

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, JUNE 3, 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, Mike Taylor, Jim Oda, Jean Franz, and  
Brad Bubp

Members Absent: None

Staff Members: Chris Schmiesing, Becky Cool

Attendees: Catherine Large, Bill Kennedy, Kirsten Sher, Tim Reed,  
Vicki Reed, Jim Hiegel, Mike Streib, Russ Lawson, Rick  
Rouse, Gary Lensch.

**MEETING MINUTES**

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the May 6, 2008 meeting minutes included in the agenda packet. Commissioner Oda motioned to approve the May 6, 2008 meeting minutes as submitted and Commissioner Franz seconded the motion. Mr. Bubp, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye; Mr. Oda, and Mr. Taylor, Aye. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. PC 22-08**

A request to permit an Elderly Housing Facility special use, said use to be located at 324 W. Ash Street.

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Mr. Schmiesing stated the proposed use is to convert the use of the structure to a Non-Medical Elderly Facility Housing Facility in accordance with State of Ohio Adult Care Facility requirements found in Section 3722 of the Ohio Revised Code.

Mr. Schmiesing explained the existing dwelling unit use of the premises is a principal permitted use. The proposed Elderly Housing Facility is a special use in the R-2 district. The premise has previously been used for similar use activities. The proposed use activity is described as being a "Non-Medical" facility, meaning skilled nursing services will not be provided and residents will be able to care for themselves with little or no assistance. Before it can be converted the applicant will be required to have the building inspector inspect the premises. The zoning code includes criteria to be given specific consideration when determining whether to authorize the issuance of a special use permit. The proposed use will not alter the architecture or character of the existing improvements, nor will it affect any existing nonstandard use conditions found at this location.

Russ Lawson 324 W. Ash Street, applicant approached the lectern and explained it will not be a nursing home, they will have individual suites, and it will be upscale in nature. No medical care will be given, just support will be offered at the home. There will be no changes to the community in a negative way, said Mr. Lawson.

Mr. Spoltman asked how many tenants would they accommodate and would they have automobiles? Mr. Lawson responded stating they expect to have six elderly residents, and do not anticipate a large number of cars. Mrs. Franz inquired if all the rooms would be on the second floor? Mr. Lawson stated yes, and the residents must all be mobile to live there. Mr. Lawson further stated it is possible they may add an elevator at a later date.

Mr. Oda inquired as to the meal preparation. Mr. Lawson stated meals would be prepared for the residents along with snacks on a daily basis. Mr. Spoltman asked if there is a minimum age to become a resident. Mr. Lawson stated residents must be over eighteen years of age with no physical or mental disabilities. Mr. Taylor asked what happens when a resident becomes ill and is unable to care for themselves? Mr. Lawson replied the resident can stay for a limited time, but then must move to a medical facility.

No other persons came forward to speak for or against the resolution.

Mr. Schmiesing advised the commission he had received one telephone call from an adjacent property owner concerned by the Adult Day Care

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Facility description and whether it would include mentally disabled individuals.

Mr. Oda moved to approve the request to grant the Elderly Housing Facility Special Use, as it has met all the criteria as presented by staff. Mrs. Franz seconded the motion. Mr. Oda, Aye; Mr. Bulp, Aye; Mr. Taylor, Aye; and Mrs. Franz, Aye; Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the request for the Elderly Housing Facility Special Use.

**2. PC 23-08**

A request to permit a Building Services special use, said use to be located at 212 Steele Street

Mr. Schmiesing stated the existing warehouse use of the premises is a nonconforming use. The proposed fabrication shop use is one that is similar to the principal uses permitted in the B Zoning district, in particular the Building Services use. It is not anticipated the proposed use will generate a significant volume of traffic, off-street parking demands, noise, odors, or any other objectionable conditions. The zoning code includes criteria to be given specific consideration when determining whether to authorize the issuance of a special use permit. The property is situated in a transitional area that is surrounded by commercial, industrial and residential use types. Thus, the proposed use will be compatible with the surrounding use development types.

Mr. Schmiesing stated he received a letter from the property owner offering his support for the request.

Rick Rouse, 1609 Echo Lake Drive, applicant, approached the lectern and gave a brief overview of his business, and the reason for his request for the Special Use Permit. Several of the Commissioner's asked questions concerning the hours of operation, types of equipment being used, and if any of the by-products were toxic? Mr. Rouse explained his hours of operation would be flexible, but would be 7:00 a.m. - 5:30 p.m. most days. The type of equipment he would be using includes band saws, sanders, mills, lathes, dust collectors, and a jointer. Mr. Rouse indicated the materials used are not toxic. Mr. Schmiesing asked what type of shipments would the business receive, and would there be a lot of truck traffic coming into the business. Mr. Rouse stated he would be receiving wood boards in twelve to sixteen foot lengths as needed, and there would not be any truck traffic. Mr. Spoltman asked if there would be any permanent parking of vehicles at the business? Mr. Rouse stated no.

No other persons came forward to speak for or against the Resolution.

Mr. Taylor moved to approve the request and Mr. Oda seconded the motion. Mr. Oda, Aye; Mr. Bulp, Aye; Mr. Taylor, Aye; Mrs. Franz,

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Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote to approve the request.

**3. PC 24-08**

A request to permit a Used Oil Services special use, said use to be located at 1400 S. Main Street.

Mr. Schmiesing explained the existing contractor office/shop use of the premises is a principal permitted use. The proposed used oil storage and distribution use is one that is similar to the principal uses permitted in the I-1 and I-2 Zoning districts, in particular the Transportation Terminal use. The proposed improvements to the site include the installation of 3 - 20,000 gallon storage tanks complete with secondary containment provisions. Staff recommends that a landscape plan be put into place along the front and side lot lines to partially screen the use of the site from view, and to enhance the overall appearance of the property given its location on an entrance corridor into the community.

Mr. Oda inquired if the Ohio EPA agency would be involved in the operation?

Bill Kennedy, Safety and Regulatory Compliance Director for RS Used Oil Services, Inc. applicant, 25903 S. Ridgeland Avenue, Monee, Illinois came to the lectern to speak on behalf of the resolution.

Mr. Kennedy stated yes, the Ohio EPA has to sign off on this, and gave a brief explanation of the use of the property. RS has been in business for over 28 years and has 13 current locations from Illinois to Texas, Nebraska to Ohio. Collecting and recycling use motor oils from a vast customer base such as Jiffy Lube, JB Hunt, etc. The collection truck departs each morning to make collections and arrives back at the facility to transfer the oil into storage tanks located inside secondary containment. These tanks are capable of holding over 110 % of the largest tank volume. Once the storage tanks are filled, transport tankers remove the product for distribution to an end user. All of our operations comply with State, Federal and Local Environmental regulations, said Mr. Kennedy. The loading and unloading of the oil trucks would all be done inside the building.

Mr. Spoltman inquired as to where the tanks would be located on the property. Mr. Schmiesing stated for the record Mr. Kennedy's drawing of the area shows the storage tanks being located behind the steel building in the southwest corner of the property.

Commissioner's asked several questions concerning fire suppression, liability insurance, aesthetics of the tanks, and what happens when the business is no longer in existence? Mr. Kennedy answered all questions.

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Commissioner Franz asked Mr. Kennedy to explain the process of loading and unloading of the oil between trucks and tanks. Mr. Kennedy explained the process for loading and unloading the oil. Mrs. Franz asked if the property owner would fix up the property once they moved onto the property, citing it is on an entrance into the city. Mr. Kennedy stated that is something they plan on doing after receiving approval from the city, citing all their properties are very clean. Mrs. Franz asked if Mr. Kennedy would be agreeable to the landscaping proposed. Mr. Kennedy stated he would be willing to look at what the city has asked us to do. Mr. Bubp asked what is under the tanks, and if the tanks are normally full before being emptied. Mr. Kennedy explained there is a cement pad under the tanks and the tanks are usually full before being emptied. Mr. Spoltman asked if there would be multi-compartment tanks or three separate tanks? Mr. Kennedy explained the use of the various tanks and the reason for them.

Mr. Taylor inquired if there would be security on the site at night? Mr. Kennedy explained there is no need for security of the tanks, all of the operations of the tanks are located inside the building.

Mr. Schmiesing asked if RS would be using the old truck dock building, citing both of the buildings are located on the same tract of land, and asked if RS would have offices on site. Mr. Kennedy stated they would only be using the steel storage building, and they do not have offices on site. There could be a shared parking situation if the other building were to be leased at a future date, said Mr. Schmiesing. Mr. Kennedy stated that they do this at other locations now.

Mr. Schmiesing made reference to the location of the lot line at the Bassett Avenue frontage along the rear of the lot, and stated there is a twenty-five foot front setback required. Mr. Schmiesing stated the Planning Commission could proceed with this request with the setbacks as they are provided the setback requirement is expressly modified by the Planning Commission as part of the approval granted. There was discussion concerning the setback.

Larry Kinnison, owner of 1430 Bassett Avenue, voiced his concern over whether the side street would be paved, citing it will be difficult to drive trucks over. Mr. Kinnison asked to review the area in question and asked several questions.

Mr. Spoltman inquired if the Fire Department would review the location of the fire hydrants? Mr. Schmiesing stated the Fire Department is part of the review team and has already previously reviewed the project with no concerns noted. Mr. Kinnieson voiced his concern about a water line running through the property near Bassett Avenue.

Mr. Taylor asked if the tanks couldn't go back in the rear what would happen? Mr. Schmiesing stated if the plans were significantly altered

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from what is approved by this body, they would have to come back to the board for approval.

Mr. Oda moved to approve with reference to staff's analysis of the code criteria, the resolution with the condition that a landscaping plan be provided, and a zero front setback from Bassett Avenue be allowed. Mrs. Franz seconded the motion as stated. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote in approving the resolution as stated.

**4. PC 25-08**

A request to permit the alteration of a nonstandard lot to allow the construction of a one-family dwelling unit principal use structure to be constructed on Inlot 2889 located on Cottage Avenue.

Mr. Schmiesing described the request noting it is for a one-family dwelling unit, private garage, and gravel driveway. This would permit the alteration of a nonstandard lot to allow the construction of a one-family dwelling unit. The proposed development includes a gravel driveway in a side yard, and gravel driveways are only permitted in a rear yard. The proposed front and rear yard setbacks do not comply with the established setback requirements.

The development of this lot with the proposed one-family dwelling unit use would be a positive thing for the neighborhood, if the architecture, orientation, and placement of the proposed improvements are sensitive to the established character of the neighborhood.

There was discussion concerning the front and side yards, and what determines the front and side yard location, and the gravel driveway. Mrs. Franz asked if any of the neighbors had made any comments? Mr. Schmiesing stated he had heard nothing from the neighbors in regards to this resolution. Mr. Franz stated she would not object to the five-foot rear yard setback. Mr. Oda also stated he did not have problem with the setback.

Dale Sink, 6510 N. Rakestraw Road, Covington, applicant approached the lectern and explained why the house is being placed on the property this way.

Commissioners voiced various concerns on the setbacks from Cottage Avenue, and the various sizes of the other homes in the area.

Mrs. Franz inquired if the trees would be saved that are on the lot at this time. Mr. Sink stated the owner would like to save the trees if possible.

Jim Hiegel, Gordon Street, voiced his opinion on the location of the house on the lot, and stated he would like to recommend they set the

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house at least three feet higher from the street in case of a rain event like we had previously that flooded the area.

Mike Streib, proposed owner, explained the reason for sitting the house the way it is shown noting there are several trees located there, and the neighbors have a bow window he does not want to block.

Mrs. Franz moved to recommend approval of the request. Mr. Bulp seconded the motion. Mr. Oda, Aye; Mr. Bulp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay. None. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the request.

Mr. Spoltman and Mr. Oda stated they both felt the placement of the house on the lot was ok and explained the reason for going against the staff recommendation at this time. Mr. Spoltman thanked Mr. Schmiesing

**5. PC 26-08**

A request to permit the reconstruction of an accessory structure with nonstandard use conditions, said use located at 1207 Gordon Street.

Mr. Schmiesing explained the applicant is proposing a detached private garage. The existing lot is a nonstandard lot. The proposed 24 foot by 16 foot garage will have a side yard setback of less than the three foot code would require to the south side lot line. The current gravel driveway is zero feet from the same side lot line. In fact, it extends beyond the lot line and appears to be shared with the neighboring property.

Pat Kaiser, 7139 Rangeline Road, Covington, came to the lectern to explain the setup of the garage and the reason for the request.

There was discussion of the possibility of moving the garage back approximately several feet to increase the setback to the lot line. Mr. Kaiser stated there is not a lot of room to move the garage over. Mr. Schmiesing stated maintaining a one and one-half foot setback would keep the garage door in line with the driveway.

Cathy Large, 1207 Gordon Street, property owner explained the reason for the request to put the garage back where it was, citing it was not on the property line to begin with. Mr. Schmiesing asked how Mrs. Large knew where the physical property line is? Mrs. Large explained a physical survey had been done previously before putting the fence up. Mr. Bulp asked Mrs. Large if we approve this with one and one-half foot setback off the property line you would be ok with this? Mrs. Large stated yes, that she would be ok with that. Mr. Bulp stated he

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felt it would be a good idea to get a survey done to make sure the physical markers are there.

Mr. Schmiesing stated there would be a permit review, and footer and setback inspection and they would be looking for a physical survey marker to reference.

Jim Hiegel, Gordon Street, stated Mrs. Large is a good neighbor and felt it would be a hard for her to have to move the garage three feet at this time, and voiced his approval of the one and one-half foot move.

Mr. Spoltman stated he felt the board had addressed the setback issue at this time and asked for a motion.

Mr. Bulp moved to recommend approval of the request with the condition the garage have a one and one-half foot minimum setback to the south lot line. Mr. Taylor seconded the motion. Mr. Oda, Aye; Mr. Bulp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye and Mr. Spoltman, Aye. Nay, None. The roll call vote resulted in a 5-0 vote in favor of approving the resolution with the noted conditions.

**6. PC 27-08**

A request to permit the enlargement of an existing principal structure with a nonstandard use conditions, said use located at 610 S. Downing Street.

Mr. Schmiesing stated the request is to permit the alteration of a nonstandard lot to allow for the construction of an attached front porch. The existing lot is nonstandard. The proposed 6-foot by 17 foot 3 inch porch will have side yard setbacks of less than the six feet the code requires.

No one came forward to speak for or against this resolution.

Mr. Bulp moved to approve the request as amended. Mrs. Franz seconded the motion as is. Roll call, Mr. Oda, Aye; Mr. Bulp, Aye; Mrs. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. Roll call vote resulted in a 5-0 vote to approve the resolution as is.

**7. PC 28-08**

A request to permit the alteration of a nonstandard lot to allow the construction of a one family dwelling unit principal use structure, said lot being Inlot 3905 located on Orr Street.

Mr. Schmiesing stated the proposed use is to permit a one-family dwelling unit, and driveway. The existing platted lot is generally equal in depth and width to the dimensions of the lots found in the area. The front entrance to the proposed dwelling unit will be oriented towards the Orr Street frontage with the driveway and off

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street parking to be entered from the alley located along the west lot line.

Mr. Oda inquired as to the design of the house?

Jerry Lensch, Habitat for Humanity, explained the type of house that is to be built on the property. Several questions were asked including if it would be a single story home with a front porch and the concern for the need for storage. Mr. Lensch answered all the concerns.

Mr. Schmiesing stated he was intrigued about comment of having a larger front porch and encouraged the board to require the porches to be included in the designs.

Mrs. Franz moved to approve the request with the stipulation the house plan include a front porch, Mr. Oda seconded the motion. Roll call, Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye; Nay, None. A roll call vote resulted in a 5-0 vote to approve the request with the stipulation the house plan include a front porch.

**8. PC 29-08**

A request to permit the alteration of a nonstandard lot to allow the construction of a one family dwelling unit principal use structure, said lot being Inlot 3906 located on Orr Street

Mr. Schmiesing stated this is the same as PC 28-08 except it is located on the corner lot.

Mr. Lensch stated it is a corner lot and they are requesting a variance to the setback requirements. This house will have a long full front porch, said Mr. Lensch.

Mr. Schmiesing stated he would like to acknowledge the work that Habitat for Humanity does, and express appreciation for their mission and what they are trying to accomplish. Mr. Schmiesing expressed appreciation for Habitat's willingness to add the front porch and encouraged Habitat to take any reasonable measures available to add some character to the architecture of the homes they build.

Mr. Oda moved to recommend the approval of the request with the condition that a porch be included. Mr. Bubp seconded the motion as stated. Roll call, Mr. Oda, Aye; Mr. Bubp, Aye, Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote to approve the request with the condition that a front porch be included.

**9. PC-30-08**

A proposal to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to the allowable height, area, and location for an accessory structure.

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Mr. Schmiesing handed out updated versions to the Board and went over the changes that were made, which are shown in the red on the handouts.

Mr. Spoltman stated this is a great thing, and fits in with what the community wants to do.

Mr. Oda moved to recommend the approval of the resolution with the updated information presented at this meeting. Mrs. Franz seconded by motion as stated. Roll call, Mr. Oda, Aye; Mrs. Bubp, Aye, Mr. Taylor, Aye, Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A roll call vote resulted in a 5-0 vote to approve the resolution with the updated information presented at this meeting.

**10. PC 31-08**

A proposal to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to allowable number, area, and type of signs for a special event.

Mr. Schmiesing explained the need and nature of the proposed revisions and handed out an updated copy with the revisions shown in red.

Mr. Bubp moved to recommend the approval of the resolution with reference to the updated handout provided at this meeting. Mr. Oda seconded the motion as stated. Roll call, Mr. Oda, Aye; Mr. Bubp, Aye, Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. A roll call vote resulted in a 5-0 vote to approve the resolution.

**11. PC 32-08**

A proposal to amend the zoning chapter of the codified ordinance to modify the code provisions pertaining to minimum permit requirements and restoration standards for demolition projects.

Mr. Schmiesing passed out an updated copy of the proposed amendments to the zoning code and explained the changes with reference to the updates provided.

Mr. Oda moved to approve the resolution. Mr. Taylor seconded the motion. Roll call, Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. A roll call vote resulted in a 5-0 vote to approve the resolution.

**OTHER BUSINESS**

**12. 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.

Mr. Schmiesing provided an overview of the methodology and timeframe for the demolition of the old Piqua Memorial Hospital buildings.

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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 8:37p.m.