

**PLANNING COMMISSION AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, APRIL 1, 2008
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET**

CALL TO ORDER

ROLL CALL

MEETING MINUTES March 4, 2008

OLD BUSINESS

None

NEW BUSINESS

1. Resolution PC 13-08 A request to permit a special neighborhood business use of a structure with nonstandard use conditions, said structure located at 827 W. North Street.

2. Resolution PC 14-08 A request to permit an enlargement of a dwelling unit structure with nonstandard use conditions, said structure located at 602 Riverside Drive.

PRESENTATIONS

3. Study Great Miami River Recreational Trail

OTHER BUSINESS

4. The Commissioner Making Motions and Creating a Record
5. Monthly Report General Information, Legislative Update,
Special Projects, Permits

ADJOURNMENT

Adjourn regular session

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

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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 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

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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 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

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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 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.

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NEW BUSINESS

None

PRESENTATIONS

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

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TUESDAY, MARCH 4, 2008 - 6:00 P.M.
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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.

RESOLUTION No. PC 13-08

WHEREAS, Jamie Rowley, the owner of 827 W. North Street, the subject parcel, has submitted a request to permit a special neighborhood business use of a structure with nonstandard use conditions, said structure being located in an R-1 One-Family Residential Zoning District; and,

WHEREAS, article 154.005 of the City of Piqua Code of Ordinances provides the definition of a Neighborhood Use and establishes certain minimum and maximum development standards; and,

WHEREAS, article 154.065 and 154.066 of the City of Piqua Code of Ordinances provides the procedure for the continuation of a nonstandard use; and,

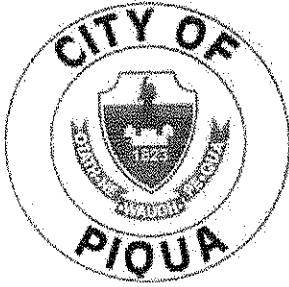
WHEREAS, article 154.140 of the City of Piqua Code of Ordinances provides the procedure for considering a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the proposed use:

- Will be compatible with the stated intent of the zoning district.
- Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
- Is compatible with the general economic development policies of the City.
- Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to approve/deny the request made, 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 hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bulp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

Christopher W. Schmiesing -- City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

March 21, 2008

To: Planning Commission Members

RE: PC Resolution 13-08

The above referenced resolution if adopted will approve a neighborhood business (personal services) use of the subject parcel, said parcel being located at 827 W. North Street in an R-1 one-family residential zoning district.

The subject location was previously occupied by a personal services use on the first floor and a dwelling unit use on the upper floor. Both of these uses were discontinued more than 12 months ago. The following conditions related to the improvements found at this location constitute nonstandard uses of the lot:

- Front yard setback(s)
- Side yard setback
- Off street parking

If the special use is authorized, a property inspection by the zoning and building officials to determine what if any permits and improvements will be required to remedy any identified code deficiencies will be a prerequisite to the issuance of a certificate of occupancy for the proposed use.

Included in your packet you will find a floor plan provided by the applicant, which illustrates the layout of the proposed use of the first floor of the subject structure.

Respectfully,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.

CITY OF PIQUA, OHIO

Application for Special Use Permit

- 1. Applicant's Name Jamie Rowley Phone 778-3800
Applicant's Address 4239 Piqua-Troy Rd
- 2. Owner's Name Jamie Rowley Phone 778-3800
Owner's Address 4239 Piqua-Troy Rd
- 3. Type of legal interest held by applicant Owner
- 4. Location of Special Use Permit request
A. Legal description (Inlot No. or attach legal description) Parcel ID: 1044-02350
B. Address 827 827 1/2 W. North St
- 5. Existing zoning R-1
- 6. Existing usage Personal Use - Hair Salon
- 7. Proposed usage Personal Use - Hair Salon
- 8. Proposed special usage Hair Salon
- 9. No. of plot plans submitted (16 required UNLESS waived) _____

10. Describe the reason for the requested special use:

Continue the same use as the last
twenty years - It would be a hardship to convert back
into a two bedroom. There is not even a shower installed in
the unit.

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant Jamie Rowley Date 2/25/08
Signature of Owner Jamie Rowley Date 2/25/08

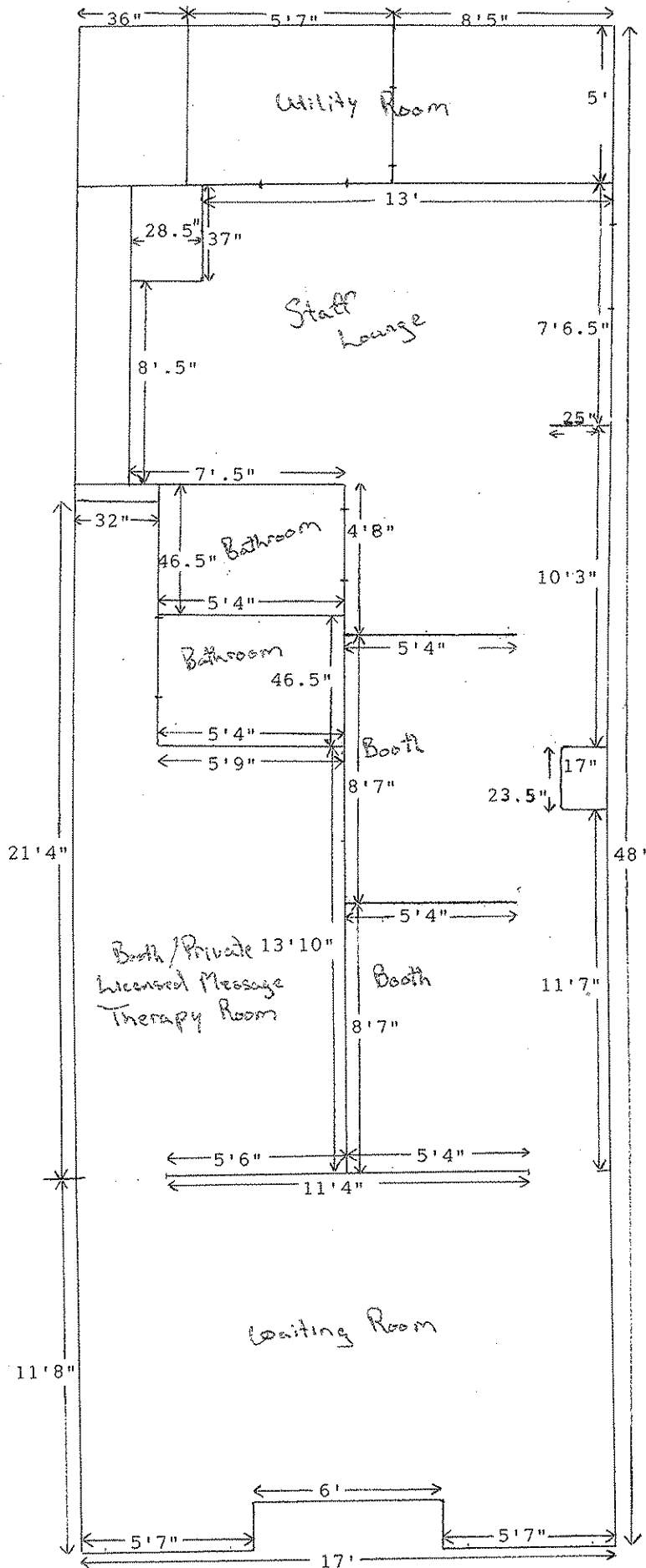
Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

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

\$100.00 Fee Paid \$100.00 | Date Fee Paid 2.25.08
Receipt No. 180263 | P.C. Res. No. _____

RECEIVED
FEB 25 2008
CITY OF PIQUA
DEVELOPMENT OFFICE

MEASUREMENTS
816 SQ. FT.



PC 13-08



RESOLUTION No. PC 14-08

WHEREAS, Duane Penrod, the owner of 602 Riverside Drive, the subject parcel, has submitted a request to permit an enlargement of a dwelling unit structure with nonstandard use conditions, said structure being located in an R-1 One-Family Residential Zoning District; and,

WHEREAS, article 154.065 and 154.066 of the City of Piqua Code of Ordinances provides the procedure for the continuation of a nonstandard use; and,

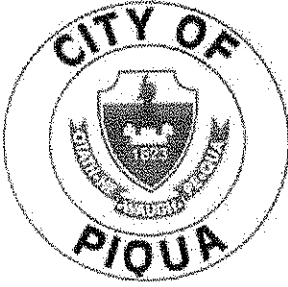
WHEREAS, article 154.140 of the City of Piqua Code of Ordinances provides the procedure for considering a special use permit request; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the proposed use:

- Will be compatible with the stated intent of the zoning district.
- Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
- Is compatible with the general economic development policies of the City.
- Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member _____ hereby moves to approve/deny the request made, 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 hereby recorded as follows.

	AYE	NAY	ABSTAIN	ABSENT
Mr. Jim Oda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Brad Bubp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mike Taylor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mrs. Jean Franz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mark Spoltman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



PLANNING AND ZONING

Christopher W. Schmiesing – City Planner
201 West Water Street • Piqua, Ohio 45356
(937) 778-2049 • FAX (937) 778-5165
E-Mail: cschmiesing@piquaoh.org

March 21, 2008

To: Planning Commission Members

RE: PC Resolution 14-08

The above referenced resolution if adopted will approve an enlargement of nonstandard dwelling unit use of the subject parcel, said parcel being located at 602 Riverside Drive in an R-1 one-family residential zoning district.

Both the existing and proposed front and side yard setbacks at this location constitute nonstandard uses of this lot. If the special use is authorized, the property owner will be permitted to construct the addition to the existing structure to the nonstandard setbacks indicated. Subject to the approval of the special use permit, zoning and building permits and inspections of the work will be required prerequisite to the issuance of a certificate of occupancy for the proposed addition.

Included in your packet you will find a floor plan, site plan, and parcel information provided by the applicant.

Respectfully,

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.

CITY OF PIQUA, OHIO

Application for Special Use Permit

- 1. Applicant's Name Duane Penrod Phone 773-2074
Applicant's Address 6125 Free Rd
- 2. Owner's Name Duane Penrod Phone _____
Owner's Address 602 Riverside Dr
- 3. Type of legal interest held by applicant owner
- 4. Location of Special Use Permit request
A. Legal description (Inlot No. or attach legal description) 602 Riverside Dr.
B. Address _____
- 5. Existing zoning Residential
- 6. Existing usage "
- 7. Proposed usage "
- 8. Proposed special usage _____
- 9. No. of plot plans submitted (16 required UNLESS waived) _____
- 10. Describe the reason for the requested special use:
1st floor bathroom & Laundry

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant [Signature] Date 3-20-08

Signature of Owner _____ Date _____

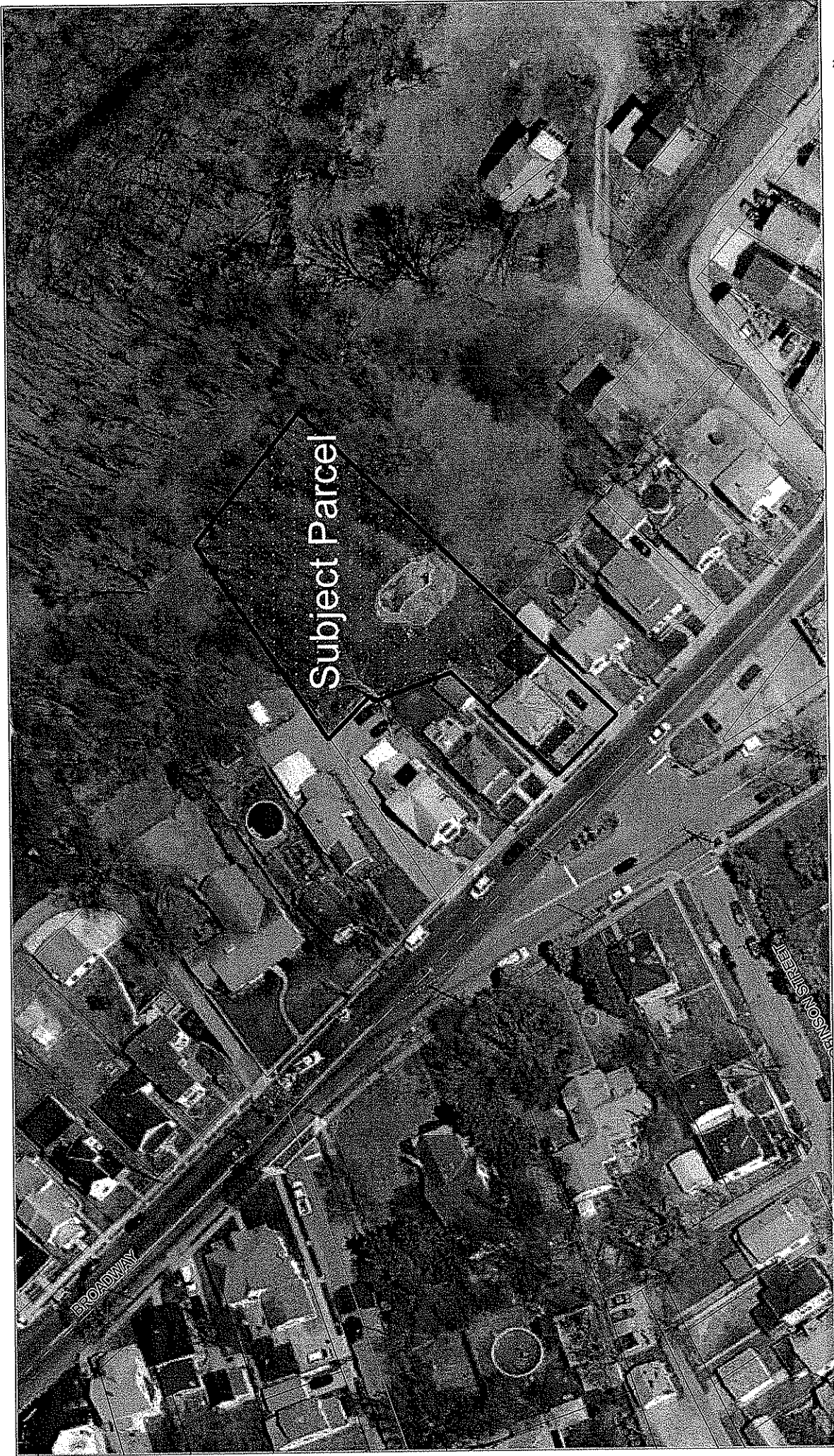
Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

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

\$100.00 Fee Paid 100.00 | Date Fee Paid March 20, 2008

Receipt No. 186276 P.C. Res. No. _____

PC 14-08



House

13'

2' 3"

30x18"

30-6" x 18"

WASHER

DRYER

DRYER

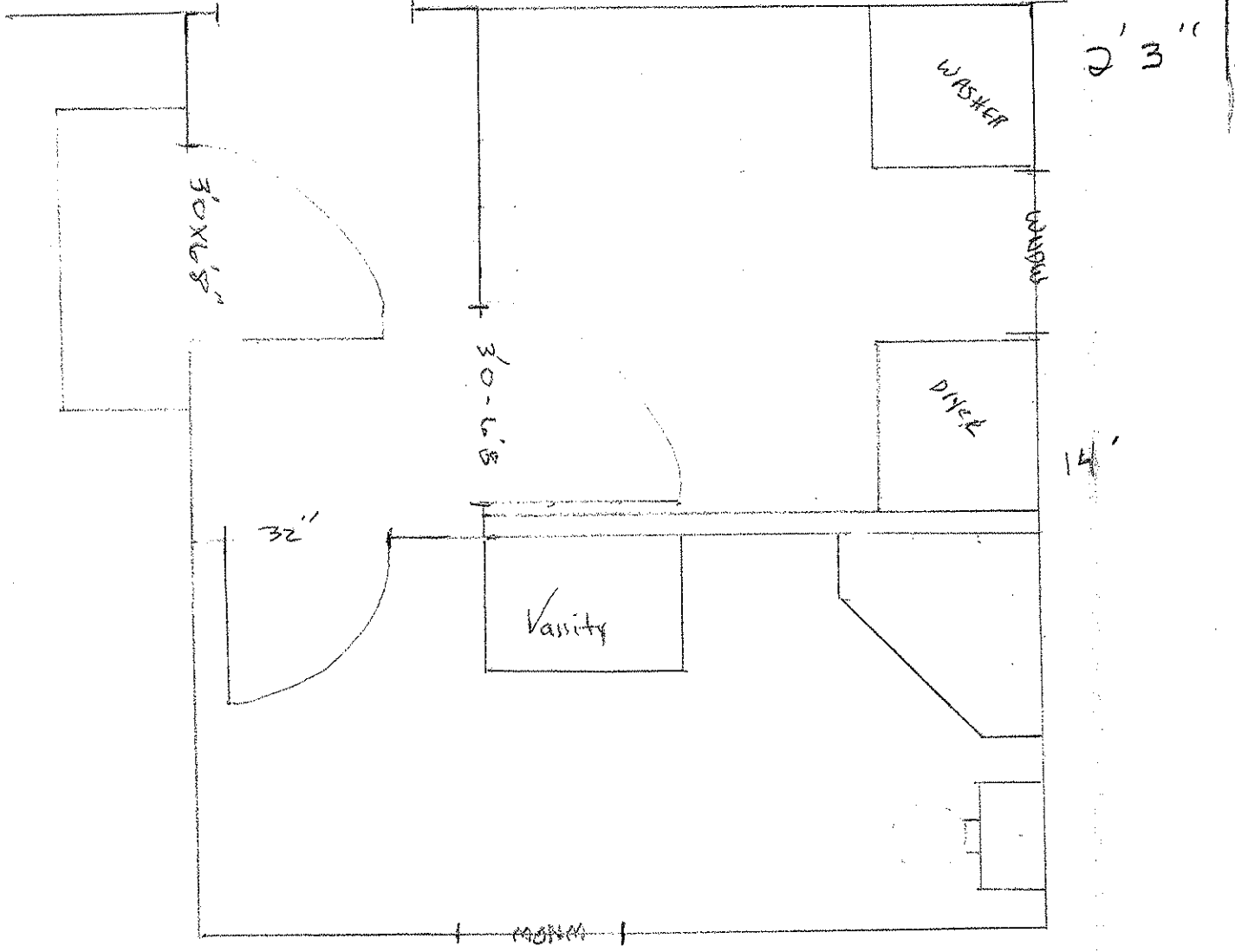
32"

Vanity

14'

14' 6"

← 34'
Property line



Riverside

Sidewalk

602
Riverside

Existing House

Concrete
Drive

604
Riverside

Room
addition

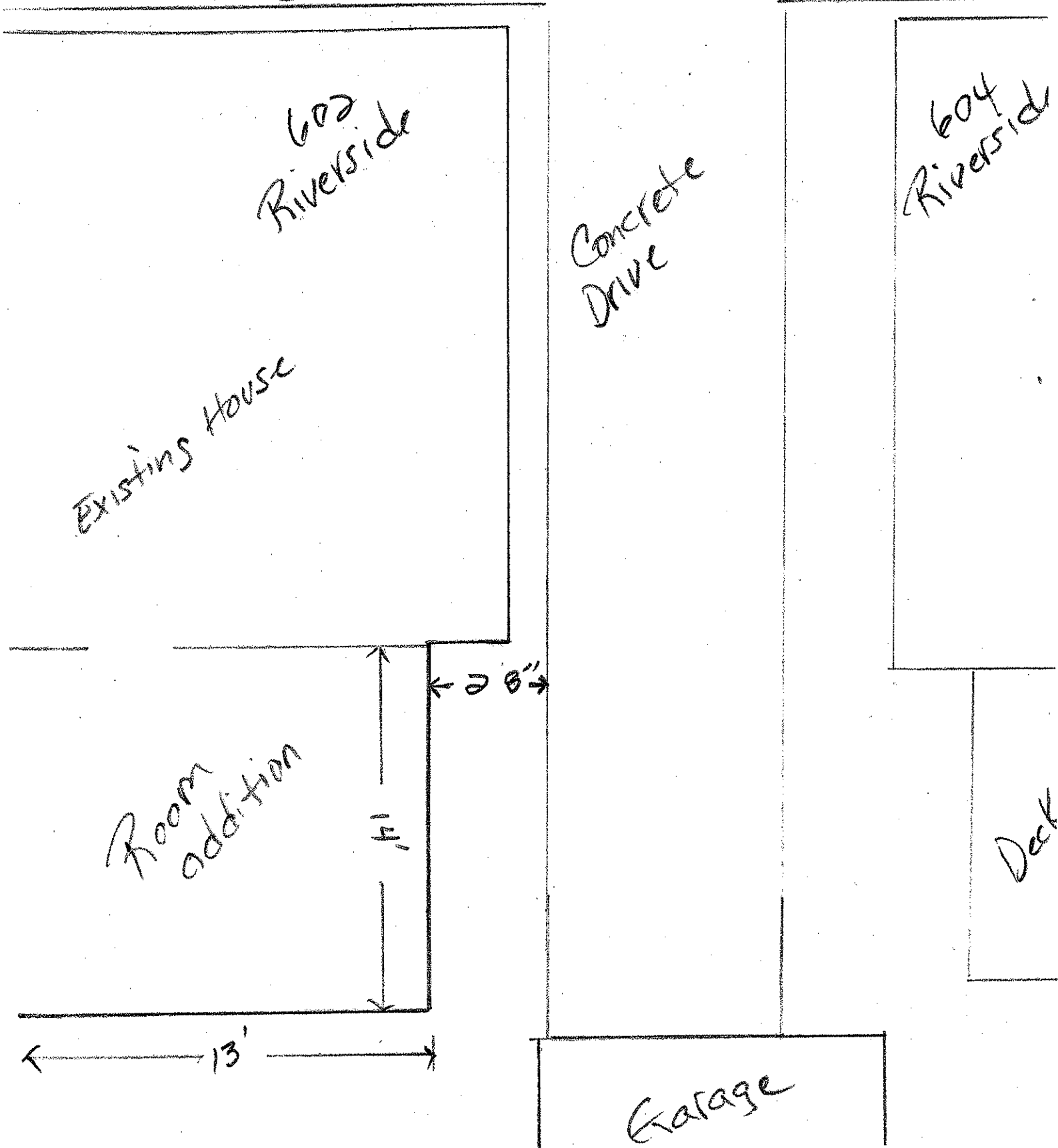
← 28" →

14'

Deck

← 13' →

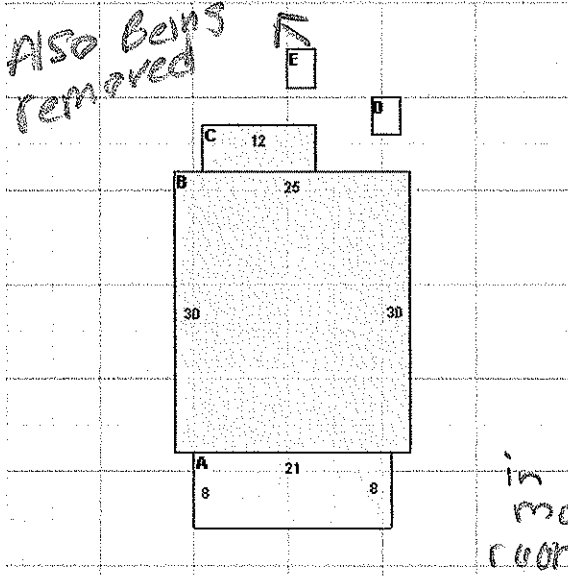
Garage



Miami County, Ohio PRC Parcel No: N44-095700

Owner - [REDACTED] Property Address - 602 RIVERSIDE DR Mailing Name - KING NAOMI A Mailing Address - 602 RIVERSIDE DR PIQUA OH 45356	Map Routing Number - 060607.4-01-024-00 Land Use Code - 510 SINGLE FAMILY DWL PLAT LOT School District - 0307 PIQUA CSD Tax District - N44 PIQUA CITY - PIQUA CSD Neighborhood - 01500 Piqua Corp 01500
Legal Description - OUT LOT 179 50X100 CEN PT& .436 AC NE PT OL 179	

Bldg Style : 1 - Conventional Fin. Sq. Ft. : 1500 1st Floor Area : 750 Upper Floor Area : 750 Half Story Area : 0 Year Built : 0 No. Stories : 2 Ext Wall : 1 - Frame/Siding Rooms : 6 Bedrooms : 3 Full Baths : 1 Half Baths : 0 Bsmt Area : 0 Heating : 1 - Base Central Air : 0 - None Fireplaces : 0	Homestead Reduction : YES 2.5% Reduction : YES Board of Revision : NO Other Assessments : YES
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Legend

A	PR1 168 sqft
B	A1/SFR/MSFR/B 750 sqft
C	PR2 60 sqft
D	01
E	81

Grid in 5 ft interval, Legend with white background indicates no drawable area

Code	Acreage	Front	Depth	Sq. Feet	Value	VALUES	APPRAISED	ASSESSED
Site Value	0	0	0	0	\$16,500	Land	\$16,500	\$5,780
						Improvements	\$59,000	\$20,650
						CAUV Value	\$0	\$0
						Total Value	\$75,500	\$26,430
						Annual Tax	\$703.94	
						Taxes Paid	\$0.00	
NOTE: Appraised Land Values do not reflect the percentaged update for land values as a result of the tax year 2004 Triennial Update.								

Type	Imprvmnts.	Dims.	Sq. Ft.	Yr. Built	Cost Less Depr.
OUTBLDNG 01	- Detach Frame Garage	18x18	324	1900	\$3,200
OUTBLDNG 81	- Concrete Pool W/Liner	0x0	0	1984	\$2,300
NOTE: Appraised outbuilding values do not reflect the percentaged update for outbuildings values as a result of the tax year 2004 Triennial Update.					

Book	Page	Curr. Owner	Prev. Owner	Sale Date	Sale Price
				11/16/1990	\$58,000.00
				6/11/1985	\$51,000.00



GREAT MIAMI RIVER RECREATIONAL TRAIL STUDY



PREPARED FOR:
THE CITY OF PIQUA, OHIO
FEBRUARY, 2007

**GREAT MIAMI RIVER
RECREATION TRAIL STUDY
FEBRUARY, 2007**

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TC



The Commissioner • A Publication of the American Planning Association • Winter 2008

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From the Neighborhood Up: A Checklist for Great Communities Roberta Rewers Streets, neighborhoods, and public spaces are three key factors that distinguish some communities as our favorites. Can you picture parades going down your town's Main Street for the Fourth of July, Christmas, or Halloween? Remember your first sight of the Washington National Mall or St. Mark's Square in Venice? Think about all of the picnics and festivals held in the parks, town plazas, or squares. For most of us neighborhoods define our sense of home and attachment to place. If you understand this, then you know the basic principles behind great communities. But how to ensure that a great neighborhood endures over time? Through thoughtful planning, of course.

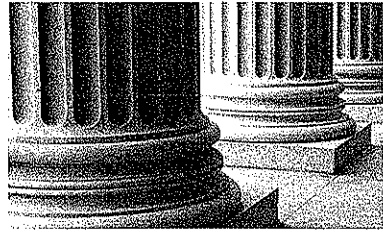
In October 2007, the American Planning Association launched its Great Places in America program and designated 10 streets and 10 neighborhoods as exceptional planned places. The press was so intrigued by this program that the designations received widespread media coverage across the country.

continued on page 2

Anchored by the market established in 1873, the Eastern Market neighborhood in Washington, D.C., has retained its unpretentious charm for over 200 years. It is one of 10 recipients of the 2007 Great Places in America, Great Neighborhoods designation.



Making Motions and Creating a Record



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Eric Damian Kelly, FAICP

Courts in many states are taking increasingly close looks at local land-use decisions. Judges try to defer to local decisions, but many will no longer accept the simple argument, “We are the government, so trust us.” In challenges to local decisions, courts today often ask “How did they reach that decision?” Typically, if the court finds a logical explanation in the record before it, and that explanation conforms generally to statutory guidelines, the court will uphold the local decision. Where the court reads the record and remains puzzled about how the decision was reached, it may well reverse the decision or send it back for further review.

One good way to build a record that effectively tells your story—the story of your commission’s consideration, discussion, and resolution of the issue—is through findings of fact. Findings of fact should respond to the statutory criteria for making a particular decision. The following example for a rezoning in Indiana shows the statutory criteria, then follows with a series of questions designed to make a record of the commission’s finding or opinion on each criterion.

Statutory Criteria

In preparing and considering proposals under the 600 series (Indiana state statutes relating to local planning), the plan commission and the legislative body shall pay reasonable regard to:

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

[from Indiana Code 36-7-4-503]

Suggested Motions to Make a Record

■ The proposed rezoning is (is not) consistent with the comprehensive plan. [Specify particular inconsistencies or acknowledge minor inconsistencies that the commission decides are not critical.]

■ The proposed rezoning is (is not) compatible with the character of current structures and uses in the district to which it is being rezoned and those around it. [Specify particular inconsistencies or acknowledge minor inconsistencies that the commission decides are not critical.]

■ The proposed rezoning is (is not) one of the most desirable uses—or is (is not) compatible with such uses in the district to which it would be rezoned.

■ The proposed rezoning will (will not) contribute generally to the conservation of property values throughout the (city/county/town/parish), with particular regard to neighboring properties. [If not, briefly specify why.]

■ The proposed rezoning is (is not) consistent with adopted policies and practices for responsible development and growth. [If not, briefly specify why.]

The Northwestern Indiana Regional Planning Commission has published a “Sensible Tools” handbook for use by local officials. The handbook was written by the author of this article and includes a number of checklists of questions to guide different types of planning decisions. It is available for free download at <http://nirpc.org/transportation/pdf/Sensible%20Tools%20Handbook%20Report.pdf>.

Findings of Fact

This subject has been covered in various education products and publications.

For more on the subject, refer to the following:

“Developing a Complete and Effective Record: Part One”

Kimberly Mickelson
The Commissioner, Summer 2006: 3.

“Findings of Fact”

Stephen Sizemore, AICP
The Commissioner, Spring, 2005: 3.

“The Role of Staff in Relation to the Planning Commission”

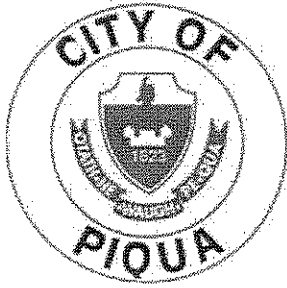
Vince Papsidero, AICP
The Commissioner, Fall 2004: 1–2.

“Legal Issues in Site Plan Review”

Stephen Sizemore, AICP
The Commissioner, Summer, 2004: 3.

Introduction to the Zoning Board of Appeals CD-ROM Training Package, 2007

The program contains a discussion of how to develop findings of fact. The training package is available through APA’s PlanningBooks.com www.PlanningBooks.com



PLANNING AND ZONING

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March 21, 2008

MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD

*** MEETING NOTICE ***

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

TIME: **6:00 P.M.**

DATE: **Tuesday, April 1, 2008**

LOCATION: **Commission Chambers, Municipal Government Complex
201 W. Water Street**

It has been determined by this office that you may have an interest in agenda item to be discussed at this meeting (see enclosed meeting agenda). To view the Planning Commission packet in its entirety, visit http://www.piquaoh.org/agenda_plan_comm.htm or stop by this office.

This is your opportunity to speak in favor of, or object to, the agenda item. If you desire to state your opinion concerning this matter and are 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.

Chris Schmiesing

Christopher W. Schmiesing
City Planner

Enc.

APRIL 1, 2008
 PLANNING COMMISSION
 MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
PC 13-08	BOLIN LUKE SR & DOROTHY F	606 ANN ST	PIQUA OH 45356
PC 13-08	ROWLEY JAMIE	4239 PIQUA-TROY RD	PIQUA OH 45356
PC 13-08	HARTLEY JANET E	819 W NORTH ST	PIQUA OH 45356
PC 13-08	BLANTON DARREN	505 SECOND ST	PIQUA OH 45356
PC 13-08	SWARTZ MARY C	820 W NORTH ST	PIQUA OH 45356
PC 13-08	DEANE MARJORIE W	824 W NORTH	PIQUA OH 45356
PC 13-08	PELTIER MICHAEL A & KELLY J	725 CALDWELL ST	PIQUA OH 45356
PC 13-08	REDDEL ROBERT J P	900 W NORTH ST	PIQUA OH 45356
PC 14-08	WHITNEY DEANNA M	604 RIVERSIDE DR	PIQUA OH 45356
PC 14-08	COPSEY RAYMOND A & RUTH V	608 RIVERSIDE DR	PIQUA OH 45356
PC 14-08	PENROD DUANE C & TAMARA L	602 RIVERSIDE DR	PIQUA OH 45356
PC 14-08	MAYBERRY FRED & TAMMY	540 RIVERSIDE DR	PIQUA OH 45356
PC 14-08	HOUSHEL ETTA F TRUSTEE OF HOUSHEL T	1432 SURREY RD	TROY OH 45373
ENTIRE PACKET TO:			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	PLANNING COMMISSION	REGULAR MAIL	
E-MEETING NOTICE TO:			
	AMY WELKER	EMAIL	
	CHRIS BOEKE	EMAIL	
	CITY COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
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