

PLANNING COMMISSION AGENDA  
CITY OF PIQUA, OHIO  
6:00 P.M. - TUESDAY, JUNE 2, 2009  
COMMISSION CHAMBERS - 2<sup>ND</sup> FLOOR  
201 W. WATER STREET

CALL TO ORDER

- |                   |                      |
|-------------------|----------------------|
| 1. Chair Comments | Opening Remarks      |
| 2. Roll Call      | Clerk Calls the Roll |

OLD BUSINESS

- |                    |                              |
|--------------------|------------------------------|
| 3. Meeting Minutes | May 12, 2009 Meeting Minutes |
|--------------------|------------------------------|

NEW BUSINESS

- |                        |   |
|------------------------|---|
| 4. Resolution PC 13-09 | A resolution requesting authorization of a vehicle sales special use to be located at 337 S. Main Street. |
|------------------------|---|

OTHER BUSINESS

- |                   |  |
|-------------------|--|
| 5. Monthly Report | General Information, Legislative Update, Special Projects, Permits |
|-------------------|--|

ADJOURNMENT

- |                |                         |
|----------------|-------------------------|
| 6. Adjournment | Adjourn Regular Session |
|----------------|-------------------------|

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MAY 12, 2009 - 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, Brad Bubp, Mike Taylor, Jim Oda, and Jean Franz  
Members Absent: None  
Staff Members: Chris Schmiesing, Becky Cool  
Attendees: Ben Scott, Naomi Maher

**MEETING MINUTES**

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the April 21, 2009 meeting minutes included in the agenda packet. Mr. Oda made a motion to approve the April 21, 2009 meeting minutes as submitted, and Mrs. Franz seconded the motion. Mr. Oda, Aye: Mr. Bubp, Aye: Mrs. Franz, Aye: Mr. Taylor, Aye and Mr. Spoltman. A roll call vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

**NEW BUSINESS**

**1. PC-11-09**

A proposal to amend the zoning chapter of the codified ordinances to modify code provisions pertaining to temporary uses.

Mr. Schmiesing gave a brief synopsis of the proposed code amendments and the reason they were brought to the Planning Commissions' attention. The changes are in Code Section 154.005 Definitions, and 154.126 Temporary Uses.

There was discussion on the definition of a Portable Storage Unit; locations for the units to be placed in; size of the area in which the container can be placed, the size of the container; duration of the portable storage unit on site; will extensions be given if necessary; are permits required to set a portable storage unit; residential or commercial use; would gravel be acceptable to locate container on.

Several amendments were suggested and they are as follows:

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Page 18 of 30 Portable Storage Unit. Delete the last three words " for personal property".

Page 25 of 30 Wheelchair Ramp. Change the spelling of the word "slopping to sloping".

Page 29 of 30 Portable Storage Unit. Add ":Residential".

Page 29 of 30 (2) Add in the fourth line after the word damage) "or other extenuating circumstances".

Page 29 of 30 (3) Add in the second line after the word not "be" and delete the word "not" after the word located.

Page 29 of 30 (d) Portable storage unit add "; Residential".

Page 30 of 30 (3) Exceptions add (f) Portable Storage Units; "Business or industrial".

There was discussion on the use of Temporary Uses; the length of time at the same location, type of use to be considered when issuing permit, size of wagon, trailer, or stand/shack; fee for permit; locations defined by the code in conjunction with other businesses located in area.

Several amendments were suggested as follows:

Page 19 of 30 Seasonal/Temporary Service and Retail Establishments. At the end of the third line after the word area add "with a defined boundary delineated" and delete the word "defined" and add the word "other" after or, delete the word "enclosure" and add the word "feature".

Page 26 of 30 (B) General Provisions. Insert in second line after the word the "established development and".

#### **Public Comment**

Ben Scott, Ash Street, Owner of McDonalds Corporation in Piqua, voiced his opinion on the issuance of Temporary Permits in the City of Piqua, and how the stands and mobile food trailers affect the areas where they are set up in as temporary businesses. Mr. Scott stated he appreciates the efforts the Planning Commission puts into in overseeing the Zoning Code.

Naomi Maher, Covington Avenue, owner of Nonie's Shaved Ice Shack, came forward and explained how her business is set up, the location of her shack, and the placement and use of the picnic tables in her immediate area for customers to sit on while enjoying her products.

Mr. Oda commended Mr. Schmiesing on a job well done on putting together the development of the changes to the code for the Planning Commissions review.

Mr. Oda moved to approve the request as amended, and Mr. Bubp, seconded the motion. Roll call: Aye: 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 request with the amendments.

#### **2. PC 12-09**

A Resolution to appoint a Planning Commission member to serve on the Board of Zoning Appeals.

Mr. Schmiesing stated this would appoint a member to serve as the representative of the Planning Commission on the Board of Zoning Appeals.

#### **Public Comment**

No one came forward to speak for or against PC 12-09.

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Motion was made by Mr. Oda, seconded by Mr. Bubp to nominate Mark Spoltman to the Board of Zoning Appeals as the representative of the Planning Commission. Voice vote. Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye.

Mr. Oda moved to approve the appointment of Mr. Spoltman as the representative of the Planning Commission to the Board of Zoning Appeals, and Mr. Bubp seconded the motion. Voice vote, Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye. A voice vote resulted in a 5-0 vote to approve the appointment of Mr. Spoltman as the Planning Commission representative on the Board of Zoning Appeals.

### **OTHER**

Mr. Schmiesing stated he would forward the recommendations on to the Piqua City Commission for their consideration at their Monday, May 18<sup>th</sup>, 2009 meeting. Mr. Schmiesing encouraged the Planning Commission members to attend the Piqua City Commission meeting in show of their support for the adopted resolutions.

Mr. Schmiesing also advised the Planning Commission of Heritage Ohio's recent recognition of the Fort Piqua Plaza as the Best Public Improvement, and their recognition of Lorna Swisher as the Mainstreet Manager of the Year. The Commission was also advised of the upcoming ceremony to rename the town square to William McCullough Square in recognition and to honor the service of Mr. McCullough to his community and the nation.

### **ADJOURNMENT**

With no further business to conduct it was moved and seconded that the regular meeting be adjourned. With all those present in favor the regular meeting was adjourned at 7:40 p.m.

**RESOLUTION No. PC 13-09**

WHEREAS, Rob Cooper, on behalf of the owner, James Kruse, of the subject location in the city of Piqua, Ohio, being in a district zoned B (General Business District), has submitted a request to authorize a vehicle sales special use to be located at 337 S. Main Street; and,

WHEREAS, section 154.066 of the City of Piqua Code of Ordinances provides the procedure for authorizing the enlargement of a nonstandard use of a premises by approval of 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 \_\_\_\_\_ 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.

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	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"/>

CITY OF PIQUA, OHIO

Application for Special Use Permit

- 1. Applicant's Name Cooper Auto Sales LLC Phone 937-497-7111  
Applicant's Address 935 N Vandemark Rd Sidney Oh 45365
- 2. Owner's Name Rob Cooper - Tom Fay Phone 937-497-7111  
Owner's Address 1335 Elmwood Circle Piqua 45356
- 3. Type of legal interest held by applicant Partner - Cooper Auto Sales
- 4. Location of Special Use Permit request  
A. Legal description (Inlot No. or attach legal description)  
B. Address 337 S MAIN ST PIQUA OH 45356
- 5. Existing zoning 4B
- 6. Existing usage Storage
- 7. Proposed usage Clean Paint Existing Facility For Used Car Sales
- 8. Proposed special usage USED CAR Sales Lot
- 9. No. of plot plans submitted (~~10~~ required 10 UNLESS waived) \_\_\_\_\_
- 10. Describe the reason for the requested special use:

Used Car Sales

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 Thomas Fay Date 5-20-09  
 Signature of Owner Thomas Fay Date 5-20-09

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

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

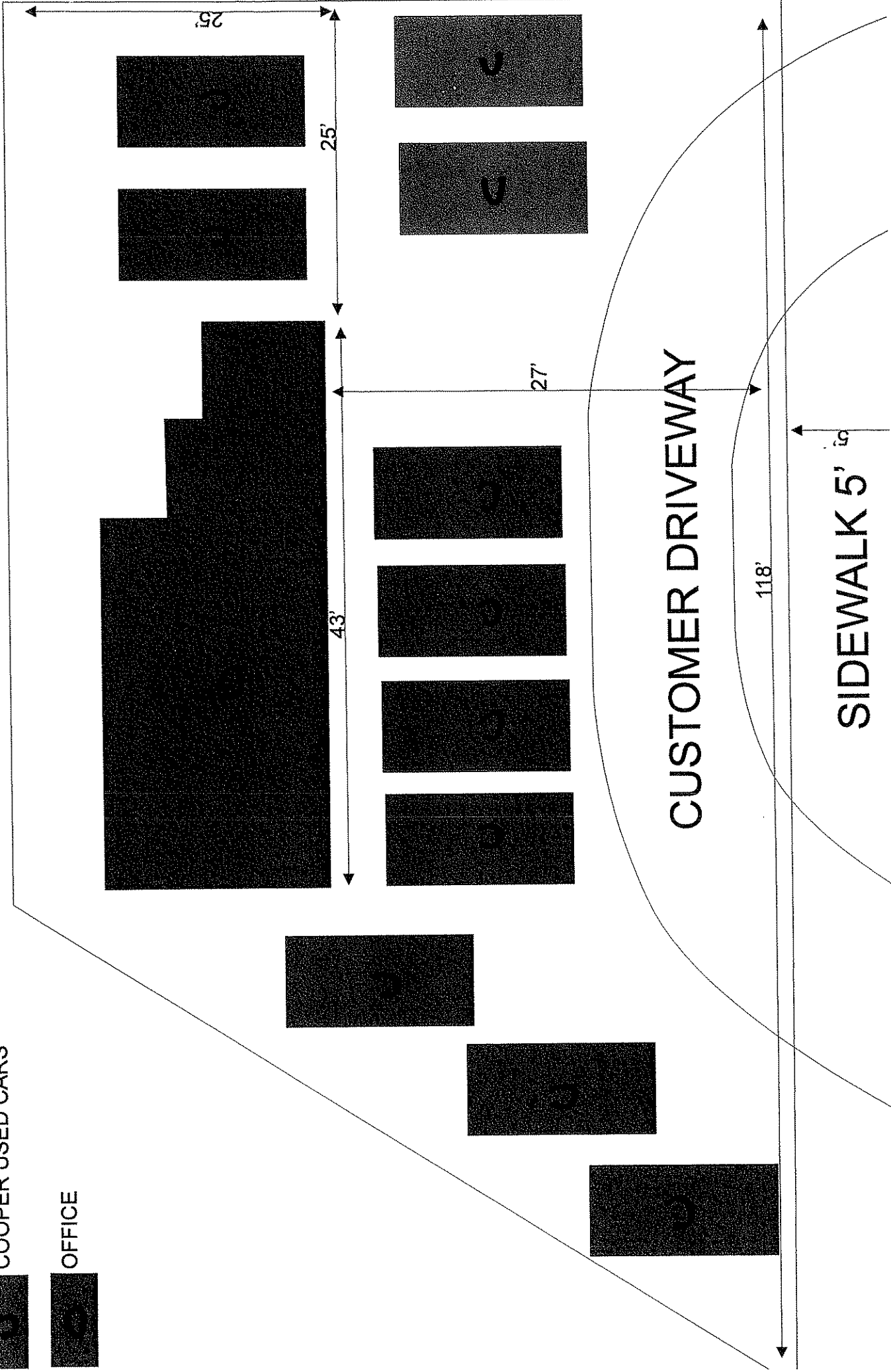
\$100.00 Fee Paid 100.00 | Date Fee Paid 5-21-09  
 Receipt No. 186302 | P.C. Res. No. \_\_\_\_\_

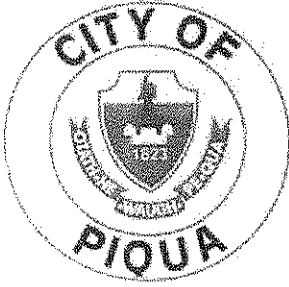
**RECEIVED**  
 MAY 21 2009  
 CITY OF PIQUA  
 DEVELOPMENT OFFICE

# LEDGEND

- CUSTOMER PARKING
- COOPER USED CARS
- OFFICE

COOPER AUTO SALES  
PLANNED PROPERTY USE  
337 S MAIN PIQUA, OH 45356






## 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

### STAFF REPORT

Date: May 21, 2009  
To: Planning Commission Members  
From: Chris Schmiesing, City Planner   
Subject: Resolution PC 13-09

### GENERAL INFORMATION

Applicant: Cooper Auto Sales  
Owner: Kruse James W and Jeanne E Mckaig  
Location: 337 S. Main Street  
Zoning: B General Business District  
Land Use  
Existing: Storage Building; Parking Lot; Vacant Office  
Proposed: Business Office; Vehicle Sales; Parking Lot; Storage Building  
Request: Authorization of a vehicle sales special use

### DISCUSSION/FINDINGS

This request is to authorize a vehicle sales special use of the subject premises. The proposed use includes occupying the existing building with a small sales office and utilizing the exiting parking lot area for the display of vehicles and for customer parking. As currently proposed, nine vehicles displayed for sale and up to two customer vehicles will be parked on the lot at any one time. During discussions with the applicant it was indicated that the exterior of the building will be painted and the site will be generally cleaned-up. The submittals provided indicate no other site improvements as part of this project.

The zoning code includes criteria to be given specific consideration when determining whether to authorize a special use. The following highlights the criteria described in the code and provides staff's analysis of how this request measures up to those standards.

The proposed special use is compatible with the stated intent of the zoning district?

*Staff Analysis: The stated intent of the B General Business chapter is to "...provide an integrated collection of structures and uses designed to supply a majority of the daily needs of city residents".*

The proposed special use does not threaten the general health, safety, and welfare of the surrounding properties and the adjacent property values will not be negatively affected?

*Staff Analysis: The proposed vehicle sales occupancy of the premises will significantly increase the use intensity of the lot.*

## STAFF REPORT

Date: May 21, 2009  
Subject: Resolution PC 13-09

Page 2

The proposed special use is compatible with the general economic development policies of the city?

*Staff Analysis: The productive use of a premise in compliance with adopted community standards is consistent with the general economic development policies of the city.*

The proposed special use conforms to all other applicable codes and regulations of the city?

*Staff Analysis: All submittals presented conform, or will be required to conform, to all applicable codes and regulations of the City, less and exceptions noted herein, before a zoning permit will be issued.*

### COMPREHENSIVE PLAN

The increased use intensity of the premises is consistent with a number of the Comprehensive Plan objectives that emphasize enhancing the use of underutilized properties. The area in which the subject property is located is identified as a Neighborhood Conservation area by the Land Use Conservation and Development Map. Neighborhood Conservation is defined by the Plan as being, "Preservation of existing neighborhood character and continued maintenance of buildings and infrastructure."

### CONCLUSION

Within the Comprehensive Plan there is much discussion about the importance of the aesthetics of the built environment throughout the community, in particular along the primary entrances into the city. It is debatable whether the proposed vehicle sales use of the lot provides the type of distinctive character the Comprehensive Plan notes as being desirable for the reuse of underutilized sites found within established neighborhoods. The proposed display of vehicles and customer parking will utilize all of the existing pavement surface area, and in at least one location extend in to a lawn area. The proposed display of vehicles on the drawing provided show vehicles extending all the way to the front lot line with little or no setback from the front lot line and the public right of way; and, there are no off-street maneuvering lanes providing access to or from the proposed off-street customer parking spaces forcing the vehicles utilizing these spaces to back into the public street to exit the lot. Therefore, it is staff's conclusion that the proposed use of the premises may result in a use intensity that exceeds the capacity of the existing improvements and may have an adverse affect on the surrounding neighborhood and adjacent public right of way.

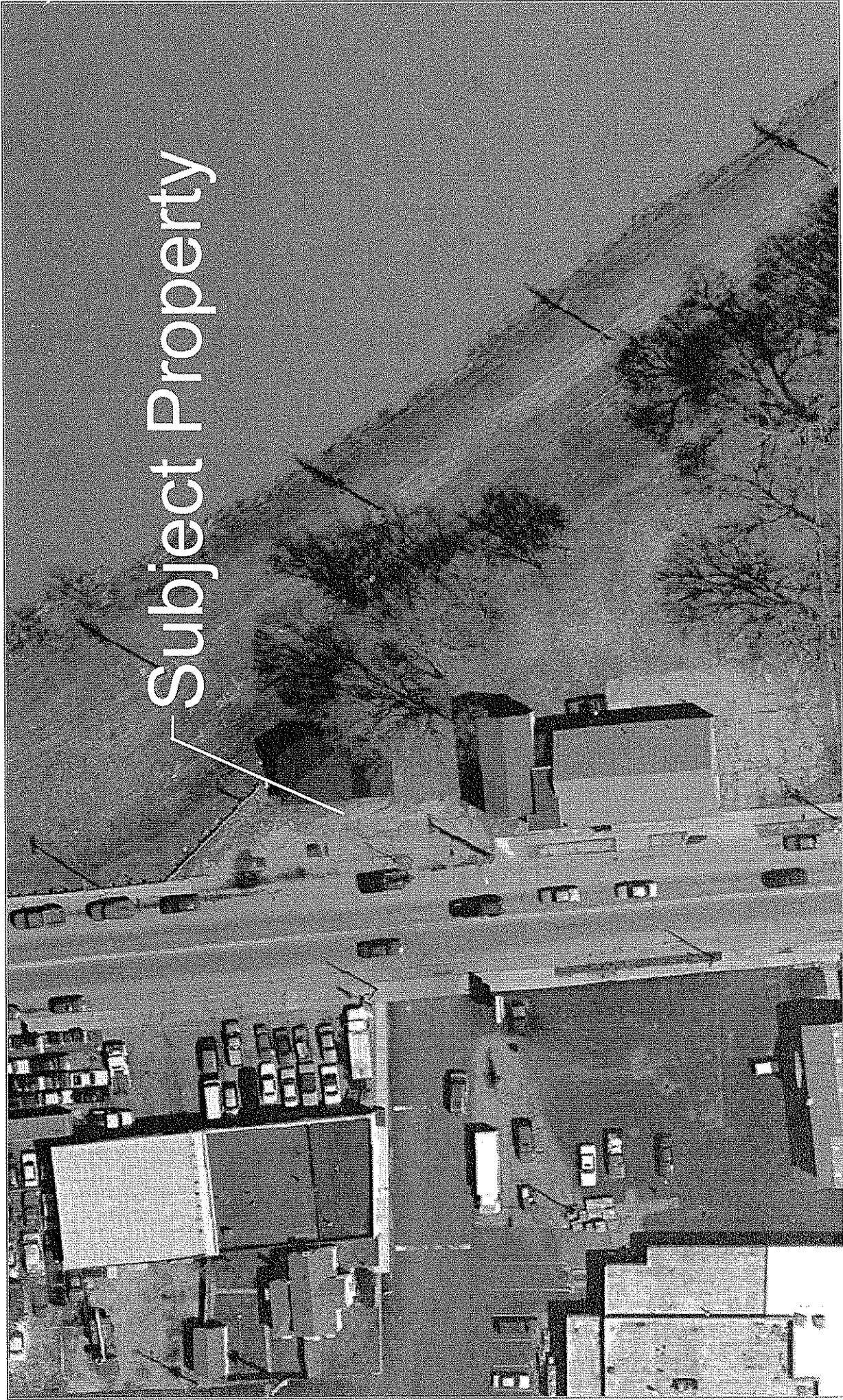
### RECOMMENDATION

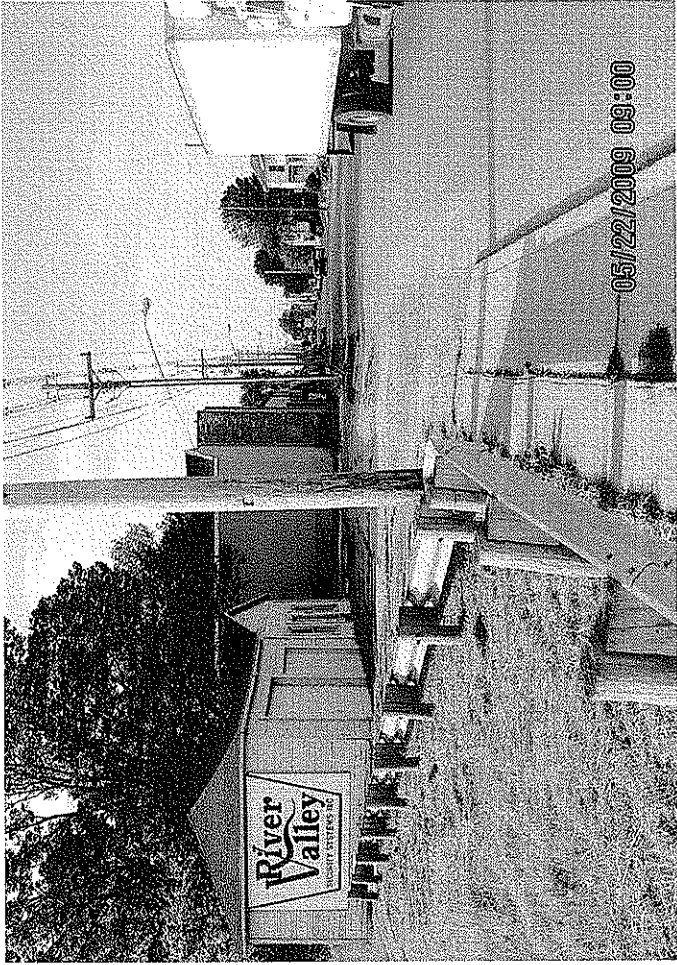
If the Planning Commission chooses to approve this request, staff recommends that the following conditions be imposed:

1. No more than seven (7) display vehicles may occupy the lot at any given time.
2. The display vehicles shall be setback a minimum of five (5) feet from the front lot line. All vehicles shall be displayed or parked upon a pavement surface.
3. Two (2) off-street parking spaces shall be provided at the south end of the existing pavement area, and parking blocks shall be installed at the east limit of each space.
4. The vehicles sales special use authorization shall automatically terminate upon any discontinuance of the vehicle sales use of the subject premises.

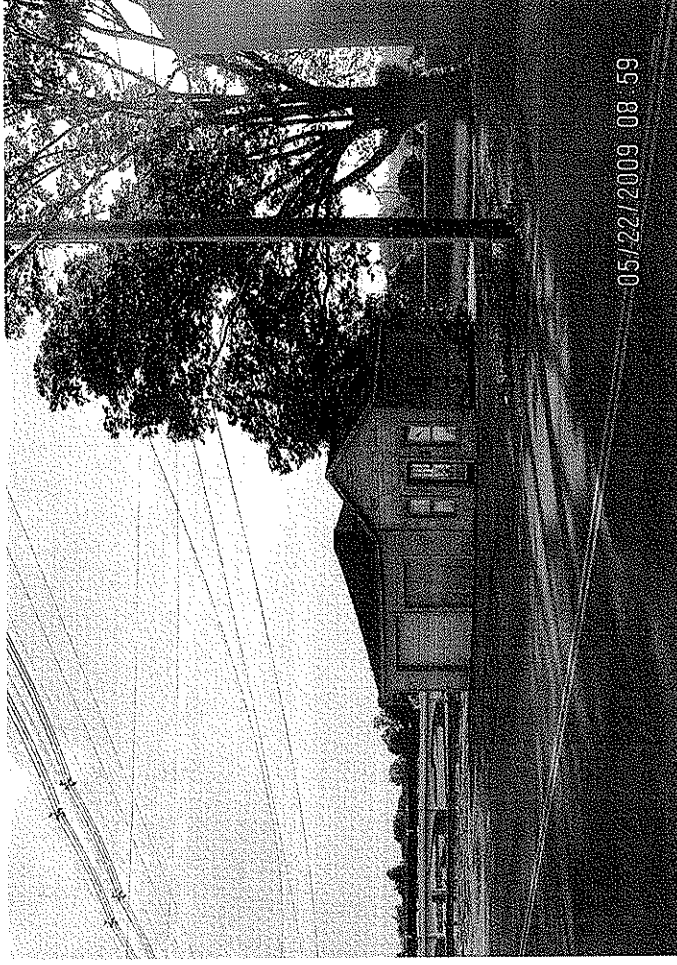
337 S MAIN STREET

Subject Property

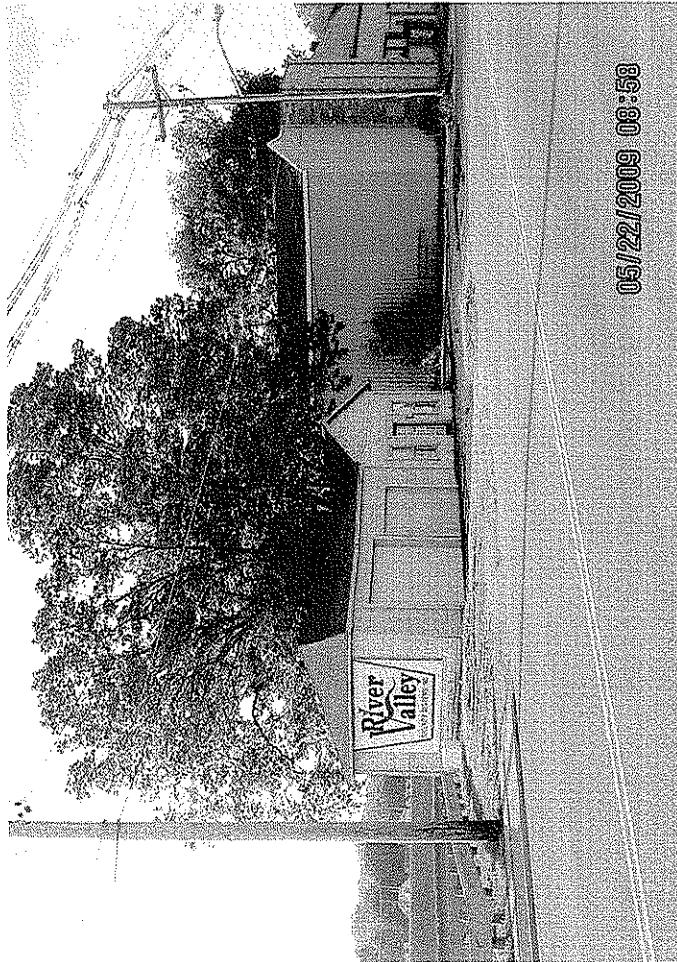




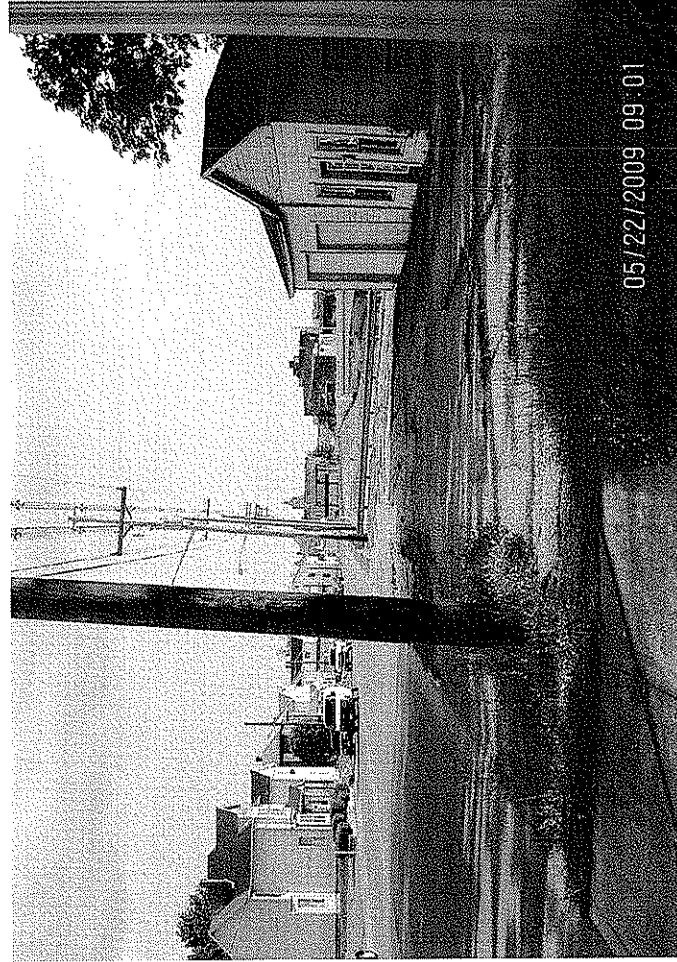
05/22/2009 09:00



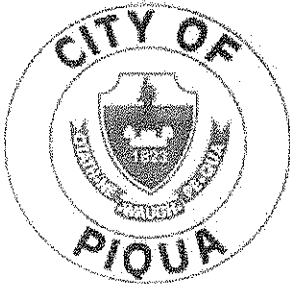
05/22/2009 08:59



05/22/2009 08:58



05/22/2009 09:01



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**DEVELOPMENT OFFICE**

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

May 22, 2009

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**\*\*\* MEETING NOTICE \*\*\***

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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, June 2, 2009**  
LOCATION:       **Commission Chambers - 2<sup>nd</sup> Floor**  
                    **Municipal Government Complex**  
                    **201 W. Water Street**

This letter serves to notify those persons who may have an interest in an agenda item to be discussed at this meeting. View the Planning Commission packet in its entirety online at [http://www.piquaoh.org/agenda\\_plan\\_comm.htm](http://www.piquaoh.org/agenda_plan_comm.htm) or by visiting the Development Office.

This is your opportunity to speak in favor of, or object to, an item to be considered. If you desire to state your opinion concerning this matter and will be 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.

# JUNE 2, 2009 PLANNING COMMISSION MAILING LIST

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
MEETING NOTICE AND AGENDA TO:			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
PC 13-09	COOPER AUTO SALES	935 VANDEMARK RD	SIDNEY, OH 45365
PC 13-09	COOPER AUTO SALES	1335 ELEMWOOD CIRCLE	PIQUA, OH 45356
PC 13-09	JAMES KRUSE	8638 N PIQUA LOCKINGTON	PIQUA, OH 45356
PC 13-09	ULBRICH S INC	P O BOX 1494	PIQUA, OH 45356
PC 13-09	ULBRICH BRADLEY M	P O BOX 154	PIQUA, OH 45356
PC 13-09	SOUTHVIEW NEIGHBORHOOD ASSOCIATION	714 S DOWNING ST	PIQUA, OH 45356
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	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	HARRY BUMGARNER	EMAIL	
	LORNA SWISHER	EMAIL	
	MARTIN KIM	EMAIL	
	STACY WALL	EMAIL	
	AMY HAVENAR	EMAIL	
	BRUCE JAMISON	EMAIL	
	PIQUA DAILY CALL	EMAIL	
	DAYTON DAILY NEWS	EMAIL	
	WPTW	EMAIL	
	PIQUA CHANNEL 5	EMAIL	
	MIAMI COUNTY HOME BUILDERS ASSOCIAT	EMAIL	