

CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, MAY 6, 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, and Brad Bulp
Members Absent: Mike Taylor
Staff Members: Chris Schmiesing, Becky Cool
Attendees: John McCoy, Mike Root, Cindy Root, Bill Weber, Lloyd Fry, Ed Fry, Ryan Filburn, Jim Hiegel, Matt Finkes, Florence Foster, Norma Fogt, Reva Ray.

Mr. Schmiesing welcomed Becky Cool as Planning Commission Clerk.

MEETING MINUTES

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the April 1, 2008 meeting minutes included in the agenda packet. Mr. Oda asked to have the minutes amended to insert "Lockington Locks" where "Lock 10" is stated in two separate places in the minutes. Chairman Spoltman asked for a motion to accept the minutes with the proposed amendment. Commissioner Oda motioned to approve the April 1, 2008 meeting minutes as submitted and amended and Commissioner Franz seconded the motion. Mr. Bulp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye; Mr. Oda, Aye. A roll call vote resulted in a 4-0 vote in supporting the motion to approve the meeting minutes as submitted and amended.

OLD BUSINESS

None

NEW BUSINESS

1. PC 15-08

A request to amend the development plan for the Swift Run Lake R-PUD subdivision to include an advertising sign, said sign to be located along SR 66.

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Mr. Schmiesing explained that Section 154.044 of the zoning code outlines the requirements for PUD development plan and states that all structures are to be shown on the approved drawings. The proposed 32 square foot "V" sign is in compliance with all provisions of the zoning code, including the sign standards, less the fact they it was not originally shown on the development plan, thus the need for the resolution.

Mr. Oda moved to approve the request to amend the development plan for Swift Run Lake R-PUD subdivision. Mrs. Franz seconded the motion. Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye; and Mr. Oda, Aye; Nay, None. A roll call vote resulted in a 4-0 vote in supporting the motion to approve the request for the amendment to the development plan.

2. PC 16-08

A request to reconstruct and enlarge a nonstandard driveway use, said use located at 410 Gordon Street

Mr. Schmiesing described the existing nonstandard setback conditions and the development characteristics typical to the surrounding lots and the neighborhood in general, stating said driveway is located in the front yard.

William Weber, 517 Bear Run approached the lectern to speak on this issue. Mr. Weber explained that Gordon Street is a very narrow street and he would like to have off street parking. There has been a driveway previously located in the front yard, and I would like to be able to use it again, said Mr. Weber.

Mr. Spoltman stated he has looked at the property, and the majority of the neighbors have paved driveways with only a few having gravel driveways.

Mrs. Franz stated a lot of time has been spent discussing the issue of gravel driveways previously. Mr. Oda stated he had driven by property, and there is a curb cut in the area in question. Mr. Bubp also commented his observations of the existing conditions at this property.

Mr. Bubp moved to deny the request and Mrs. Franz seconded the motion. Mr. Oda, Aye; Mr. Spoltman, Aye; Mrs. Franz, Aye; and Mr. Bubp, Aye. Nay, None. A roll call vote resulted in a 4-0 vote to deny the request.

3. PC 17-08

A request to change the zoning designation of a 9.28 acre tract of land also known as OUTLOT 180, from R-1 One-Family Residential to OS Open Space.

Mr. Schmiesing explained the reason for the request to change the zoning of the 9.28 acre tract of land to OS Open Space from the R-1 One-Family residential as it is shown on the official zoning map at this time.

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Jim Hiegel, 1006 Gordon Street approached the lectern to speak on this issue. Mr. Hiegel explained the reason for the request to rezone his property. Mr. Hiegel stated the farm has been in his family since 1928. Mr. Hiegel stated that he believed the change in zoning status was done without the previous owner's knowledge and he would like to have it changed to OS Open Space.

Norma Fogt, Mainer Avenue approached the lectern to speak on this issue. Mrs. Fogt voiced her concern about the proposed OS Open Space zoning designation and asked if cattle would be permitted on the area in question.

Mr. Spoltman stated the use has been agricultural and having cattle is a permitted use even without the zoning change.

Mr. Bubp confirmed that the property in question is located within the city limits and then questioned whether there was an adopted prohibition against the keeping of farm animals inside city limits. Mr. Schmiesing commented that if there is any such prohibition in the City of Piqua Codified Ordinances it is not in the zoning chapter, and therefore would be of minimal relevance in the context of considering the appropriate zoning designation for the lot in question.

Mr. Oda stated pointed out that the boards' action on the matter at hand will makes no difference on the applicant's ability to put cattle on this land.

Florence Foster, 902 Blaine Avenue approached the lectern to speak on this issue. Mrs. Foster asked what does OS Open Space mean? Mr. Schmiesing explained the principal permitted uses in the OS Open Space. Mr. Schmiesing stated if the OS zoning designation is recommended by the Planning Commission the request would be forwarded to the City Commission for final action.

Mr. Oda moved to recommend approval of the request. Mrs. Franz seconded the motion. Mrs. Franz, Aye; Mr. Spoltman, Aye; Mr. Oda, Aye; Mr. Bubp, Aye. Nay, None. A roll call vote resulted in a 4-0 vote in recommending approval of the request.

4. PC 18-08

A request to permit an auto repair and vehicle sales special use, said special use to be located at 8750 N. CR 25-A.

Mr. Schmiesing described the request citing the consistency of the planned auto repair and vehicles sales use and the intention of the subject parcel and the neighboring parcel owners to establish a shared use parking facility as part of the improvements to be made with this project. Mr. Schmiesing also pointed out that it is the applicant's intention to expand the vehicle sales use to the south/west at a future date.

Matt Finkes, the applicant approached the lectern to speak on this issue. Mr. Finkes explained the building is to be used as office space and sales center at this time.

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Mrs. Franz voiced her concern over the misaligned maneuvering lanes shown on the proposed parking plan as it relates to the connection to the VFW parking lot. Mr. Finkes explained they plan on re-stripping the VFW parking lot in the near future and that will remedy this issue.

Mr. Schmiesing noted that this is a design standard item stipulated in the zoning code and that the issue must be resolved in the zoning permit application submittals prior to the final approval of the plans.

Mr. Oda inquired as to the size of the existing structure. Mr. Finkes stated the building is 30 feet x 70 feet.

Mrs. Franz moved to recommend approval of the special use request. Mr. Bubp seconded the motion. Mr. Spoltman, Aye; Mr. Oda, Aye;; Mr. Bubp, Aye; Mrs. Franz, Aye. Nay, None. A roll call vote resulted in a 4-0 vote in supporting the motion to approve the special use permit.

5. PC 19-08

A request to reconstruct an existing nonstandard use, said use located at 608 Gill Street.

Mr. Schmiesing explained the existing portion of the garage area is two stories high with dwelling space improvements above. This area is to be demolished and the new garage is to be reconstructed as a single story improvement with no dwelling space. Mr. Schmiesing further stated, as the structure currently exist the private garage area of the structure includes nonstandard side and rear yard setbacks and is encroaching on the neighbors property.

John McCoy, 1106 Scudder Street, applicant, approached the lectern to speak on this issue. Mr. Bubp asked if the current structure was residential and if the back part was used for parking? Mr. McCoy stated yes, there are two apartments in the structure and the back part is used for parking 2 cars at this time.

Mr. Schmiesing asked if Mr. McCoy was able to locate the property line boundary pins? Mr. McCoy responded that he had been told the pin was eight to ten inches to the north of the building. Mr. Bubp asked if the property lines on the map were accurate. Mr. Schmiesing explained that they are accurate but that when they are superimposed over ortho-photography the skew of the ariel view can cause the lot lines to look like they are not in the proper location. Mr. Oda stated if it is sitting over the property line it is just barely over. Mr. Bubp stated he is most concerned about the east side of the property. Mr. McCoy explained how the structure was laid out, stating it has been there since 1926.

Mr. Oda asked if Mr. McCoy demolishes the building would he be required to be sure the new building does not encroach on the other property and conform to the current lot lines? Mr. Schmiesing stated the approval of this board does not authorize an encroachment.

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Mr. Bubp stated there are building code issues that need to be looked at, but that is not the responsibility of this board to do so. Mr. Bubp questioned whether the board should go about approving or disapproving the concept of the addition as shown and whether there should be some additional stipulations to address the concern of the encroachment. Mr. Schmiesing explained that an amendment to the proposal would be in order and suggested the structure be allowed to be 26 feet x 36 feet wide with a 3 foot setback along the side and rear lot lines.

Mr. Oda stated he is glad to see that Mr. McCoy is replacing the existing structure in an older neighborhood and Mr. Spoltman commented that it was commendable on Mr. McCoy' part to do so.

Mr. Spoltman asked Mr. MC Coy how he felt about making the changes suggested. Mr. Mc Coy stated it was okay with him to make the suggested changes.

Mr. Oda motioned to amend the resolution to read: "...hereby moves to approve the request *"provided the structure should not be any closer than 3 feet to any lot line"...*" The motion was seconded by Mr. Bubp to amend Resolution No. PC 19-08. Voice vote. Ayes 4, Nays 0. Mr. Oda motioned to approve the request as amended. Mrs. Franz seconded the motion to approve the request as amended. Mr. Spoltman, Aye; Mr. Oda, Aye; Mr.. Bubp, Aye; Mrs. Franz, Aye. Therefore, the roll call vote resulted in a 4-0 vote in favor of approving the amended resolution.

Mike Root, 1104 Scudder Street approached the lectern and asked for clarification of the resolution that was just passed. Mr. Schmiesing explained the changes that were to be made.

6. PC 20-08

A request to enlarge an existing nonconforming light manufacturing use, said use located at 1311 South Street

Mr. Schmiesing explained the purpose of this request as being to allow a small addition to be added onto the existing nonconforming principal use structure found at this location.

Ryan Filburn, 8163 W. Sugar Grove Road approached the lectern to speak on this issue. Mr. Filburn stated they are outgrowing the original structure and would like to add the proposed addition to allow for more storage area. Mr. Filburn asked if it would be possible to not have to put up a buffer at this time, but if he has to, could it be on the south side of the alley? Mr. Spoltman asked if the door on the side of the building was used? Mr. Filburn stated yes, we do use the side door. Mrs. Franz asked where the buffer was to be installed? Mr. Schmiesing explained that he has suggested to the applicant that providing a minimal amount of landscaping at the south end of the proposed structure would help soften the transition between the adjacent light industrial and residential uses, and would improve upon an existing nonstandard condition.

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Mrs. Franz stated Mr. Filburn does a wonderful job with his business and that landscaping would only add to the visual appeal of the site.

Mr. Filburn stated he is willing to put landscaping in, but it would be hard to maneuver through the alley with bushes and such. Mrs. Franz stated the Plan It Piqua Comprehensive Plan encourages businesses to incorporate landscaping into their sites.

Mr. Filburn said he was not clear on what nonconforming usage is? Mr. Schmiesing explained the term nonconforming use.

Mrs. Franz moved to amend the resolution to insert "...a recommendation of plantings for screening on the South side of building..." Mr. Oda seconded the motion to amend the resolution. A voice vote resulted in a 4-0 vote to amend PC Resolution 20-08. Mrs. Franz moved to approve the request as amended. Mr. Oda seconded the motion. Roll call, Mr. Oda, Aye; Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye. Nay, None.

7. PC 21-08

A resolution of support encouraging the State of Ohio to give favorable consideration to the request by the Ohio Historical Society for capital funding for the preservation of the Miami & Erie Canal Locks located at Lockington, Ohio.

Mr. Schmiesing stated PC Resolution 21-08 is a follow up to the request by Mr. Oda to have the City of Piqua Planning Commission send a letter of support encouraging the State of Ohio to give favorable consideration to the request by the Ohio Historical Society for capital funding for the preservation of the Miami & Erie Canal Locks located in Lockington, Ohio.

Mr. Oda moved to approve the letter of support. Mr. Bubp seconded the motion. Roll call, Mr. Bubp, Aye; Mr. Spoltman, Aye; Mrs. Franz, Aye; Mr. Oda, Aye; Nay, None. A roll call vote resulted in a 4-0 vote to approve the request for a letter of support.

OTHER BUSINESS

8. Monthly Report

Mr. Schmiesing provided an update to the Planning Commission on legislative items, planning activities, permit issuances and other items of interest to the Planning Commission that occurred over the previous month

Chairman Spoltman stated Jared Spoltman, a student in the Piqua City School system was in the audience observing the Piqua Planning Commission for extra class credit, and thanked him for attending.

Mr. Schmiesing stated he was working on amendments to the code related to private garages and temporary special events signs, and would be forwarding a draft to the Planning Commission in the near future for review and comments

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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 7:26 p.m.