations.

Applicant respectfully requests that the Planning Commission and the Board of Zoning Appeals accept the foregoing Applications for filing, and having met the requirements of the Ordinance, approve Applicant’s request to construct and operate the proposed wireless communications facility at the proposed location.

Sincerely,

[Signature]
Robert W. Grant
Attorney for Verizon Wireless

enclosures
October 24, 2008

Robert W. Grant
1578 Highway 44 East, Suite 6
PO Box 369
Sheperdsville, KY 40165-0369

RE: Special Use and Variance Applications Received October 10, 2008

Dear Mr. Grant:

This letter is to acknowledge we are in receipt of the above referenced requests.

As we discussed, we need the variance item to go before the Board of Zoning Appeals (BZA) first, then we can go to the Planning Commission for final action on the use request. Because the submittal was received after the cut-off date for getting it on the October BZA meeting agenda, the hearing schedule for these two items shapes up as follows:

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<td>Board of Zoning Appeals</td>
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<td>- Hearing for Variance Request</td>
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<td>Tuesday, December 2, 2008</td>
<td>Planning Commission</td>
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<td>- Hearing for Special Use Request</td>
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Both bodies conduct business in the Municipal Government Complex – 2nd Floor Commission Chambers – 201 W. Water Street, Piqua, Ohio, beginning at 6:00 P.M. on the date of the hearing. Please make note of the date, time, and location, and plan to be present to speak on behalf of this item. This office will mail a meeting reminder to the attention of the applicant and owner listed on the applications submitted, approximately 10 days in advance of each meeting.

Please contact me if you have any questions concerning this matter.

Thank you,

Chris Schmiesing
City Planner
Bob,  
Per our phone conversation I have a 10:00 AM appointment on my calendar to meet with Mr. David Pike next Thursday, November 6th. It is my understanding he will come to this office – 201 W. Water Street, Piqua, OH 45356.

As we discussed, there are several items of information that it would be helpful to have available prior to presenting this item to the Planning Commission and ZBA. With reference to your submittal letter, please respond to the following request/comments:

1. Provide copy of license issued by FCC allowing Verizon to operate in Piqua, OH.
2. Provide evidence project will meet FCC emission standards.
3. Design capacity of proposed pole with regards to providing a co-locate opportunity for other wireless service providers.
4. Verizon's policy with regards to providing a co-locate opportunity for other wireless service providers.
5. Description of unique topographical features of the proposed parcel.
6. Map showing existing gap in Verizon network coverage of this area versus the wireless receiving and transmitting coverage area of the proposed facility.
7. Radio frequency engineer's findings concerning minimum service requirements, optimum location, and minimum pole height necessary to remedy existing service deficiencies.
8. List of parcels deemed suitable and compatible for the proposed wireless communications installation. Explanation choosing proposed location versus the others.

Thank you.

Chris Schmiesing

CHRISTOPER W. SCHMIESING
City Planner

201 West Water Street
Piqua, Ohio 45356

Phone (937) 778-2049
Fax (937) 778-0609

Email: cschmiesing@plquaoh.org
Web: www.plquaoh.org/zoning.htm
November 5, 2008

VIA HAND DELIVERY

Chris Schmiesing
Planning and Zoning
201 West Water Street
Piqua, Ohio 45356

RE: Supplemental Materials – Wireless Communications Application
Verizon Wireless Site Name: Echo
Location: 415 College St. Piqua, OH 45356

Dear Chris:

On behalf of the applicant, Verizon Wireless, we have enclosed the following additional materials regarding the Application to Construct a Wireless Communications Facility at 415 College St. Piqua, OH 45356 pending before the Board of Zoning Appeals and the Planning Commission:

1) FCC license authorizing applicant to operate a wireless communication facility in Piqua, Ohio.
2) A report from Ron Hertlein of United Acquisition Services which outlines the applicant’s efforts to locate the facility on an existing tall structure. The report also details the efforts on the part of the applicant to locate the facility in an industrial area rather than a residential area.
3) Photographs showing the industrial character of the propose location.

Please include this letter and enclosures as a supplement to the Application, and include them in the administrative case file/record for this matter. Thank you for your assistance and do not hesitate to contact us if you require any further information.

Sincerely,

[Signature]

David A. Pike
Attorney for Verizon Wireless

enclosures
Federal Communications Commission  
Wireless Telecommunications Bureau  

RADIO STATION AUTHORIZATION  

LICENSEE: NEW PAR  
ATTN: REGULATORY NEW PAR  
1120 SANCTUARY PKWY #110 CASASREG  
ALPHARETTA, GA 30004  

FCC Registration Number (FRN): 000301006  

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Site Information:  
Location:  
Latitude: 39-38-25.2 N  
Longitude: 083-48-53.7 W  
Address: 1262 NEW JASPER/PAINTERSVILLE ROAD  
City: XENIA  
County: GREENE  
State: OH  
Construction Deadline:  
Antenna: 1 Azimuth (from true north)  
0 45 90 135 180 225 270 315  
Antenna Height AAT (meters) 92.000 81.000 77.000 76.000 94.000 101.000 106.000 105.000  
Transmitting ERP (watts) 95.000 95.000 95.000 95.000 95.000 95.000 95.000 95.000  

Conditions:  
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized hereof. Neither the license not the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.
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Licensee Name: NEW PAR
Call Sign: KNKA344
Address: 2310 SR 35 WEST
City: TROY  County: MIAMI  State: OH
Construction Deadline:

Address: 8975 SOUTH SR-201
City: TIPP CITY  County: MIAMI  State: OH
Construction Deadline:

Address: 1104 SPRING VALLEY/ALPHA ROAD
City: XENIA  County: GREENE  State: OH
Construction Deadline:

Address: 5226 SHEPARD RD SHEPARD ROAD
City: MIAMISBURG  County: MONTGOMERY  State: OH
Construction Deadline:
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Licensee Name: NEW PAR

Call Sign: KNKA341

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Address: 10370 W, OH 36
City: COVINGTON County: MIAMI State: OH

Antenna: 2 Azimuth (from the North) 45 90 135 180 225 270 315
Antenna Height AAT (meters) 81,000 84,500 96,200 95,800 93,400 75,300 69,800 76,900
Transmitting ERP (watts) 2,240 19,060 79,470 93,370 34,690 4,570 0,210 0,200
Antenna: 3 Azimuth (from true north) 45 90 135 180 225 270 315
Antenna Height AAT (meters) 81,000 84,500 96,200 95,800 93,400 75,300 69,800 76,900
Transmitting ERP (watts) 1,240 0,200 0,200 5,630 35,500 95,540 78,560 19,510

Control Points:
Control Pt. No. 1
Address: 300 Dove Rd.
City: Southlake County: TARRANT State: TX

Waivers/Conditions:
THIS AUTHORIZATION IS CONDITIONED ON, AND WITHOUT PREJUDICE TO, RE-EXAMINATION AND RECONSIDERATION OF THE BASIC QUALIFICATIONS OF CELLULAR MOBILE SYSTEMS, A PARTNER IN THE LICENSEE, TO HOLD A LICENSE FOLLOWING A FINAL DECISION IN THE HEARING DESIGNATED
Dear Mr. Grant,

I received the above captioned site assignment on February 2, 2007. On my first visit to the Piqua area, I located the city building on Water St., and found my way to the Planning and Zoning Department and spoke to Mr. Christopher Schmiesing, Supervisor. We looked at the Verizon generated map which showed the design point as N40° 08’ 31.79” by W84° 15’ 6.58”. These coordinates placed it on the south side of Young St., between Cottage Ave., and Gordon St. We determined that the immediate area of the search area around that location was 99% “R-1” zoning. I was given a Zoning Map of Piqua and one of the immediate area. We discussed whether the city had any city owned property in the area and the suggestion was to look along at the former RR right of way north of Covington Ave. I observed that that area seemed largely R-1 as well. Christopher agreed and indicated that the zoning ordinance preferred towers in “T” zones and the zoning map showed an I-1 district along S. College St. Prior to visiting the area again I did a data search of the FCC database listing of towers in Piqua (see map attached). Thirteen listings appeared of which I plotted seven of the closest including an existing Verizon tower near W. Statler, east of I-75. The only tower close enough to merit consideration was the commercial radio tower at N40° 08’ 25” by W84° 16’ 7”. Unfortunately, it was determined to be a very light weight tower that would not structurally support Verizon’s antenna loading. I visited the other towers on the attached map further west along Rt. 36 and as expected neither was remotely close enough to qualify.
On subsequent visits to Piqua I drove the search area N-S-E&W and looked for parcels large enough to meet §154.125 (c) of the city’s ordinance which states that “towers shall be located centrally on a parcel having dimensions equal to the height of the tower to all points on each property line”. Parcels of that size were not available. I considered parcels occupied by W.L. Stephen, Inc. and Piqua Box Company, both along the north side of Covington Ave. finding them too small to approximate the setback requirement.

Several parcels along S. College at 415 and 445 seemed to be the closest fit to that objective. I visited with Bill Vogt and Jim Sever at those addresses and both were interested in our proposition. These two parcels were a part of an old industrial complex that took up most of two square city blocks bounded by College, Young, Weber and South Streets. Due to the demolition of some of the structures a large open parking lot along College St. was nominated as two possible sites. Verizon’s radio frequency engineers analyzed both parcels and determined that either would qualify in lieu of the initial design point in the “R-1” zoned neighborhood.

Initially, the Sever Realty, LLC parcel was chosen being the larger parcel. Subsequently that parcel was sold to Bill Vogt’s Holtvogt, LLC, combining the two parcels together making a single larger tract under unitary ownership. A number of outlots have been surveyed and split out of the original property creating numerous odd shaped parcels with peculiar property lines further confusing the setback provision. One visual benefit of the site selected is that the ground equipment and a large portion of the tower will be shielded from view be the existing buildings on the North, East and South sides of the site.

Respectfully,

Ronald C. Hertlein
United Site Acquisition Services, Inc.
agents for Verizon Wireless
November 7, 2008

VIA FAX AND EXPRESS MAIL

Chris Schmiesing
Planning and Zoning
201 West Water Street
Piqua, Ohio 45356

RE: Supplemental Materials – Wireless Communications Application
Verizon Wireless Site Name: Echo
Location: 415 College St. Piqua, OH 45356

Dear Chris:

On behalf of the applicant, Verizon Wireless, we have enclosed a report from a radio frequency engineer at Verizon Wireless that explains the need for the proposed facility. Please include this letter and enclosures as a supplement to the Application, and include them in the administrative case file/record for the Application to Construct a Wireless Communications Facility at 415 College St. Piqua, OH 45356 pending before the Board of Zoning Appeals and the Planning Commission. Thank you for your assistance and do not hesitate to contact us if you require any further information.

Sincerely,

Robert W. Grant
Attorney for Verizon Wireless

enclosures
The new site proposed at 415 S. College Street in Piqua is required to meet the growing voice and data demands of our customers in the city.

There are three ways to address capacity demands listed in order of preference: add incremental capacity, sectorization, cell split. Sites make use of the FCC licensed spectrum in channels. These channels are added as incremental capacity at the sites up to the allocated spectrum limit. Sectorization divides the capacity into 3 directions so that the licensed spectrum can be used on each sector of the site. Lastly, cell splitting divides the capacity between different cell sites.

As shown in Figure 1, the existing cell site covering Piqua is sectored. Based on our growth projections this site will exhaust its present capacity sometime within the next 2 years. Although the existing site uses 2 sectors to serve the capacity in Piqua, it is 1.75 miles from the served customers. Serving a majority of voice and data traffic at large distances from the site reduces its offered capacity as each customer requires more power to compensate for its distance from the site.

Fig. 1
The location of the proposed site, as shown in Figure 2, maximizes the effect of sectorization and further improves capacity by serving customers at much closer distances. This also helps to improve in-building coverage as well.

Fig. 2

Eric Nelson
Manager Network System Performance
November 17, 2008

VIA FAX AND EXPRESS MAIL

Chris Schmiesing
Planning and Zoning
201 West Water Street
Piqua, Ohio 45356

RE: Supplemental Materials – Wireless Communications Application
Verizon Wireless Site Name: Echo
Location: 415 College St. Piqua, OH 45356

Dear Chris:

On behalf of the applicant, Verizon Wireless, we have enclosed the following:

1) A letter from Verizon Wireless outlining its commitment to collocation. The letter states that the proposed tower is engineered to accommodate at least three wireless carriers. The letter also affirms that if the tower is no longer used for communications purposes it will be dismantled and removed.
2) A letter from Verizon Wireless affirming that the proposed facility has been designed and will be constructed and operated in accordance with all applicable codes and regulations including FCC restrictions.

Please include this letter and enclosures as a supplement to the Application, and include them in the administrative case file/record for the Application to Construct a Wireless Communications Facility at 415 College St. Piqua, OH 45356 pending before the Board of Zoning Appeals and the Planning Commission. Thank you for your assistance and do not hesitate to contact us if you require any further information.

Sincerely,

Robert W. Grant
Attorney for Verizon Wireless

enclosures

www.pikelegal.com

RECEIVED
NOV 15 2008
CITY OF PIQUA
DEVELOPMENT OFFICE
November 11, 2008

Site Name & ID: Echo / DYTN-079
Site Address: 415 South College Street, Piqua, Ohio 45356 (Miami County).

To Whom It May Concern:

Verizon Wireless avers that the wireless communications facility proposed at the address referenced above has been designed and will be constructed and operated in accordance with all codes and regulations applicable to such facilities.

Verizon Wireless affirms it will restrict its transmissions to the operating frequencies and service area licensed to Verizon Wireless by the Federal Communications Commission.

Verizon Wireless further affirms that it will operate its facility in conformance with all applicable federal requirements for controlling public exposure to radiofrequency energy.

Sincerely,

David M. Minger
Network Real Estate Manager

Verizon Wireless • 7575 Commerce Court • Lewis Center, Ohio 43035
November 11, 2008

Site Name & ID:   Echo / DYTN-079
Site Address:     415 South College Street, Piqua, Ohio 45356 (Miami County).

To Whom It May Concern:

This letter affirms that Verizon Wireless is committed to encouraging the collocation of wireless communication facilities on existing structures, to help minimize the proliferation of tower structures in the built environment.

At the site referenced above, the proposed tower is engineered to accommodate at least three wireless carriers. Verizon Wireless affirms that if this development application is approved, it will make space available on its proposed tower for lease to future co-location tenants, at industry standard rates, so long as the tower (including its then-current and contractually reserved equipment loading) can safely accommodate the static and dynamic stress attributable to such applicant's proposed equipment.¹

Finally, Verizon Wireless further affirms that if and when the tower is no longer used for communications purposes, the structure will be dismantled and removed not later than one hundred eighty (180) days after such use is discontinued.

Sincerely,

David M. Minger
Network Real Estate Manager

¹ The determination of whether an applicant's proposed equipment can safely be accommodated on the tower will be made pursuant to the structural safety requirements of the Ohio Building Code that are in effect at the time of the proposed installation.
RESOLUTION No. PC 43-08

WHEREAS, White Oak Construction, on behalf of Little Caesar's Pizza, the lessee of the subject location in the city of Piqua, Ohio, being in a district zoned B (General Business), has submitted a request to permit a restaurant fast food special use of the premise located at Suite 110, 646 W. Water Street; and,

WHEREAS, section 154.066 of the City of Piqua Code of Ordinances provides the procedure for authorizing the special use of a premises by 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.

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<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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<tr>
<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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STAFF REPORT

Date: November 21, 2008
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: PC Resolution 43-08

GENERAL INFORMATION

Applicant: White Oak Construction
Owner: Little Caesar's Pizza (lessee)
Location: Suite 110, 646 W. Water Street
Zoning: B General Business

Land Use

Existing: Business and Professional Office; Financial establishment
Proposed: Road Service and Commercial Entertainment; Restaurant, fast food
Request: To permit a restaurant fast food/carryout use of this premise

DISCUSSION/FINDINGS

This request is to authorize the restaurant fast food/carryout special use of the premise. The existing site includes a shared parking facility that provides the off-street parking required by code in accordance with applicable parking regulations. The proposed restaurant/carryout use will not include dine in or delivery options, rather it will be strictly a carryout type operation. This use is consistent with the surrounding retail commercial and services uses and other road service and commercial entertainment use type found in the immediate vicinity.

The zoning code includes criteria to be given specific consideration when determining whether to authorize a special use. The following highlights the criteria described in the code and provides staff's analysis of how this request measures up to those standards.

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

Staff Analysis: The basic intent of the B zoning district is to provide an integrated collection of structures and uses to serve the basic needs of the community. This location is a part of a larger node of business use activity found in this area and fits well at this location.
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 proposed use is less intense than other restaurant fast food uses successfully operating in the area and is not likely to negatively affect 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: The improvements found at this site were constructed in accordance with modern zoning and building code standards and conform to such in all regards.

COMPREHENSIVE PLAN

The goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of placing viable business activities in suitable locations within the community.

CONCLUSION

This use at this location does not in any way threaten the general health, welfare, or property values found within the community and is an appropriate use at this location.

RECOMMENDATION

Staff recommends that the Planning Commission approve this request.
CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name: WHITE OAK CONSTRUCTION Phone: 317-263-2140
   Applicant's Address: 6245 INDIAN LANE IND. S. 46 414

2. Owner's Name: LITTLE CAESAR'S Pizza Phone: 317-982-6000
   Owner's Address: 221 WOODBURN AVENUE TROY, MI 48094 3400

3. Type of legal interest held by applicant: NONE

4. Location of Special Use Permit request: 645 W. Water St. Piqua, Ohio 45356
   a. Legal description (lot No. or attach legal description): N/A
   b. Address: SAME AS #4

5. Existing zoning: B - General Business

6. Existing usage: Video Rental Store

7. Proposed usage: Carry-Out Food Service

8. Proposed special usage: Carry-Out Food Service

9. No. of plot plans submitted (16 required UNLESS waived): N/A

10. Describe the reason for the requested special use:

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: [Signature] Date: Nov 19, 2008

Signature of Owner: [Signature] Date: 11/20/08

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: Date Fee Paid: 

Receipt No: P.C. Res. No: 
LEASE SPACE
PIQUA, OH

Sheet Index

T101 TITLE SHEET
D101 DEMOLITION PLAN
A101 ARCHITECTURAL FLOOR PLAN
A102 EQUIPMENT PLAN
A201 ELEVATIONS
A202 BLUE LINE PLAN
M101 MECHANICAL PLANS
E101 ELECTRICAL & LIGHTING PLAN
P101 PLUMBING PLAN

Code Review Summary

Scope of Work

1. DEMOLITION TO INCLUDE: REMOVAL OF CONCRETE FLOOR TO PLUMBING ELEVATION. REMOVAL OF A PORTION OF THE REAR WALL FOR A NEW DOOR.

2. ELECTRICAL - CONNECT HARDWARE AS INDICATED TO EXISTING 200A 3PH PANEL.

3. CLEAR WALLS READY FOR LIGHTING GROUNDS.

4. MECHANICAL - REPLACE OUTDOOR FROM EXISTING FURNACE. PROVIDE MAINTENANCE FOR FURNACE. INSTALL 3 TON MAKEUP AIR UNIT AND CONDENSER TO NEW ROOM.

5. PLUMBING - CONNECT HEAT EXCHANGER TO EXISTING WATER HEATER. INSTALL DRAIN PIPING, ETC.

6. REPLACE ANY DAMAGED TILES AND GRID FROM THE REMOVAL OF EXISTING FOR NEW CEILING HALL.

7. EXISTING LANDING WHOLLY WITHIN DEMOLISHED SPACE TO BE RELOCATED & REPLACED AS YESTERDAY PER SHEET 101.
MEMORANDUM

To: Planning Commission Members  
From: Chris Schmiesing, City Planner  
Re: 2009 Nominations and Appointments and Meeting Schedule

At the January 2009 meeting of the Planning Commission, commission members will be asked to install 2009 chair and vice-chair persons, and the 2009 Planning representative to the Board of Zoning Appeals. Also, at some point in 2009 the Planning Commission will also be asked to appoint a representative to a soon to be established Stormwater Advisory Council. So, please start giving some thought as to which members of the Planning Commission you wish to nominate for each of these positions and or in which positions you would be willing to serve.

Also enclosed, please find a 2009 Planning Commission Meeting Schedule for your consideration and adoption at the December meeting.
City of Piqua Ohio  
Planning Commission

Purpose:
The Planning Commission shall have such powers as may be determined by ordinance of the commission concerning the plan, design, location, removal, relocation and alteration of any buildings or structures belonging to the city ... (Reference Section 94 of the City Charter)

Members:

Jim Oda - Vice Chair  
Term ends:  2/28/10

Bradley Bubp  
Term ends:  3/05/13

Mike Taylor  
Term ends:  2/28/10

Mark Spoltman - Chair  
Term ends:  3/05/09

L. Jean Franz  
Term ends:  3/05/09
### 2009 Planning Commission Meeting Calendar

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>January 6, 2009</td>
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<tr>
<td>February 3, 2009</td>
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<td>April 7, 2009</td>
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<td>December 1, 2009</td>
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All meetings will be held in the Municipal Government Complex - 2nd Floor Commission Chambers, located at 201 W. Water Street, Piqua unless otherwise indicated.
November 21, 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, December 2, 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, any 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.
## DECEMBER 2, 2008
### PLANNING COMMISSION
#### MAILING LIST

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<tr>
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<td>4 HOPEWOOD DR</td>
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### ENTIRE PACKET TO:
- FRED ENDERLE
- CHRISTINE SCHIMIESING
- PLANNING COMMISSION

### E-MEETING NOTICE TO:
- AMY WELKER
- CHRIS BOEKE
- CITY COMMISSION
- DEAN BURCH
- DEBBIE STEIN
- FRED ENDERLE
- HARRY BUMGARNER
- LORNA SWISHER
- MARTIN KIM
- STACY WALL
- AMY HAVENAR
- WAYNE WILLCOX
- PIQUA DAILY CALL
- DAYTON DAILY NEWS
- WPTW
- PIQUA CHANNEL 5