

PLANNING COMMISSION AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, SEPTEMBER 10, 2019
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

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

OLD BUSINESS

- | | |
|--------------------|---|
| 3. Meeting Minutes | August 13, 2019 Planning Commission Meeting Minutes |
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NEW BUSINESS

- | | |
|------------------------|--|
| 4. Resolution PC 12-19 | A Resolution to consider an amendment to the zoning chapter of the codified ordinances to modify code provisions pertaining to minimum permit requirements and restoration standards for demolition projects |
| 5. Resolution PC 13-19 | A Resolution to consider the Vacation of a portion of platted public right of way known as the alley passing through parcels N44-099860, N44-047300, N44-047320 and N44-092240 |

OTHER BUSINESS

None

ADJOURNMENT

PLANNING COMMISSION MINUTES
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, AUGUST 13, 2019
MUNICIPAL GOVERNMENT COMPLEX
ADMINISTRATIVE CONFERENCE ROOM - 201 W. WATER STREET

CALL TO ORDER

At 6:00pm Chairman Oda called the meeting to order and welcomed all in attendance. Mr. Oda outlined the order of business and procedures that will be followed by the Planning Commission.

ROLL CALL

Members Present: Gary Koenig, Jim Oda, Cindy Pearson, Stu Shear

Members Absent: Joe Wilson

MEETING MINUTES

The minutes of June 11, 2019 Planning Commission Meeting were approved 4-0 by voice vote.

NEW BUSINESS

Resolution PC 8-19

A Resolution to consider a zoning change of the address 620 South Main Street, Parcel Number N44-010310 from R1 One Family Residential to R2 Multi Family Residential.

Mr. Schmiesing provided a zoning map to add to the record showing the current zoning designation of the property as well as to identify the surrounding zoning. The map indicates that the surrounding lots offer a variety of zoning designation, including R1 one family, R2 multi-family, and B business. The origin of the agenda item arose from an inquiry from a financial institution during the potential sale of this property. The financial institution received a letter from the Planning and Zoning office stating that the pre-existing use of the property is of legal use as it currently stands; however, if the property were to be destroyed, the multi-family use would be required to be reviewed as a special use by the Planning Commission. When the letter was not accepted, the applicant requested the rezoning of the property. There was no concern from staff on this change.

Leanne Smith, applicant and owner - 27 Marymont Dr, Piqua, came forward and stated that she is the current owner of the property and explained how the situation arose. She noted that the property has been of multi-family use for many years and that she had no issues with the zoning or appraisal in her purchase of the property. She also mentioned that the original sale fell through; however, there is new interest and she wishes to move forward with rezoning for the future sale of the property.

No additional comments were made at this time.

Stu Shear motioned to approve Resolution PC 8-19 and Cindy Pearson seconded. Resolution PC 8-19 was approved as a recommendation from the

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Planning Commission by a 4-0 roll call vote. This item will be on the September 3, 2019 City Commission agenda.

Resolution PC 9-19

A Resolution to consider a replat of inlot 7682 located in the Deerfield subdivision, section 4.

Staff noted that this request is in preparation of vacating a tract of land with the intent of selling what is remaining. There is no objection from staff to move forward as this process will keep what is remaining intact for future development to take place. It will also make the process easier for the current owner to seek purchase interest.

No one stepped forward and no additional comments were made at this time.

Gary Koenig motioned to approve Resolution PC 9-19 and Cindy Pearson seconded. Resolution PC 9-19 was approved by a 4-0 roll call vote.

Resolution PC 10-19

A Resolution to consider a replat of inlot 7682 located East of Bear Run and West of Deerwood Drive located in the Deerfield subdivision.

Mr. Schmiesing referred to the provided subdivision visual and clarified to the commission that the gap will be replatted to connect with the existing lots that are to the East of Deerwood Drive.

Concern was expressed about easement location and access to the easement between the lots if the replat were to be approved. It was confirmed that the easement will move along with the property line.

No one stepped forward and no additional comments were made at this time.

Stu Shear motioned to approve Resolution PC 10-19 and Cindy Pearson seconded. Resolution PC 10-19 was approved by a 4-0 roll call vote.

Resolution PC 11-19 (Amended)

A Resolution to consider the special use of an accessory structure at the address 900 Willard Street, Parcel Number N44-041180, zoned R1 One Family Residential.

The request was explained by Mr. Schmiesing to have come from a property maintenance issue with the principal structure. The property is currently appending action of demolition. The current code states that if the principal structure is demolished, the accessory structure must also be taken down. This process has historically helped with

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eliminating abandonment. In this particular case, the owner has requested that the accessory structure be allowed to remain with a special use provision although there will be no principal structure on the lot. Mr. Schmiesing added the property violation notice photos to the record to show the condition of the primary structure as well as the current state of the garage. Staff concern is that in similar situations, garages have been abandoned or rented out to those who do not have ownership interest. Renting for storage use could technically be considered a self-storage facility and of commercial use. Mr. Schmiesing also provided a snapshot to show lot location.

Planning Commission questioned if there is any intention to rebuild a primary structure onto the lot.

Steve Hetzler, owner and applicant - 1557 Kirkwood, Sidney, came forward and stated that he plans to bring the garage up to code standards. He stated that the structure would be used strictly as storage and that he is ready to have contractors begin the work if the item is approved. The plans at this time are to demolish the primary structure rather than correct the identified issues.

John Martin, Commissioner of Ward 1 - 301 Cleveland St, Piqua, came forward and stated his opinion that if the structure is not deficient, it should be allowed to stay. He asked for clarification on special use code language and the meaning of non-standard lots. Staff and Planning Commission provided answers to his code questions.

The Planning Commission discussed that if the accessory structure were approved to remain with a special use provision, it would be required to be brought up to code and remain in good condition. The code violation notice process and timeframe were discussed. The resolution wording was noted to have a typographical error and was clarified that it should be written as: "the special use of an accessory structure at the address 900 Willard Street, Parcel Number N44-041180, zoned R1 One Family Residential."

Stu Shear motioned to amend Resolution PC 11-19 to read: "the special use of an accessory structure at the address 900 Willard Street, Parcel Number N44-041180, zoned R1 One Family Residential" and Cindy Pearson moved to adopt the amended resolution.

Stu Shear motioned to approve the amended Resolution PC 11-19 and Cindy Pearson seconded. Amended resolution PC 11-19 was approved by a 4-0 roll call vote.

OTHER BUSINESS

No other business at this time.

ADJOURNMENT

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With no other questions, comments or business before the Planning Commission, a motion was made by Mr. Shear and seconded by Mrs. Pearson to adjourn the meeting. With all those present in support of the motion the meeting was adjourned at approximately 7:12 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, Administrative Assistant, City of Piqua Development Department. Comments requesting corrections, additions or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.

RESOLUTION No. PC 12-19

WHEREAS, the City Commission, has submitted a request to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to minimum permit requirements and restoration standards for demolition projects as further described by exhibit 'A'; 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 approve 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"/>
Ms. Cindy Pearson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Stu Shear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Gary Koenig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Joe Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT A

§ 154.127 DEMOLITION STANDARDS; PERMIT REQUIREMENT.

This section shall explain the applicable standards for demolition work and the procedure, process, and requirements to obtain a demolition permit within the city.

(A) Downtown Historic District. Demolitions within the Downtown Historic District requires an approved certificate of appropriateness. Said certificate of appropriateness shall be issued in compliance with §§ 152.01 through 152.08 prior to the commencement of any demolition within the Downtown Historic District for which a demolition permit issued in accordance with this section is still necessary.

(B) Demolition Permit Required. A demolition permit issued by the enforcing official shall be required for every demolition of any structure in excess of 200 square feet in area. Every application for a demolition permit shall include reasons for demolition, a site plan and such other documentation as may be necessary.

(1) Site Plan. A site plan, containing the following information at a minimum, shall be provided:

- (a) The location and dimensions of all structures on the lot.
- (b) Property boundaries and dimensions, including distances from other structures and or lot lines to the structure or structures to be demolished.
- (c) Prominent natural features, landscaping, or other physical improvements found on the lot.
- (d) Planned staging areas, equipment parking, and or dumpster locations.
- (e) The location of all utilities and the disconnection and disposition thereof.
- (f) An explanation of the purpose for the demolition project and a statement regarding the intended use of the vacated site.
- (g) The natural features, landscaping, structures, or other physical improvements to be demolished and the intended clean-up and restoration of the site, including but not limited to the work items required to satisfy the following minimum demolition and restoration standards:
 1. The demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to the building being demolished; ~~and the demolition and excavation of all footers, foundations, slabs, service sidewalks, and improvements incidental to any buildings accessory to the building being demolished.~~
 2. Placement of compacted backfill in openings or excavations and grading thereof to match the existing surrounding surface contours.
 3. Placement of six inches of topsoil over all backfilled or disturbed areas.
 4. Placement of grass seed and mulching over all backfilled or disturbed areas covered with topsoil.

EXHIBIT A

5. Placement of erosion control as deemed necessary by the enforcing official.

6. Placement of fence and or any other safety precautions deemed necessary by the enforcing official.

(h) The disposal location for the demolition debris.

(2) Permit application. A permit application or other supporting documentation, containing the following information at a minimum, shall be provided:

(a) Anticipated start date and completion date for the demolition activity.

(b) Evidence that all taxes and utility bills are paid in full, as deemed necessary by the enforcing official.

(c) Any other information that is deemed necessary by the enforcing official to completely explain the proposed demolition.

(d) A photographic record of each elevation of the building or buildings to be demolished.

(e) A special use permit, issued in accordance with §§ 154.063 and 154.064, for any structure (or structures) to remain on the lot, when the subject structure (or structures) to remain on the lot is a nonconforming use, or if the demolition activity will cause the subject structure (or structures) to remain on the lot to become a nonconforming use.

(3) License and Bond or Other Surety. Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall execute a license provided by the city, granting to the city the right to enter the property. The license shall permit the city to correct or eliminate any unsafe condition or conditions at the demolition site before, during and after the demolition. The license granted by the applicant shall further provide that the city shall have the sole right to determine if a condition or conditions are unsafe. The license shall further include an agreement providing that the owner, agent or person with control of the property subject to demolition shall indemnify the city for its cost to correct or eliminate the unsafe condition or conditions. The agreement shall provide that the indemnification may be from the performance bond, cash deposit or other surety the owner, agent or person with control of the property subject to demolition shall post with the city to assure the city that the demolition work will proceed as permitted. The value of the surety shall not exceed the cost associated with the demolition and site restoration, as determined by a detailed estimate to be provided by the owner, agent or person with control of the property subject to demolition, provided the enforcing official finds the estimate to be a reasonable estimation of the gross costs anticipated to complete the demolition and restoration project. The terms of the surety shall provide that the city may retain or claim the surety proceeds if the permit holder fails to perform the demolition or restoration activities in accordance with the permit granted. The value of the surety may be reduced during the course of the demolition work, at the sole discretion of the enforcing official, if, in the estimation of the enforcing official, sufficient surety remains to assure completion of the demolition and site restoration activity.

(4) Other approvals or regulations. Other regulatory agency approvals necessary prior to the issuance of a demolition permit by the city, or the regulations of other agencies which are

EXHIBIT A

applicable and to be adhered to during the completion of any demolition work includes but are not limited to those of the Ohio Environmental Protection Agency, Regional Air Pollution Control Authority, Department of Health, Department of Public Works, and the like.

(5) Permit expiration. Any demolition permit issued under this section shall expire 30 days from the date of issuance if the demolition has not commenced; or if demolition has commenced and the work is delayed for a period of more than ten consecutive days and the enforcing official determines that the delays were unnecessary, or if demolition has commenced and the work continues for a period of more than 30 consecutive days beyond the anticipated completion date indicated on the permit application, or upon completion of the demolition work in accordance with the permit issued. The enforcing official may authorize one or more extensions of the permit provided the enforcing official determines that the owner, agent or person with control of the property subject to demolition has demonstrated the ability to complete the work in a timely and workmanlike manner.

(Ord. 42-96, passed 9-17-96; Am. Ord. 19-08, passed 7-21-08) Penalty, see § 154.999

RESOLUTION No. PC 13-19

WHEREAS, Michael Harwood, Applicant and Project Manager for Hartzell Industries, has submitted a request to vacate a portion of platted public right of way known as the alley passing through parcels N44-099860, N44-047300, N44-047320 and N44-092240, and,

WHEREAS, the City of Piqua City Commission has declared their intent to consider the vacation of the subject right of way and referred the item to the Planning Commission for study and a recommendation; and,

WHEREAS, section 98 of the Piqua Charter provides the procedure for considering a right of way vacation request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the portion of public right of way proposed for vacation:

- Is unimproved and does not provide essential access to surrounding properties
- Is unoccupied by public utilities or other uses commonly located within public right of way
- Is not identified on any transportation plan indicating the right of way is or will be necessary
- Is not essential to any existing or future development or use of the surrounding properties

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to approve the request, 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.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Cindy Pearson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Stu Shear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Gary Koenig	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Joe Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CITY OF PIQUA, OHIO

APPLICATION FOR VACATION OF PUBLIC RIGHT-OF-WAY

1. Applicant's Name Michael Harwood Phone # 937-606-4735
Applicant's Address 910 S.Downing St.

2. Owner's Name Hartzell industries Phone # 937-773-6295

3. Type of legal interest held by applicant Project Manager for Hartzell Industries

4. Location of Public Right-Of-Way Vacation request Alley designation passing through parcels N44-099860, N44-047300, N44-047320 & N44-092240.

5. Describe the reason for the requested Vacation of Public Right-Of-Way

Hartzell wishes to combine parcels in to one contiguous parcel for future improvements. Documentation of actual land usage.

6. Property owners adjacent to Right-Of-Way to be vacated.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
<u>Hartzell Lumber</u>	<u>1025 S. Roosevelt</u>	<u></u>
<u>Congdon, Daniel & Cynthia</u>	<u>1105 S. Roosevelt</u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
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Signature of Applicant Michael Harwood Date 8-5-2019

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

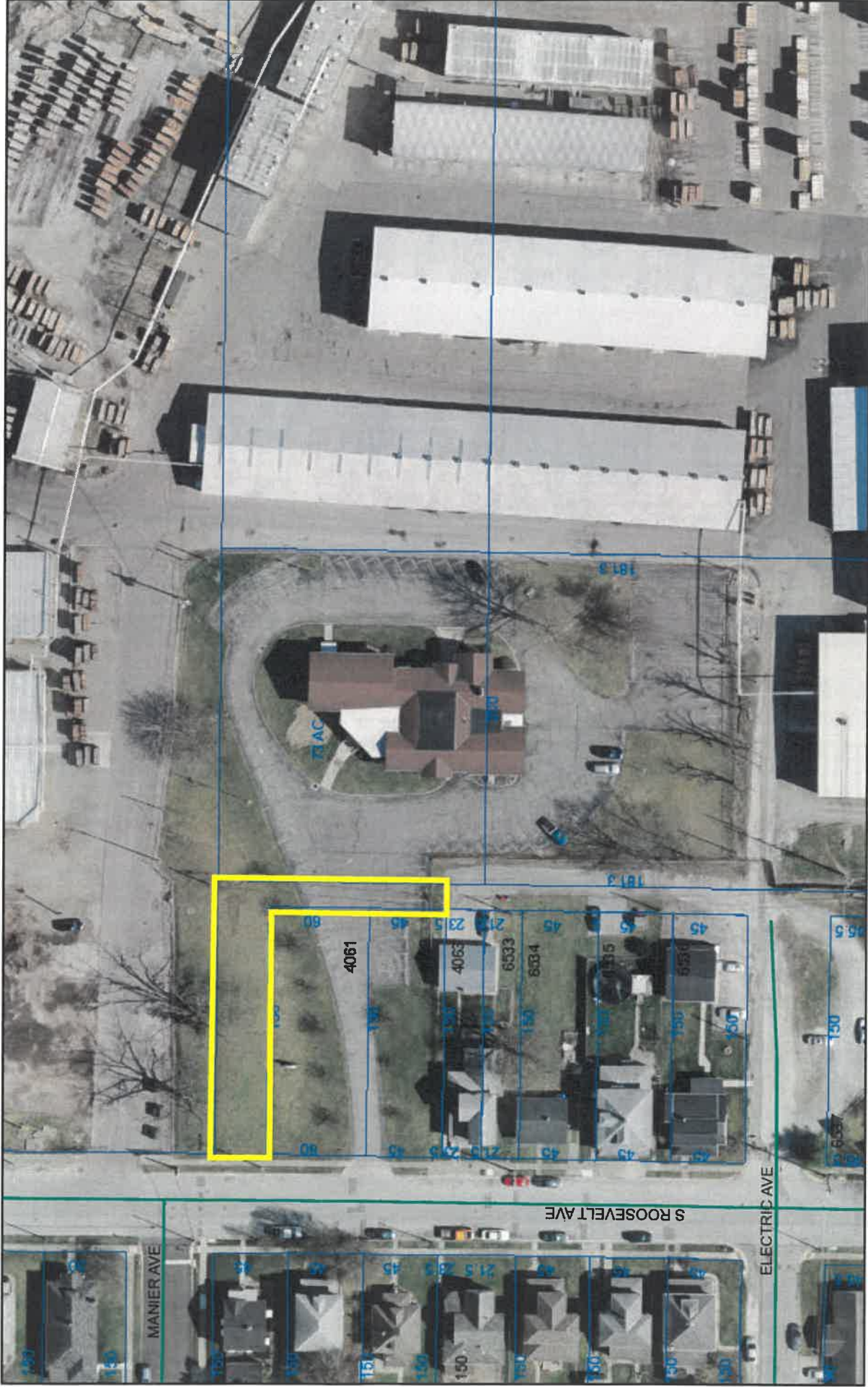
\$100.00 Fee Paid X

Date Fee Paid 8/16/19

Receipt No. 228794

Res. No.

Hartzell industries - Alley Vacation



August 1, 2019

1:1,000
0 45 90 180 ft
0 12.5 25 50 m

RESOLUTION NO. R-75 -19

A RESOLUTION OF INTENT TO VACATE PUBLIC RIGHT-OF-WAY

WHEREAS, pursuant to Piqua Charter Section 98, this Commission must adopt a resolution expressing its intention to vacate platted right-of-way located prior to such action being considered; and,

WHEREAS, a petition requesting the vacation of a portion of platted public right of way known as an alley located east of Roosevelt and north of Electric Avenue, as described in Exhibit "A" attached hereto, has been filed with the Clerk of Commission;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Piqua, Miami County, Ohio, the majority of all members elected thereto concurring, that:

SEC. 1: This Commission hereby intends to vacate a portion of platted public right of way known as an alley located east of Roosevelt Avenue and north of Electric Avenue, as described in Exhibit "A" attached hereto. The City Manager or his duly authorized representative is hereby directed to cause notice of this Resolution to be served by certified mail upon all persons whose property abuts said tract. Said notice shall state the time and place at which objections can be heard by the Planning Commission.

SEC. 2: This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Kathryn B. Hinds
KATHRYN B. HINDS, MAYOR

PASSED: 8/20/19

ATTEST: *Karen S. Jenkins*
KAREN S. JENKINS
CLERK OF COMMISSION

The Motion to adopt the foregoing Resolution was offered by Commissioner Grissom seconded by Commissioner Lee and on roll call the following vote ensued:

Mayor Kathryn B. Hinds	<u>AYE</u>
Commissioner John Martin	<u>AYE</u>
Commissioner William Vogt	<u>NAY</u>
Commissioner Kris Lee	<u>AYE</u>
Commissioner Chris Grissom	<u>AYE</u>

I, the undersigned Clerk of the City Commission of the City of Piqua, Ohio do hereby certify that the above resolution is a true, accurate and correct copy of R-75-19 passed by the Commission of the City of Piqua, Ohio, on the 20th day of August, 2019.

Karen S. Jenkins
CLERK OF COMMISSION

PARCEL	Property Address	CITY	ZIP	Owner
N44-046910	511 MANIER	PIQUA	45356	POPP RICHARD
N44-046920	1100 ROOSEVELT AVE S	PIQUA	45356	GEHLE LEONARD B @(4)
N44-046930	1102 ROOSEVELT S	PIQUA	45356	TREON JANET L
N44-046940	1104 ROOSEVELT AVE S	PIQUA	45356	SWABB JOSEPH A JENNY R
N44-046950	1106 ROOSEVELT AVE S	PIQUA	45356	LIETTE EDWIN L
N44-047330	1105 ROOSEVELT AVE S	PIQUA	45356	CONGDON DANIEL A & CYNTHIA A
N44-070960	1107 ROOSEVELT AVE S	PIQUA	45356	KINDELL DAWN (TOD)
N44-070970	1109 ROOSEVELT	PIQUA	45356	HAGER JOAN I
N44-070980	1111 ROOSEVELT AVE S	PIQUA	45356	CROWELL CARROLL E & CONNIE M
N44-071080	S 1108 ROOSEVELT AVE	PIQUA	45356	PHILLIS CATRINA R
N44-071090	1110 ROOSEVELT	PIQUA	45356	GREGORY JULIE A & JENNIFER J KEISTER & RHON DA E BA
N44-071100	1112 ROOSEVELT AVE S	PIQUA	45356	TIPPS SHEILA A (TOD) @(6)
N44-071110	501 ELECTRIC AVE	PIQUA	45356	DENNING JANICE L (LE) & STEVEN D HAGER (RM)
N44-071190	502 ELECTRIC AVE	PIQUA	45356	STIDHAM JAMES W & KELLIE S
N44-071340	511 ELECTRIC AVE	PIQUA	45356	STAMPER TERRY D (TOD) & @(2)
N44-092240	S 1025 ROOSEVELT AVE	PIQUA	45356	HARTZELL LUMBER INC
N44-099860	1025 ROOSEVELT AVE S	PIQUA	45356	HARTZELL INDUSTRIES INC



DEVELOPMENT OFFICE

Kyrsten French – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-0809
E-Mail: kfrench@piquaoh.org

August 30, 2019

***** MEETING NOTICE *****

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

TIME: 6:00 PM
DATE: Tuesday, September 10, 2019
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 Meeting packet in its entirety online at <http://piquaoh.org/city-government/boards-and-committees/planning-commission/> 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.

Kyrsten French
City Planner

Enc.