

PLANNING COMMISSION AGENDA
* SPECIAL MEETING *
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, MAY 12, 2009
ADMINISTRATIVE CONFERENCE ROOM 2ND FLOOR
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 | April 21, 2009 Meeting Minutes |
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NEW BUSINESS

- | | |
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| 4. Resolution PC 11-09 | A proposal to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to temporary uses. |
| 5. Resolution PC 12-09 | A resolution to appoint a Planning Commission member to serve on the Board of Zoning Appeals. |

OTHER BUSINESS

- | | |
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| 6. Monthly Report | General Information, Legislative Update, Special Projects, Permits |
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ADJOURNMENT

- | | |
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| 7. Adjournment | Adjourn Regular Session |
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WORK SESSION

- | | |
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| 8. Land Use Code Update Initiative | Work Session |
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CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, APRIL 21, 2009 - 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

CALL TO ORDER

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

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

ROLL CALL

Members Present: Mark Spoltman, Brad Bulp, Mike Taylor, Jim Oda, and Jean Franz
Members Absent: None
Staff Members: Chris Schmiesing, Becky Cool
Attendees: Matt Finkes

MEETING MINUTES

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the March 3, 2009 meeting minutes included in the agenda packet. Mr. Oda made a motion to approve the March 3, 2009 meeting minutes as submitted, and Mr. Bulp seconded the motion. Mr. Oda, Aye: Mr. Bulp, Aye: Mrs. Franz, Aye: Mr. Taylor, Aye and Mr. Spoltman. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

NEW BUSINESS

1. PC-09-09

A request to authorize an Automobile Washing/Repair special use at 8750 N. Co. Rd. 25-A

Mr. Schmiesing provided a revised site plan, and stated this is a request to authorize an automobile repair and automobile washing facility from a proposed 1800 square foot building that is to be constructed if this request is approved. The proposed building and use activity will essentially be an expansion of the existing uses of the facilities previously constructed on the subject property. A parking lot facility will also be constructed around the proposed building to accommodate traffic circulation and provide additional parking spaces to support the expanded use activities. The parking lot construction is an expansion of a non-standard use that will be considered under a separate resolution.

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Matt Finkes, applicant, stated the business will be relocating from Troy to Piqua, and gave a brief overview of the proposed building and plans to utilize it for an automobile washing/repair service, and the plans for use of the surrounding parking area now and in the future.

There was discussion on the type of material that was to be used for the proposed building, whether the facility would be open to the public, and the type of vehicles that would be present on the parking lot.

Public Comment

No one came forward to speak for or against PC 09-09.

Mr. Oda moved to approve the request with the stipulation they conform to all general requirements of the resolution as stated, and Mrs. Franz seconded the motion. Roll call: Aye: Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. A roll call vote resulted in a 5-0 vote to approve the request as stipulated.

2. PC 10-09

A request to authorize an enlargement of an existing non-standard Parking Lot use at 8750 N. Co. Rd, 25-A

Mr. Schmiesing stated this is a request to authorize an expansion of a non-standard parking lot use. The proposed parking lot expansion will essentially double the area of the existing parking facility previously constructed at this property. The parking lot facility will be constructed around a proposed building to accommodate traffic circulation and provide additional parking spaces to support the expanded automobile repair and automobile washing use activities.

Within the Comprehensive Plan there is much discussion about the importance of the aesthetics of the built environment throughout the community, in particular along the primary entrances into the city. With this property being located on a primary entrance to the community some may question whether the proposed large expanse of pavement with little or no plantings will contribute positively to the aesthetics of the built environment of this corridor. It appears only the design parameter used to layout the proposed parking facility was to stay within the required setbacks. As a result much of the proposed pavement area appears to serve no clear purpose. An initial plan review by the Development Department revealed several concerns with the site plan submittal but they have been corrected with the revised plan.

Matt Finkes, applicant, explained what type of surface was to going to be installed in the parking area, and provided information on the water runoff for the parking area.

There was discussion on the calculations of the storm water runoff in the parking area, and the use of landscaping/trees in and around the building in the parking area, and the type of vehicles that would be sitting on the lot.

Public Comment

No one came forward to speak for or against PC 10-09.

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Mrs. Franz moved to approve the request, seconded by Mr. Oda. Roll Call: Mr. Spoltman, Aye; Mr. Taylor, Aye; Mr. Oda, Aye; Mr. Bubb, Aye; and Mrs. Franz, Aye. A Roll Call vote resulted in a 5-0 vote to approve the request.

Other Business

Mr. Schmiesing gave a brief overview of the highlights of the Monthly Report. Several questions were raised concerning the "green goo" that has been sprayed over the demolition area at the old Piqua Memorial Hospital site. Mr. Schmiesing further explained what has taken place at the demolition site, and what the future plans are for the site.

ADJOURNMENT

With no further business to conduct it was moved and seconded that the regular meeting be adjourned. With all those present in favor the regular meeting was adjourned at 6:30 p.m.

RESOLUTION No. PC 11-09

WHEREAS, the City Commission, has submitted a request to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to temporary uses; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering an amendment to the zoning code; and,

WHEREAS, the Planning Commission has studied the request and conducted a public hearing on the matter;

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 as Exhibit 'A', 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"/>

**BZA RESOLUTION 11-09
EXHIBIT 'A'**

Code Amendments

The code amendments necessary to satisfy the aforementioned issues in a manner that is consistent with the objective and principles described include the following proposed **insertions** or ~~deletions~~ to the text of the code sections indicated.

§ 154.005 DEFINITIONS.

~~TEMPORARY USE OF BUILDING.~~ The temporary use of land, or a building, or a premises for durations not exceeding 180 consecutive days and permitted by the building inspector during periods of construction, or for special events, as provisions set forth in § 154.126.

[Insert definitions for temporary use types here]

§ 154.126 TEMPORARY USES.

(A) Intent.

The intent of this section is to establish standards that allow common temporary use types and insure the temporary uses permitted will be compatible with surrounding land uses.

(B) General Provisions.

The regulations contained in this section shall apply to all temporary uses.

(1) Land use compatibility. The proposed temporary use must be compatible with the purpose and intent of the zoning district in which the temporary use is to be located. The temporary use shall not impair the normal, safe, and effective operation of a permanent use on the same property or any adjacent property. The temporary use shall not endanger or be materially detrimental to the public health safety and welfare, or injurious to the property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the property, and its relationship to parking and points of ingress/egress.

(2) Compliance with other regulations. The temporary use and all structures associated with the temporary use shall conform to all applicable Zoning, Building, Fire, and Health Code standards.

(3) Hours of operation. The hours of operation of the temporary use shall be consistent and compatible with the with the surrounding land uses.

(4) Duration and frequency. The temporary use and all structures associated with the temporary use shall be of a limited duration and frequency that conforms to the definition of a temporary use and all other duration and frequency standards established within this section. At least six (6) consecutive calendar days shall lapse between the end date and start date of all temporary uses.

**BZA RESOLUTION 11-09
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The existence of all temporary uses shall be limited to a period of time established by a start date and end date, said dates to be declared prior to the occurrence of the temporary use. The start date shall be the date the temporary use existence commences or the date any structure, equipment, material, or other item incidental to the temporary use first occupies the property, whichever occurs first. The end date shall be the date the temporary use existence ceases or the date any structure, equipment, material, or other item incidental to the temporary use last occupies the property, whichever occurs last. By the end date declared, or as stipulated by duration limits stated in this section, the temporary use and any structure, equipment, material, or other item incidental to the temporary use shall be removed from the property, and the property occupied by the temporary use shall be restored to the conditions that existed prior to the temporary use occurrence.

(5) Traffic circulation. The temporary use shall not introduce undue traffic congestion or accident potential with reference to the anticipated traffic to and from the temporary use, the design of the adjacent streets, intersections, and traffic control devices.

(6) Off-street parking. The temporary use shall be supported by the availability of adequate off-street parking and shall not create a shortage of off-street parking or in any other way adversely affect the availability of off-street parking for any of the surrounding land uses.

(7) Public convenience and litter control. Adequate on-site restroom facilities shall be made available. Adequate on-site solid waste containers shall also be made available.

(8) Appearance and nuisances. The temporary use and any structure, equipment, material, or other item incidental to the temporary use shall be compatible in intensity, appearance and operation with surrounding land uses, and it shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

(9) Signs and attention-attracting devices. All signage shall conform to section 154.100 of this chapter.

(10) Other conditions. The enforcing official may establish any conditions deemed necessary to ensure the temporary use will conform to the applicable general and detailed provision of this section, in particular with regards to land use compatibility, and to minimize potential adverse impacts on nearby uses, including, but not limited to: time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for property restoration and cleanup following the temporary use. These conditions may include, but shall not be limited to:

(a) Modifications or restrictions to the hours of operation, duration of the temporary use, size of the use or other operational characteristics.

(b) The posting of a performance bond to help ensure that the operation and maintenance of the temporary use and the subsequent restoration of the property

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EXHIBIT 'A'**

are conducted and completed in accordance with this section and any other conditions required by the enforcing official.

(c) If the temporary use applicant requests the City to provide extraordinary services or equipment or if the enforcing official otherwise determines that extraordinary services (e.g., traffic control or security personnel) or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services if the services are not provided by the applicant. This requirement shall not apply if the temporary use has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs to be incurred.

(d) Obtaining liability and personal injury insurance in such form and amount as the enforcing official deems necessary to protect the safety and general welfare of the community.

~~— In any district, subject to the conditions stated below, the enforcing officer may issue a permit for the following temporary uses, except for division (E):~~

~~—(A) Temporary building or yard for construction office, material, or equipment, provided the use is adjacent to the construction site and removed when construction is completed. Each permit shall be valid for the duration of the construction period, and shall be removed when construction is completed or discontinued for more than 30 days.~~

~~—(B) Temporary office incidental and necessary to real estate sales and rentals. Each permit shall be valid for one year and may be renewed for each additional year if conditions warrant the renewal.~~

~~—(C) Building and yard locations shall be subject to any conditions and safeguards the enforcing officer may deem necessary to preserve the character of the surrounding area.~~

~~—(D) Gathering under canvas or in open for religious service, show meeting, exhibition bazaar, carnival or circus, except that if located within 400 feet of any residential area, no permit will be issued unless there is first filed with the enforcing officer the written consent of the residents of 60% of all property in residential use within 400 feet of the place of the meeting.~~

~~(E) A garage sale, yard sale, or porch sale, provided it meets the following criteria:~~

(B) Detailed Provisions.

In addition to the general provisions, the regulations contained in this section shall apply to the specific temporary use type identified.

Garage Sale, Yard Sale, Porch Sale,

(1) The garage sale, yard sale, or porch sale shall be conducted as an accessory temporary use accessory to a principal permitted residential use found on the same lot or premises.

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(2) The garage sale, yard sale, or porch sale shall not be conducted on any lot or premises upon which four garage sales, yard sales, porch sales or any combination thereof have occurred in the 12 month period immediately preceding the planned sale date.

(3) The garage sale, yard sale, or porch sale shall not be conducted on any lot or premises upon which a garage sale, yard sale, or porch sale, or any combination thereof has occurred within the past six weeks.

(4) The garage sale, yard sale, or porch sale shall not last more than three consecutive days.

(5) The garage sale, yard sale, or porch sale hours of operation shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

~~(6) The garage sale, yard sale, or porch sale signage shall be in accordance with § 154.100 of this code.~~

~~(7)~~ The garage sale, yard sale, or porch sale accessory temporary use shall be subject to the same setbacks applicable to the principal permitted residential use found on the same lot or premises.

(C) Permit Required.

(1) No person shall locate or maintain any temporary use, or cause a temporary use to be located or maintained, unless all provisions of this subchapter have been met. To assure compliance with these regulations, a permit issued pursuant to this chapter may be issued by the enforcing official for each of the following temporary use types:

- (a) Construction office or yard.**
- (b) Real estate sales office.**
- (c) Produce stand.**
- (d) Portable food vending.**
- (e) Outdoor displays.**
- (f) Portable storage containers.**
- (g) Above ground swimming pools.**

(2) When applying for a permit for a temporary use the following materials shall be provided:

- (a) A completed permit application and the applicable permit fee for each requested temporary use.**
- (b) Written consent of the owner(s) or an authorized representative of the subject property.**

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EXHIBIT 'A'**

(c) A dimensioned site plan, drawn to scale, showing all existing buildings and other improvements, and the proposed temporary use location on the subject property, the adjacent private properties and public right-of-way.

(d) A drawing or drawings of the sufficient clarity and detail showing all temporary structures to be utilized incidental to the temporary use.

(e) A performance bond guaranteeing the temporary use and any structure, equipment, material, or other item incidental to the temporary use will be maintained and removed, and the property will be restored, in accordance with this code.

(f) Any additional information deemed necessary by the enforcing official to verify the proposed temporary use will satisfy the requirements of this section.

(3) Exceptions. The following temporary uses shall be permitted subject to the provisions of this section and shall not require a permit. Exemptions from the permit requirement shall not be construed to relieve the owner of the temporary use from the responsibility to insure the temporary use conforms with all applicable provisions of this or any other applicable code.

(a) Garage sale, yard sale, or porch sale.

(b) Outdoor gatherings.

(c) Carwashes.

('97 Code, § 150.806) (Ord. 42-96, passed 9-17-96; Am. Ord. 24-07, passed 11-19-07)
Penalty, see § 154.999

RESOLUTION No. PC 12-09

PURSUANT TO, article 154.142(A)(2) of the City of Piqua Code of Ordinances, and with reference to a request from the 2009 Planning Commission appointment to the Board of Zoning Appeals asking to be relieved of their Board of Zoning Appeals duties, the Planning Commission is asked to provide their recommendation for the 2009 Planning Commission representative to be appointed to the Board of Zoning Appeals to fill the remainder of the 2009 term; and,

WHEREAS, _____ is hereby nominated by the Planning Commission and agrees to serve in this capacity if appointed by the City Commission;

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"/>

MAY 12, 2009 PLANNING COMMISSION MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
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	
	BRUCE JAMISON	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	
	MIAMI COUNTY HOME BUILDERS ASSOCIAT	EMAIL	