

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, FEBRUARY 5, 2008 - 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, Jim Oda, Jean Franz, Dick Sword, Mike Taylor

Members Absent: None

Staff Members: Chris Schmiesing

Attendees: Pete Schwiegert, David Saneholtz, Janet and Lou Doty, John and Susan Bausman, David Seitz, Tim Flynn, Richard Slone, Craig Tyson, Russ Wright

MEETING MINUTES

Chairman Spoltman asked if there were corrections, deletion or additions to be made to the December 4, 2007 or January 8, 2008 meeting minutes included in the agenda packet. Hearing none the Chairman Spoltman asked for a motion to accept the minutes as submitted. Commissioner Oda motioned to approve the December 4, 2007 and January 8, 2008 meeting minutes as submitted and Commissioner Sword seconded the motion. A voice vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

OLD BUSINESS

None

NEW BUSINESS

1. Resolution P.C. 08-08

A request to permit the enlargement or expansion of a nursing home special use of the subject parcel, said parcel being located at 275 Kienle Drive.

Mr. Schmiesing reviewed the staff report included in the agenda packet, commenting that any increase in traffic to and from the site or need for off-street parking spaces generated by the 2,600 square foot addition will be negligible, and that the drainage concern mentioned in the City Engineer's review comments had been resolved.

Mr. David Saneholtz of Poggemeyer Design Group approached the lectern to speak in favor of this request.

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Mrs. Franz asked if the plans would require the removal of the cedar trees.

Mr. Sanholtz indicated that are several trees that will be removed and new trees planted in their place as part of the planned improvements.

Mr. Sword confirmed the storm water concerns have been addressed.

Hearing no further discussion, Chairman Spoltman reviewed the criteria for allowing the issuance of a special use permit and noted that there were no apparent conflicts with the code criteria.

Mr. Oda motioned to approve the resolution as presented and Mr. Sword seconded the motion. A roll call vote resulted in a 5-0 vote in support of the motion.

2. Resolution P.C. 09-08

A request to change the zoning designation of the subject parcel from I-1 Light Industrial to R-2 Two-Family Residential, said parcel located at 133 E. Main Street.

Mr. Schmiesing reviewed the staff report included in the agenda packet, commenting that a change of use inspection had been completed and less the need to install smoke detectors no building code violations were found, and he further commented on the compatibility of the proposed residential use with the surrounding uses found in the neighborhood and the availability of off street parking at this location.

Having asked those in attendance and with no one coming forward, Chairman Spoltman noted for the record that no one was present to speak in favor of the resolution.

There was a brief discussion including comments pertaining to the architectural characteristics of the building, the use history of this location, and the appropriateness of the requested change in the zoning designation.

Hearing no further discussion, Chairman Spoltman reviewed the criteria for allowing the issuance of a special use permit and noted that there were no apparent conflicts with the code criteria.

Mrs. Franz motioned to approve the resolution and Mr. Taylor seconded the motion. A roll call vote resulted in a 5-0 vote in support of the motion.

3. Resolution P.C. 10-08

A request to permit the conversion of a retail commercial use to a multi-family dwelling unit special use of the subject parcel, said parcel being located at 512 - 514 W. High Street.

Mr. Schmiesing reviewed the staff report included in the agenda packet, commenting on the illegal dwelling unit use of the structure that appears to have existed at this location since the mid 1990's,

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the lack of available off street parking, and the incompatible characteristics of the former retail spaces with the proposed dwelling unit use.

Mr. Richard Slone, the owner of the property approached the lectern to speak in favor of this request. Mr. Slone stated that the 514 W. High Street space is currently being rented for \$200 a month. Mr. Slone stated the person who currently lives in the 514 space lives there alone with her dog, works at UVMC, and has lived at this location since 1991. Mr. Slone stated that he didn't know where the tenant would find another space that she could rent for her and her dog for \$200 a month. Mr. Slone also stated that he is not interested in receiving authorization to rent out 512 W. High Street as a dwelling unit and that he would rather fill the 512 space with a retail user. Mr. Slone further stated that it is increasingly difficult to attract and keep renters in the older structures in town due to the increased competition from the newer residential rental units that have been constructed on County Road 25-A in recent years. Mr. Slone stated that he owns several other rental properties in town and that all but 514 W. High Street location and one other location are sitting vacant.

Mr. Craig Tyson, who identified himself as the owner of Tyson Plumbing, approached the lectern to speak in favor of this request. Mr. Tyson noted that he has performed work for Mr. Slone on this property in the past and that he was of the opinion that the property was being maintained in a reasonable condition. Mr. Tyson compared the scale and openness of the space to a loft style living unit, and commented that, while it may not be a desirable living space for some, the current tenant does not seem to mind [the openness of the space]. Mr. Tyson also referenced in his comments that he and Mr. Slone own other properties together.

Mr. Oda commented that the proposed dwelling unit use of this location was not problem for him and Chairman Spoltman concurred with Mr. Oda's comment.

Mr. Sword commented about the tenant's employment with UVMC and the probable wages earned by that individual.

Mr. Schmiesing reminded the commission that the request before them has nothing to do with the tenant and whatever hardship any decision on this request may cause that individual, rather the issue is whether or not to authorize a special use of the premises to lawfully establish a dwelling unit that has existed illegally for more than 15 years. Mr. Schmiesing further pointed out that if the applicant is genuinely concerned with the displacement of this tenant he could offer one of his vacant units as a location available for rent; that it is plainly visible from observing the exterior of the building that the property owner has reinvested very little into the property's exterior over the years, and this is likely indicative of the interior condition as well; noted that the scope of the improvements required to bring the building into code compliance for the intended use will not be fully understood until the property owner initiates a change of use inspection that is required prior to a certificate of occupancy

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being issued a dwelling unit use of this structure; and, noted the improvements required to make the space habitable as a dwelling unit may adversely impact irreplaceable elements of the building's façade and forever diminish the historical architectural character.

Mr. Slone commentated that he had just recently spent \$300 painting the upper portions of the building trim and also referenced the Terry's Standard Oil location as a location where a comparable mixed business use and dwelling unit use had been permitted.

Mr. Tyson stated that there is nothing wrong with the interior of the building that the only thing different about it is that it is very spacious. Mr. Tyson asked that some consideration be given to the tenant that already lives there and compassion be shown for this individual.

Mr. Sword commented on the high gas bill this unit must generate.

Chairman Spoltman commented that he was not opposed to the dwelling unit use of the space, but that alterations to the building façade to accommodate such a use would bother him. Mr. Oda agreed.

Russ Wright, [no address provided], approached the lectern to comment on this item, and suggested that there were two options for this building, allow the existing "nonconforming use" to continue or tear it down.

Mr. Schmiesing suggested it may behoove the Planning Commission and the applicant to have the findings of the building official's change of use inspection available prior to proceeding with action on this request.

Mr. Taylor reiterated that the item being considered has nothing to do with the tenant and everything to do with the use of the building, and noted that knowing the change of use inspection had already been completed on the previous request, helped him arrive at his decision on that item.

Mr. Oda asked for clarification on the process for the applicant to secure final approval of the use of the space.

Mr. Schmiesing explained the process, citing the special use permit as authorization for the use of the premises for something listed as a special use in the subject zoning district, and the change of use inspection, and the completion of any subsequent improvements deemed necessary to satisfy the building code requirements, the minimum standards, for making the space habitable for the intended use. Mr. Schmiesing further explained that the authorization of the special use permit satisfies the zoning code portion of the process, and that the change of use inspection ensures compliance with the building code portion of the process, and noted that completion of portion of the process without completing the other portion renders the lawful establishment of the use incomplete.

Mr. Oda asked how the change of use inspection is initiated and how long it typically takes to complete. Mr. Schmiesing responded by indicating that the applicant is advised at the time of application for a special use or any other change of use inquiry of this requirement and provided with information explaining the inspection requirement and how to initiate the process. Mr. Schmiesing pointed out that from that point it is incumbent upon the applicant to

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initiate the inspection and noted that from the time the call is received from the applicant until the time the inspection is completed is generally not more than 2 to 3 business days.

Mr. Oda asked if it would be reasonable to think that the inspection obligation could be fulfilled prior to the next Planning Commission meeting date. Mr. Schmiesing stated that the inspection could be scheduled and conducted in a very short manner, and that it would be entirely dependent upon whether the applicant initiates the scheduling of the inspection in a timely manner as to whether it can be completed prior to the next Planning Commission meeting date.

Mrs. Franz motioned to table the resolution until the next meeting, with reference to the boards' desire that the change of use inspection be completed prior to that meeting date. Mr. Sword seconded the motion. A roll call vote resulted in a 5-0 vote in support of the motion.

Mr. Schmiesing stated that he would follow up with Mr. Slone after this meeting to make certain he understands what needs to be done. [Editorial Note - A written communication explaining the change of use inspection requirement, with a copy of the change of use inspection handout enclosed, and with reference to the Planning Commissions' stated desire that this inspection be completed prior to their taking action on the special use permit request, was mailed to Mr. Slone on February 8, 2008.]

4. Resolution P.C. 11-08

A request to approve a concept plan for Mixed Use Planned Unit Development (M-PUD) special use of a 10.54 acre parcel located in a General Business (B) zoning district, said parcel being located at the north west corner of R.M. Davis Parkway and USR 36.

Mr. Schmiesing reviewed the staff report included in the agenda packet, commenting on this being the same item as previously presented only with new information concerning the financing of the project being provided.

Mr. Peter Schwiegert of Miller valentine approached the lectern to speak in favor of this request. Mr. Schwiegert noted his commitment to addressing the concerns previously noted by the Planning commission and expressed regret that the details of the project financing had not been brought to light at the previous meeting. Mr. Schwiegert described the housing tax credit funding source to be used for this project as being geared towards providing financing for the development of a higher quality housing product with a rent rate that is capped at an affordable amount. Mr. Schwiegert reviewed the preliminary findings of a draft housing study that is being compiled for the project, noting that the study indicates the market rate for the monthly rent for the type of units being proposed would be in the \$660 per month range and that with the housing tax credit financing will make it possible to rent the same units in the \$475 to \$570 per month range. Mr. Schwiegert indicated that 1,500 households in Piqua would currently be eligible to rent one of the units under the current guidelines that limit the maximum household income of eligible renters

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to 60% of the median household income, which is equal to approximately \$32,000.

Mrs. Franz commented that she had visited other Miller Valentine projects comparable to what is being proposed here and thought that the quality was okay but that it could be stepped up.

Mr. Schwiegert indicated that he would like to do a higher quality project but that he will be limited to what is reasonable based upon the projected rental rates.

Mrs. Franz asked if there would be an age restriction as one of the criteria for renting one of the dwelling units. Mr. Schwiegert said that the age restriction was something that Miller Valentine had discussed and that he was prepared to commit to that if it was deemed appropriate or necessary at any point during the review of the request.

Mr. Sword asked about the anticipated traffic volumes. Mr. Schwiegert noted that the intensity of the development would not generate a significant number of trips and that it was not a concern for them.

Mrs. Franz asked about having more than one access point from the residential use to the linear park and to the retail commercial uses along USR 36. Mr. Schwiegert agreed to provide two access points in addition to the public sidewalk to the linear park if the City was agreeable to this idea, and indicated that they would be willing to look at the options available to better connect the retail uses to the residential use. Mr. Schmiesing noted that appropriateness of each pedestrian facility would be reviewed on its own merits in the context of the overall plan, but that he did not anticipate any objections to what is being discussed.

Mr. Schmiesing asked Mr. Schwiegert to state for the record whether rent subsidies such as metropolitan/section 8 would be permitted. Mr. Schwiegert stated that no metropolitan/section 8 subsidies, or any other rent subsidies, would be permitted.

Mr. Schmiesing asked if the development team has any concerns with the industrial land use activity to the north and west of where the proposed residential use will be located. Mr. Schwiegert indicated that the development team felt confident the tree line would adequately buffer the industrial use to the north and that the intensity of the industrial users to the west was minimal enough that they did not believe it would present any problems.

Mr. Schmiesing asked if the existing truck traffic or the potential increase in truck traffic on R.M. Davis as development of this area continues posed any concerns with regards to seniors entering and existing the development across a four lane facility. Mr. Schwiegert didn't believe this would present a problem.

Mr. Schmiesing asked what attracted the developer to this site for this type of development. Mr. Schwiegert commented on the availability of basic services nearby and the adjacency to the linear park as being attractions with regards to this location. Mr. Schmiesing asked if any other locations with adjacency to the linear park, along the Garbry Road for example, had been considered. Mr. Schwiegert indicated that other locations had been looked at, however, the Garbry Road corridor was not among the locations considered.

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Mr. Schwiegert responded to a question asked about tenant maintenance responsibilities, and a comment was made about coordinating with the Miami Council On Rural Services to offer activities for the senior residents.

Mr. Tim Flynn spoke briefly about the proposed retail component of the development and about the possibility of pursuing the development of future phases on 50 plus acres on the south side of USR 36, which is controlled by the same land owner.

Chairman Spoltman asked if any changes had been made to address the previously stated preference that the commercial buildings be pulled forward and the parking be repositioned to the rear of the buildings. Mr. Schwiegert commented on a possible concern with the traffic noise and vehicle speeds regarding getting too close to USR 36 with the buildings. Mr. Schmiesing referenced a recommendation in the comprehensive plan as being the impetus for this request and cited the unsightliness of a "sea of asphalt" for parking in front of commercial buildings as being something the community did not want to see more of, in particular at an entrance to the community. Mr. Schmiesing continued by pointing out that relocating the parking away from the street frontage does not necessarily mean the buildings have to be pulled all the way forward to the front lot line, and that to effectively integrate the necessary parking capacity into the site, the layout of the site uses has to be viewed and designed in a holistic manner, not in the segregated fashion being presented. Mr. Schmiesing further explained that this design principle is geared entirely towards enhancing the aesthetics of public corridor as well as the site itself, a goal that can be achieved with some parking in the front of the buildings if the designer is sensitive to what is trying to be accomplished and incorporates the appropriate planting islands, trees and vegetation, ornate fencing and lighting and other decorative site furnishings.

Mr. Schwiegert made reference to a development on Spring Valley Road off of 741 that he is familiar with, and noted the developer and the City were able to compromise on this same issue on that project, and suggested that project may provide a source of good ideas to consider for this project.

Mr. Oda also commented on this issue, noting that landscaping treatments comparable to the landscape wall and plantings around the St. Mary's church parking lot, can make quite a difference in the look and feel of a parking lot facility.

Hearing no further discussion, Chairman Spoltman reviewed the criteria for allowing the issuance of a special use permit and noted that there were no apparent conflicts with the code criteria.

Mr. Oda motioned to approve the resolution with reference to the conditions stated subsequent to the previous review and consideration of this request, and with the conditions that an age restriction of 55 years and up be imposed on the dwelling units, and that rent subsidies be prohibited. Mr. Sword seconded the motion. A roll call vote resulted in a 5-0 vote in support of the motion.

5. Resolution P.C. 12-08

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A request to permit a dwelling unit use of a parcel located in the CBD Central Business District, said parcel being located at 421 N. Downing Street.

Mr. Schmiesing reviewed the staff report included in the agenda packet, commenting that a change of use inspection had been completed and less the need to install smoke detectors, no building code violations were found, and he further commented on the compatibility of the proposed residential use with the surrounding uses found in the neighborhood and the availability of off street parking at this location.

Mr. Jim Koon, co-owner of the subject property, approached the lectern to speak in favor of the request. Mr. Koon indicated that there is currently an upstairs dwelling unit and that the intent of the buyer is to convert the downstairs office space into a second dwelling unit.

There was a brief discussion including comments pertaining to the past use of this structure as a two-family residential unit and the appropriateness of the proposed use given the use history of the property, the architectural characteristics of the property, and the surrounding one and two-family uses found in the immediate area.

Hearing no further discussion, Chairman Spoltman reviewed the criteria for allowing the issuance of a special use permit and noted that there were no apparent conflicts with the code criteria.

Mrs. Franz motioned to approve the resolution and Mr. Oda seconded the motion. A roll call vote resulted in a 5-0 vote in support of the motion.

OTHER BUSINESS

6. Monthly Report

Mr. Schmiesing provided the monthly staff report, attached hereto as an exhibit.

ADJOURNMENT

With no further business to conduct it was moved and seconded that the meeting be adjourned. With all those present in favor the meeting adjourned at 8:15p.m.