

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MARCH 4, 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, Mike Taylor  
Members Absent: Dick Sword  
Staff Members: Chris Schmiesing  
Attendees: Fred Franz, Richard Slone, Russ Wright

With reference to the icy weather conditions, the board members present at the meeting excused Mr. Sword's absence.

**MEETING MINUTES**

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

**OLD BUSINESS**

**1. 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 premises, said premises being located at 514 W. High Street.

Mr. Oda moved to remove resolution PC 10-08 from the table. Mr. Taylor seconded the motion and the motion carried by a voice vote of 4-0.

Mr. Schmiesing summarized the discussion at the previous meeting that lead to the tabling of this item, noting that it was the stated desire of the Planning Commission that the required change of use inspection be conducted at this premises before the Planning Commission be asked to take final action on this request. Mr. Schmiesing noted that the inspection had since taken place and that the building inspector found no building code deficiencies at this location with regards to the

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life safety and health requirements of the building code that pertain to the proposed dwelling unit use of the premises. Mr. Schmiesing also commented on the comments made by staff at the previous meeting that questioned the appropriateness of a dwelling unit use at this location. Mr. Schmiesing noted for the record that the comments were neither a personal attack on the applicant nor were they an opinion of staff, rather they were statements of the facts related to the stated goals and strategies adopted by the City Commission. Mr. Schmiesing read aloud for the record one of the goals and one of the strategies stated in the 2008 City of Piqua Goals document adopted by the City Commission on January 22, 2008.

*"Goal 2: Improve Physical Appearance - Maintain and revitalize neighborhoods, improve City entryways."*

*"Strategy 3 listed under Goal 2: Develop and implement programs to reduce the overabundance of rental properties and the lack of investment by landlords, and promote home ownership including attracting young families to Piqua."*

Mr. Schmiesing also referenced the Housing goal included in the Plan It Piqua 2007 Comprehensive Plan Update, also adopted by the City Commission on January 22, 2008, and read the goal aloud for the record.

*"Housing Goal - Promote a diverse and quality housing stock to meet the needs of all residents, and enhance the housing supply through programs and policies that encourage homeownership, promote home maintenance, and support the responsible upkeep of all properties."*

Mr. Schmiesing commented on the applicability of each of these goals as being the basis for staff's comments concerning this matter, and reminded the Planning Commission of the code criteria to be referenced when determining the appropriateness of a special use permit request.

Mr. Richard Slone, the owner of the property approached the lectern to speak in favor of this request. Mr. Slone commented that planning is generally a good thing but that there are other options besides what the plans offer. Mr. Slone compared the enforcement of the City codes to a communist dictatorship and made a comment regarding individual freedoms and a person having the right to do whatever they chose with their own property.

Mr. Oda objected to Mr. Slone's comparison of the handling of this matter to communism and advised Mr. Slone that he was out of order for making such a comment.

Mr. Slone continued, stating that he felt as though he was being harassed when he thought he was doing what was expected of him. He objected to having to pay the fees associated with the processing of the special use request and claimed this was money that he could have invested in the property. Mr. Slone stated that as a result of the discussion on this matter he had taken an interest in the

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architectural history of this property and would like to fix the property up if the money becomes available. Mr. Slone cited difficult economic times as an explanation for the current condition of the property and his inability to do more with the property right now. Mr. Slone apologized to the Planning Commission if offense was taken to his earlier remarks, and noted that he believed the Planning Commission was supportive of the project, however, he felt staff was trying to convince the Planning Commission to oppose the request. Mr. Slone further commented that it was his understanding that staff had questioned the building inspector's findings and tried to find fault with the inspection report. Mr. Slone continued, accusing staff of harassment and describing staff's conduct on this matter as unethical and inappropriate. Mr. Slone presented to the Planning Commission a copy of the building inspector's inspection report.

Mr. Oda asked staff if it was typical for a building inspection report to contain so little information.

Mr. Schmiesing stated that an inspection report of this type typically includes a reference to the general application information such as project location, applicant's name, permit reference number etc.. and the inspector's observations at the time of the inspection. Mr. Schmiesing stated that it is not uncommon for a report to contain few notes if everything is found to be order, in which case the inspector generally checks a box indicating the inspection passed and logs the inspection in the permit file. Mr. Schmiesing pointed out that the form presented by Mr. Slone is a copy of the inspection report, a record of the inspection findings, and that the next step in the process is the issuance of the Certificate of Occupancy, which provides formal approval of the use of the space. Mr. Schmiesing noted that in this case, issuance of the Certificate of Occupancy is contingent upon the approval of the special use permit.

Russ Wright, [no address provided], approached the lectern to comment on this item, and suggested that the inspection findings should be reason enough to approve the special use request.

Mr. Oda asked staff to explain whether approval of a special use is permanent or if the special use status is lost when the property ownership transfers or upon some other event occurring.

Mr. Schmiesing explained that the special use approval runs with the land and that so long as the use continues to exist it will continue to be an authorized use of the premises, regardless of whether there is a change in ownership or occupancy of the parcel and or structure. Mr. Schmiesing stated that the most likely scenario that would affect the status of this special use request, if authorized, would be if the use of the premises is converted to another use, in which case a new special use permit request would have to be authorized before the property could revert back to a dwelling unit use or any other use type listed as a special use in the zoning designation of this property. Mr. Schmiesing added that this would not preclude the property from being issued a permit to change the use to any of the

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principal permitted use listed in the zoning designation for this property.

Mr. Oda stated that he did not necessarily disagree with staff's observations questioning the appropriateness of this location as a dwelling unit use. Mr. Oda continued by adding that he does not view a special use authorization as being as permanent a change as a zoning change would be, and for that reason he was okay with this request.

Hearing no further discussion, the commission reviewed the criteria for allowing the issuance of a special use permit and offered the following observations; the building is currently occupied by this use and has apparently not been a nuisance to the neighborhood; there will be no change in the zoning designation of the property; the use does not require permanent modifications to the building and as a special use is not permanent in nature; keeping the building occupied is better than having it sit empty.

Mr. Oda moved to approve the resolution as presented and Mr. Taylor seconded the motion. A roll call vote resulted in a 4-0 vote in support of the motion.

Mr. Schmiesing responded for the record to comments made by Mr. Slone. Mr. Schmiesing remarked that the complaint that prompted the investigation of the use of 514 W. High Street which resulted in the violation notice being mailed to Mr. Slone did not originate in the Planning and Zoning office. Mr. Schmiesing noted the change of use inspection performed by the Miami County Building Regulations Building Department was performed under the jurisdiction of the City of Piqua and that the county building department is under contract by the City to provide these services - meaning they work for the City. Mr. Schmiesing stated that he was the person who made the call to the county building inspector regarding the inspection report and that the purpose of the call was to make sure he had a good understanding of the inspector's observations so that he could accurately report back to the Planning Commission. Mr. Schmiesing stated that he had dutifully performed his responsibilities in this matter and continued by commenting that Mr. Slone has the right to disagree with the adopted community standards, but that does not except him from the code requirements, nor does it make it acceptable for him to make false accusations concerning staff's conduct.

Mr. Oda made a statement for the record noting that he was of the opinion that staff's conduct was professional throughout this matter and that Mr. Schmiesing properly performed the due diligence necessary to provide the Planning Commission with all relevant material concerning this request so that Planning Commission could make an informed decision on this matter.

**NEW BUSINESS**

**None**

**PRESENTATIONS**

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**2. Certificate of Recognition**

Mr. Spoltman read a Certificate of Recognition honoring Dick Sword's service to the Planning Commission.

Mr. Oda moved to adopt the resolution as presented and Mrs. Franz seconded the motion. A roll call vote resulted in a 4-0 vote in support of the motion.

**OTHER BUSINESS**

**3. Meeting Time**

The commission discussed the pros and cons of changing the Planning Commission meeting date/time to avoid a conflict with the City Commission meeting date/time should the City Commission decide to move their meetings to Tuesdays.

Planning Commissioners Taylor and Franz, and incoming Planning Commissioner Bubp who was in attendance at this meeting, agreed that the second Tuesday of the month at 6:00p.m. would be okay if the meeting date needed to be changed. Planning Commissioner Oda noted that he would potentially have a conflict 4 times each year with the proposed date/time, but that he would do his best to work with it.

There was a brief discussion regarding what if any impact such a change would have on the processing of recommendations from the Planning Commission to the City Commission. Mr. Schmiesing pointed out that such a change in the Planning Commission and City Commission meeting dates/times would reduce the number of days between the Planning Commission meeting at which an item is acted upon and the first City Commission meeting thereafter, and noted that this is a good thing so far as expediting the applicant's request. With regards to the limited time between meetings to process the necessary paperwork to get the item on the City Commission agenda, Mr. Schmiesing indicated that it will be a challenge, but that staff will do what is necessary to make it work.

**4. Monthly Report**

Mr. Schmiesing provided a verbal update to the Planning Commission on items that have come through the Planning Commission in the past month and indicated that a written report would be provided next month.

**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 6:47p.m.