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

OLD BUSINESS
3. Meeting Minutes Adoption of January 26, 2010 Special Meeting Minutes

NEW BUSINESS
4. Resolution PC 04-10 A resolution requesting the continuation of a nonconforming retail sales and service use of the property/tenant space known as 1129 Park Avenue.

5. Resolution PC 05-10 A resolution requesting the zoning designation of parcel N44-077996 change from R-2 to R-3, said parcel being a portion of the property occupied by Upper Valley Community Church, 1400 Seidel Parkway.

6. Resolution PC 06-10 A resolution requesting the zoning designation of parcel known as J27-032000 change from R-1AA to R-3, said parcel being a portion of the property occupied by Upper Valley Community Church, 1400 Seidel Parkway.

OTHER BUSINESS
7. 2010 Meetings Amend 2010 Meeting Schedule

PENDING BUSINESS UPDATE
None

ADJOURNMENT
8. Adjournment Adjourn Regular Session
CALL TO ORDER
7:30 P.M. – Vice Chairman Oda called the meeting to order. Mr. Oda noted for the record the hearing of each item would be conducted according to a modified Roberts Rules of Order, more specifically as follows:
A. Clerk to State the Agenda Item
B. Staff Comments
C. Applicant/Agent Comments
D. Other Affected Parties Comments
E. Board Member Comments and Questions
F. Board To Take Action On The Item

ROLL CALL
Members Present:  Jim Oda, Jean Franz, Mark Spoltman, and Mike Taylor
Members Absent:  Brad Bubp
Staff Members:  Chris Schmiesing, Becky Cool, Bill Murphy
Attendees:  Mackenzie Emrick, Michael & Heather Bell

Motion was made by Mr. Oda, seconded by Mr. Taylor, to excuse Mr. Bubp from the January 26, 2010 Planning Commission Special Meeting. Voice vote, Mr. Oda, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay: None. Motion carried unanimously.

MEETING MINUTES
Chairman Spoltman asked if there were additions, deletions or corrections to be made to the January 5, 2010 meeting minutes included in the agenda packet. Mr. Oda stated he would like to amend the minutes on the first page, the fourth line from the bottom to correct the spelling of “Jen Fanz” to Jean Franz. Mr. Oda made a motion to approve the January 5, 2010 meeting minutes as submitted, and amended. Mr. Taylor seconded the motion. Mr. Oda, Aye: Mr. Taylor, Aye; Mrs. Franz, Aye: and Mr. Spoltman, Aye. A roll call vote resulted in a 4-0 vote in supporting the motion to approve the meeting minutes as submitted, and amended.

NEW BUSINESS
1. PC-03-10
A Resolution recommending an amendment to Sections 154.001 and 154.129 the zoning code to incorporated provisions relating to Swimming Pools, Spas, and Hot Tubs

Mr. Schmiesing stated he would like to recognize several people in attendance with an interest in this resolution. Mr. Bill Murphy, Assistant City Manager/Economic Development Director for the City of Piqua, Mackenzie Emrick, and Michael & Heather Bell.
Mr. Schmiesing stated the purpose of this resolution is to update the zoning code provisions to include location, setback, safety, and screening standards for swimming pools, spas, and hot tubs. The amendment also aims to establish congruency between the codes applicable at the time of development (health, building, and zoning) and those applicable post-development (property maintenance and health). A swimming pool, spa, or hot tub should be allowed to exist as an accessory structure on a lot adjacent to the principal structure to which it is accessory when the swimming pool, spa, or hot tub can exist under such circumstances without becoming an attractive nuisance within the neighborhood concerned.

There was discussion on the various types and sizes of swimming pools this would apply to, the placement of the swimming pools, spas, and hot tubs away from the Public Right of Way, the need for fencing or screening around the swimming pools, spas and hot tubs, the reason for the placement of the swimming pools, spas, and hot tubs in the rear of the property and on empty lots, and when a permit is required for a swimming pool, spa, or hot tub.

Mr. Schmiesing provided a detailed reviewed the proposed changes to the zoning code text.

Questions were raised concerning the use of an empty lot contiguous to a property, or a lot in the middle of the block, and the placement of a swimming pool, spa, or hot tub on the property. Mr. Schmiesing explained how the proposed changes would impact the locations described and noted that in all instances a property owner with a double lot would still have the option to replat the two lots into one to be able to use the ground for a use accessory to the principal use.

Mr. Schmiesing explained that the proposed changes to the code were prompted by Mackenzie Emrick’s request to place a pool on a vacant lot several doors down and across the alley from the lot occupied by her residence.

**Public Comment**

Mackenzie Emrick, 123 Linden Avenue, came forward and explained the type of swimming pool she intended to install on the empty lot behind her home. Ms. Emrick stated she has spoken with her neighbors and they see no problem with the pool or the location. Ms. Emrick’s only request is the placement of the swimming pool be where she can see it from her home.

There were several questions regarding the size and type of swimming pool, and the location by board members. Mr. Oda asked Ms. Emrick if she understood where the swimming pool was to be placed on her lot, and if she understood the setbacks that are required. Ms. Emrick stated she understood and was ok with the requirements as stated.

Mr. Schmiesing stated the swimming pool would require a fence with a self-latching lockable gate and asked if that would be a problem. Ms. Emrick stated she has plans to have a self-latching gate that is lockable.

A motion made by Mrs. Franz to adopt the resolution was seconded by Mr. Oda. Voice vote, Mr. Oda, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote resulted in a 4-0 vote to approve the resolution.
Mr. Schmiesing stated the Zoning Code changes recommended would be forwarded to the City Commission for their consideration at their February 2, 2010 meeting. Mr. Schmiesing invited Ms. Emrick and Mr. & Mrs. Bell to attend the meeting if they so desire.

OTHER BUSINESS
Amend the 2010 Meeting Schedule

Mr. Schmiesing noted the Piqua City Commission has decided to change the day of their City Commission meetings to the first and third Tuesday of each month, thus the Planning Commission will need to change their meeting date.

Several days were discussed and it was decided to move the meeting day for the Planning Commission to the second Tuesday of the month at 6:00 P.M. All members in attendance were in agreement with the second Tuesday of the month at 6:00 P.M.

Moved by Mr. Oda, seconded by Mrs. Franz, to change the day of the Planning Commission Meetings to the second Tuesday of each month at 6:00 P.M. beginning February 9, 2010. Voice vote, Mr. Oda, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. Motion resulted in a 4-0 voice vote to change the day of Piqua City Planning Commission Meetings to the second Tuesday of each month at 6:00 P.M. beginning February 9, 2010.

Membership Review

Mr. Schmiesing reminded Jim Oda and Mike Taylor their seats on the Planning Commission would be expiring in March of 2010, and asked if they have completed their applications and turned them in if they so desired to continue on the Board. The deadline for turning in applications is February 1, 2010, said Mr. Schmiesing.

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 8:25 p.m.
ESOLUTION No. PC 04-10

WHEREAS, Stacie M. Francis, on behalf of the owner, Cheryl Brown, of the subject location in the city of Piqua, Ohio, being in a district zoned R-1 (One Family Residential), has submitted a request to authorize a Personal Services (Photography Studio) use as a change and continuance of a nonconforming retail sales and service use located at 1129 Park Avenue; and,

WHEREAS, section 154.060 of the City of Piqua Code of Ordinances provides the procedure for authorizing the change and continuance of a nonconforming use; 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 herby recorded as follows.

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CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name Stacie M. Francis Phone 937-418-2590
   Applicant's Address 109 N.ickle Ave.

2. Owner's Name Cheryl & Kelly Brown Phone 937-773-5358
   Owner's Address 203 Maryville Lane Piqua, Ohio 45356

3. Type of legal interest held by applicant open a photography studio

4. Location of Special Use Permit request
   A. Legal description (Lot No. or attach legal description) ____________________________
   B. Address 1129 Park Ave.

5. Existing zoning__________________________________________________________

6. Existing usage___________________________________________________________

7. Proposed usage Photography Studio________________________________________

8. Proposed special usage___________________________________________________

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

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 Stacie M. Francis Date 1-25-10

Signature of Owner ________________________________ Date ______________________

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

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

$100.00 Fee Paid 100.00 Date Fee Paid 1-25-10

Receipt No. 186377 P.C. Res. No. ____________________________
STAFF REPORT

Date: February 2, 2010
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: 1129 Park Avenue

GENERAL INFORMATION

Applicant: Stacie Francis
Owner: Cheryl Brown
Location: 1129 Park Avenue
Zoning: R-1 One-family Residential

Land Use
Existing: Retail sales and service – general merchandise
Proposed: Retail sales and service – personal services
Request: Authorization of a change and continuance of a nonconforming retail sales and service use type.

DISCUSSION/FINDINGS

This request is to authorize a change in the use of the premises to allow an existing nonconforming general merchandise retail sales and service use to be changed to a nonconforming personal services (photography studio) retail sales and service use. The subject premise also includes a separately occupied general merchandise use on the ground level, and a dwelling unit use tenant space on the 2nd floor. The code requires 4 off-street parking spaces to support the general merchandise use, 3 off-street parking spaces for the personal services use, and two spaces for the dwelling unit use. The subject location includes zero off-street parking spaces and there are no off-street parking improvements proposed. Limited on-street parking is available at the subject premise, which is located at the intersection of a collector street (Washington Avenue) and an arterial street (Park Avenue).

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

No structural alterations.

Staff Analysis: There are no structural alterations to the premises shown on the submittals provided.

Same or more restrictive use category.
Staff Analysis: The existing and proposed use are both retail sales and service type uses.

COMPREHENSIVE PLAN

The goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of the adaptive reuse of existing structures and the redevelopment of vacant properties, in particular when the proposed project supports and contributes positively to the surrounding land use and the community in general.

CONCLUSION

The proposed use and use intensity is consistent with the past use activities that have been located at this premise and is compatible with the surrounding land uses. The parking demands for the personal services use are likely to occur at a different time of the day than the parking demands of the surrounding residential land uses, and the intensity of the overall intensity of the building use is not expected to generate parking demands that will result in a nuisance to the neighborhood.

RECOMMENDATION

- Staff recommends that the Planning Commission approve this request.

VICINITY MAP
RESOLUTION No. PC 05-10

WHEREAS, Upper valley Community Church has submitted a request to change the zoning designation of parcel N44-077996 from R-2 to R-3; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein as exhibit ‘A’, and conducted a public hearing on the matter;

NOW THEREFORE BE IT RESOLVED, board member [name] hereby moves to [number] 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 [name], and the voting record on this motion is hereby recorded as follows.

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Rezoning of N44-077996

EXHIBIT A

Rezone from R-2 to R-3
CITY OF PIQUA, OHIO

Application for Zoning Change

1. Applicant’s Name: ANDY MANNIN       Phone: 937-778-8822
   Applicant’s Address: 1400 Seidel Parkway, Piqua, OH 45356

2. Owner’s Name: Upper Valley Community Church       Phone: 937-778-8822
   Owner’s Address: 1400 Seidel Parkway, Piqua, OH 45356

3. Type of legal interest held by applicant: Employee of Owner

4. Location of Rezoning request
   A. Legal description (Inlot No. or attach legal description): See Attached Map
   B. Address: ____________________________________________________________

5. Existing zoning: ______________________________________________________

6. Existing usage: _______________________________________________________

7. Proposed zoning: All converted to R3 - Multi-Family Residential

8. Proposed usage: Parking for membership space & sign

9. Is this “Request for Zoning” contingent upon annexation? Y X N (completed)

10. Describe the reason for the requested rezoning: We have 3 parcels besides
    our main parcel - all with different zoning - all need to be R3

11. Has a Rezoning Request for this location been made before? Y ___ N X ___
    If yes, give date of previous application: ________________________________

12. No. of site plans submitted (16 required UNLESS waived): ___________________

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: 1-23-2010

Signature of Owner: [Signature]       Date: 1-23-2010

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

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

100.00                Date fee paid: 1-25-10

$59.00               Fee paid: 100.00

Receipt no. 196,378       P.C. Res. no. ______________________________
RESOLUTION No. PC 06-10

WHEREAS, Upper Valley Community Church has submitted a request to change the zoning designation of parcel J27-032000 from R-1AA to R-3; and,

WHEREAS, sections 154.141 of the City of Piqua Code of Ordinances provides the procedure for considering zoning designation change; and,

WHEREAS, the Planning Commission has studied the request, included herein as exhibit ‘A’, 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 herby recorded as follows.

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Rezoning of N44-077724

Exhibit A

Zoning
- R3-Multi-Family Residential
- R2-Two-Family Residential
- R1AA-One-Family Residential
- R1A-One-Family Residential
- R1-One-Family Residential
- OS-Open Space
- I2-Heavy Industrial
- I1-Light Industrial
- F-Floodplain
- CBD-Central Business District
- B - Business

Parcels
- Parcels (auto-on)

Transportation
- StreetNames
- Railroad

Rezone from R-1AA to R-3
CITY OF PIQUA, OHIO

Application for Zoning Change

1. Applicant's Name: ANDY MANNIN  Phone: 937-778-8822
   Applicant's Address: 1400 Seidel Parkway, Piqua, OH 45356

2. Owner's Name: Upper Valley Community Church  Phone: 937-778-8822
   Owner's Address: 1400 Seidel Parkway, Piqua, OH 45356

3. Type of legal interest held by applicant: Employee of Owner

4. Location of Rezoning request
   A. Legal description (Inlot No. or attach legal description): See Attached Map
   B. Address: __________________________________________

5. Existing zoning: _______________________________________

6. Existing usage: _______________________________________

7. Proposed zoning: All converted to R3-Multi-Family Residential

8. Proposed usage: Parking for worship space & sign

9. Is this "Request for Zoning" contingent upon annexation? Y X N (completed)

10. Describe the reason for the requested rezoning: We have 3 parcels besides our main parcel - all with different zoning - all need to be R3

11. Has a Rezoning Request for this location been made before? Y ___ N X
    If yes, give date of previous application: __________________

12. No. of site plans submitted (16 required UNLESS waived): __________________

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: 1-23-2010

Signature of Owner: [Signature]  Date: 1-23-2010

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

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

100.00  Date fee paid: 1-25-10
$50.00  Fee paid: 100.00
Receipt no. 186378  P.C. Res. no. ____________
PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-6809
E-Mail: cschmiesing@piquaoh.org

STAFF REPORT

Date: February 2, 2010
To: Planning Commission Members
From: Chris Schmiesing, City Planner
Subject: UVCC Rezoning

GENERAL INFORMATION

Applicant: Andy Monnin
Owner: UVCC
Location: 1400 Seidel Parkway
Zoning: Existing - R-3, R-2 and R-1AA; Proposed – R-3

Land Use
   Existing: Place of Worship, parking lot
   Proposed: Place of Worship, parking lot

Request: Change the zoning of two parcels of the larger UVCC tract to establish a uniform and consistent zoning designation of R-3 for all UVCC parcels situated at this location.

DISCUSSION/FINDINGS

This request is to authorize a change in the zoning of two parcels owned by UVCC (Upper Valley Community Church). The two subject parcels are both contiguous to the primary tract of land on which the UVCC principal use improvements are located (1400 Seidel Parkway) and the use of the subject parcels is incidental to the primary tract. The zoning of the primary tract is R-3 while the zoning of one of the subject lots is R-2 and the other is zoned R-1AA. The purpose of this request is to establish a uniform and consistent zoning designation of R-3 for all UVCC parcels situated at this location.

The properties immediately east of the subject location are all zoned R-3 and occupied by multi-family residential units, and the properties to the south east are zoned for two family and single family dwelling units and improved with the same. The lot immediately to the south is zoned Open Space and currently being used for crop production. To the west is Interstate 75 and to the north is the County Road 25-A corridor.

COMPREHENSIVE PLAN

The goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of zoning properties to be consistent with the surrounding development and consistent with the use of the affected parcels.
CONCLUSION
The proposed zoning change will establish a zoning designation that is appropriate for the use activity found at this location and compatible with the surrounding land uses and zoning designations.

RECOMMENDATION
- Staff recommends that the Planning Commission approve this request.

VICINITY MAP
## 2010 PLANNING COMMISSION MEETING CALENDAR

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>December 14, 2010</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.
February 2, 2010

*** MEETING NOTICE ***

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

TIME:  6:00PM
DATE:  Tuesday, February 9, 2010
LOCATION:  Commission Chambers – 2nd Floor
           Municipal Government Complex
           201 W. Water Street

This letter serves to notify those persons who may have an interest in an agenda item to be discussed at this meeting. View the Planning Commission packet in its entirety online at http://www.piquaoh.org/agenda_plan_comm.htm or by visiting the Development Office.

This is your opportunity to speak in favor of, or object to, an item to be considered. 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.

[Signature]

Christopher W. Schmiesing  
City Planner

Enc.
## PLANNING COMMISSION
### FEBRUARY 9, 2010

### MAILING LIST

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<td>STACIE M FRANCIS</td>
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<td>PIQUA OH 45356</td>
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<td>PC 05/06-10</td>
<td>MESSLER FAMILY INVESTMENTS LLC</td>
<td>997 N MARKET SUITE 4 ST</td>
<td>TROY OH 45373</td>
</tr>
<tr>
<td>PC 06/06-10</td>
<td>BCH TAX SERVICE CORP</td>
<td>2375 N GLENVILLE DR 9-75-02-02</td>
<td>RICHARDSON TX 75062</td>
</tr>
<tr>
<td>PC 05/06-10</td>
<td>KRIEGEL HOLDINGS INC</td>
<td>P O BOX 752</td>
<td>VAN WERT OH 45891</td>
</tr>
</tbody>
</table>

### 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 BOERE: EMAIL
- CITY COMMISSION: EMAIL
- DEAN BURCH: EMAIL
- DEBBIE STEIN: EMAIL
- FRED ENDERLE: EMAIL
- BILL MURPHY: EMAIL
- LORNA SWISHER: EMAIL
- MARTIN KIM: EMAIL
- STACY WALL: EMAIL
- AMY HAVENAR: EMAIL
- BRUCE JAMISON: EMAIL
- PIQUA DAILY CALL: EMAIL
- DAYTON DAILY NEWS: EMAIL
- WPTV: EMAIL
- PIQUA CHANNEL 5: EMAIL
- MIAMI COUNTY HOME BUILDERS ASSOCIATION: EMAIL