

PLANNING COMMISSION AGENDA  
CITY OF PIQUA, OHIO  
6:00 P.M. - TUESDAY, JUNE 8, 2010  
MUNICIPAL GOVERNMENT COMPLEX  
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER

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

OLD BUSINESS

3. Meeting Minutes                      Adoption of March 9, 2010 Meeting Minutes

NEW BUSINESS

4. Resolution PC 13-10                  A resolution to consider a special automobile repair/towing operation use of 8654 N. CR 25-A
  
5. Resolution PC 14-10                  A resolution to consider the renaming of a portion of Statler Road and Bridge Street

OTHER BUSINESS

- DFIRM Map Updates                      Information on FEMA update to Flood Insurance Rate Maps
- Zoning Code Amendments                Discussion concerning proposed amendments to the zoning code
- Monthly Report                            General Information, Legislative Update, Special Projects, Permits

ADJOURNMENT

6. Adjournment                            Adjourn Regular Session

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**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

Mr. Spoltman stated that Board Member Brad Bubp was absent due to illness.

Moved by Mr. Oda, seconded by Mrs. Franz, to excuse Mr. Bubp from the March 9, 2010 Piqua Planning Commission Meeting. Voice vote, Mr. Spoltman, Aye: Mr. Oda. Aye: Mrs. Franz, Aye: and Mr. Taylor, Aye. Nay: None.

**ROLL CALL**

Members Present: Jim Oda, Jean Franz, Mark Spoltman, and Mike Taylor  
Members Absent: Brad Bubp  
Staff Members: Chris Schmiesing, Becky Cool  
Attendees: (see attached list)

**MEETING MINUTES**

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the meeting minutes included in the agenda packet. Mr. Oda, made a motion to approve the February 9, 2010 Special Meeting minutes as submitted, and Mr. Taylor, seconded the motion. Mr. Oda, Aye: Mrs. Franz, Aye: Mr. Taylor, Aye; and Mr. Spoltman, Aye. A roll call vote resulted in a 4 -0 vote in supporting the motion to approve the meeting minutes as submitted.

**NEW BUSINESS**

**1. PC-07-10**

A Resolution requesting authorization of a cellular communication tower special use of parcel N44-100580, said parcel also known as 1703 Commerce Drive

City Planner Chris Schmiesing stated this request is to authorize the addition of a cellular communications tower use to the premise currently occupied by a Garden Supply Store, Parking Lot, and Loading and Un-loading facility. The applicant indicates that the proposed 190 tall cellular communications tower will be situated to the rear of the property, behind the nursery buildings and removed from the public right of way. The tower itself will be a monopole type assembly and initially include one provider antenna at the top of the structure with the option to add up to three additional antennas to the tower in the future. The base of the tower will be setback 47.6 feet from the west and south lot lines and 152.4 from the east lot line. The setback to the north lot line will be over 600 feet. The tower will be situated in the center of a 100 foot by 100 foot "compound" that will be located adjacent to the south and west lot lines and enclosed

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by a 6 foot high chain link fence. Inside the compound there will be a small building for the placement of radio equipment and utility connections incidental to the cell tower operation. The entire area inside the fenced in compound will include a gravel surface. At the February 23, 2010 of the Board of Zoning Appeals the applicant's requests for variance related to the tower setback requirements and the gravel surface were considered and an exception to the code requirements was granted for both items.

With reference to existing nonstandard conditions found at this location, and concerning the potential aesthetic impact of the proposed tower, the applicant has included the following proposed improvements as part of the project to be constructed if authorized.

- Installation of screening slats in the proposed fence to mitigate the view of the gravel surface and accessory building inside of the cell tower compound and barb wire at the top of the fence to discourage trespassing.
- Installation of fast growing pyramidal shaped trees around the perimeter of the compound to soften the aesthetic impact of the cell tower improvements and to screen the improvements from view from surrounding properties.
- Installation of Autumn Blaze maple trees along east lot line to buffer the adjacent retail sales and service uses and the Sunset Drive public right of way.
- Replacement of the majority of the existing gravel pavement located at the front of the existing nursery building with asphalt pavement.

Mr. Schmiesing further stated the Comprehensive Plan is supportive of permitting property uses that contribute positively to the neighborhood and the community in general.

The proposed cellular communications tower special use of this premise will be consistent and compatible with the land use types surrounding this property. The applicant's intent is to improve a substantial portion of the nonstandard parking surface to bring it into conformance with the applicable standards, and the installation of screening/plantings to mitigate the visual impact of the tower, will ultimately result in a significant enhancement of the existing improvements found at this location.

Staff recommends approval of the requested special use of the parcel with the following conditions:

1. The improvements are completed in accordance with the plans submitted and referenced as part of this request.
2. The applicant agrees in writing to remove the tower, and all incidental and accessory features, to a depth of 4 feet below grade upon the structure becoming abandoned (discontinuance of the use of the structure for a period of more than 90 days).

Mr. Schmiesing stated there were several other sites considered in the neighborhood including one located immediately adjacent to the Sunset Drive Corridor, but deemed to be too close to the public right of way, another location was on the Water Tower on R.M. Davis Parkway, but it did not suit their needs for the height and the location of the tower in the area they were attempting to serve. A zoning map was provided in the Planning Commission packet which shows the subject property, and the properties to the west and the south that are zoned I-1 Light Industrial which is appropriate zoning designation for this type of use, said Mr. Schmiesing.

Mr. Schmiesing stated he received one telephone call prior to the Board of Zoning Appeals meeting from Hartzell Propeller. They inquired as to what was being proposed at the site, and indicated they had no real concerns with the proposed cell tower.

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Mr. Oda stated on the recommendation for the removal of the tower when no longer in use, this is pretty much a standard do we not include this normally when we look at cell towers? Mr. Schmiesing explained.

Ed Block, the Agent for the Applicant came forward and presented several drawings showing the location of the proposed cellular tower and the surrounding properties. Mr. Block stated AT&T has received the FAA approval on the tower height, and further stated no lights are required to be put on the cellular tower. Mr. Block passed out several aerial photos of the proposed cell tower location and gave a brief overview of area.

There was discussion by the Board Members concerning the height of the tower with the antennas attached, the reason AT&T chose that particular height of tower, if the arborvitaes should die who would be responsible for the replacement of them, when the tower is abandoned will it be removed if no longer being used by AT&T or any other cell company, and if AT&T is agreeable to the terms of the abandonment agreement. All questions were answered and Mr. Block stated AT&T is agreeable to the terms of the abandonment agreement.

#### **Public Comment**

No one came forward to speak for or against PC-07-10.

Motion was made by Mr. Oda to approve the request, seconded by Mrs. Franz. Roll Call Vote, Mr. Oda, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote resulted in a 4-0 vote to approve the request.

#### **2. PC-08-10**

A Resolution requesting authorization of an automobile repair, painting and body shop special use of parcel N44-073740, said parcel also known as 316 N. Downing Street

Mr. Schmiesing stated this is a request to authorize an automobile repair, painting and body shop use of the existing building found at this location. The premises was most recently occupied by a vehicle sales, rental and service use that was permitted at this location.

The property immediately west of the location is zoned B and currently occupied by an automobile repair, painting and body shop use. The property to the east is vacant and was most recently occupied by a vehicle sales, rental, and service use. The property to the south is zoned I-1 Light Industrial and is occupied by a vehicle sales, rental and service use. The property to the north is undeveloped, is currently used for crop production and is zoned I-2 Heavy Industrial.

The Comprehensive Plan is supportive of permitting property uses that contribute positively to the neighborhood concerned and the community in general.

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The proposed automobile repair, painting and body shop special use of this site will be consistent and compatible with the land use types surrounding this property. However, it should be noted that the existing improvements found at this location include a number of nonstandard conditions. These conditions primarily relate to the parking lot and vehicle storage areas and the deficient setbacks, screening, landscaping, and boundary control provisions provided with regards to these improvements.

Mr. Schmiesing stated staff recommends that the Planning Commission approve this request with the following conditions:

Upon submittal of an application for a zoning permit the plans provided shall include:

- A designated vehicle storage area for those vehicles impounded or waiting to be serviced or repaired, said storage area to be to the rear of the lot and not visible from the public right of way.
- A 6-foot high security fence around the entire perimeter of the vehicle storage area, with screening slats in the fence to obscure the storage area from view from adjacent properties or public spaces.
- Excavation of existing parking lot surface area improvements to achieve conformance with the setbacks required for such improvements; and, the inclusion of plantings in the excavated areas to satisfy the landscaping requirements of the parking regulations.
- Installation of boundary control features at the perimeter of the parking lot areas.

Robert Brown, Applicant, came forward and gave a brief overview of his plans for the use of the building and lot area, which include restoration, painting, and repair of automobiles and recreational vehicles. Mr. Brown stated he has been in the repair business for over twenty-five years and has no plans to do service work.

There was discussion on what part of the premise located at 8620 N. Co. Rd. 25-A Mr. Brown would occupy, and what the plans are for the use of the rest of the building and front lot area. Mr. Spoltman asked Mr. Brown if he was agreeable to the recommendations that were listed. Mr. Brown stated yes he was agreeable, but was unclear about the third item, the parking lot. Mr. Schmiesing asked Mr. Brown if he would be occupying all of 8620 N. Co. Rd. 25-A? Mr. Brown stated he would only be using the body shop area and would not occupy the front parking lot. Mr. Schmiesing stated there could be several tenants in there then correct? Mr. Brown stated possibly. Mr. Schmiesing stated staff would retract the recommendation that the third condition be included, and asked that the compound area include the appropriate screening be it slats and/or landscaping provisions around the front, sides and the rear if necessary to prevent view from the surrounding properties.

Mr. Brown asked if slats were required in all of the fencing area? Mr. Schmiesing stated the goal would be to obscure the view of the storage area from public view.

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Mr. Taylor asked how many employees would be working there, how many vehicles would be there at one time, and the hours of operation. Mr. Brown stated it would be just himself and his partner working, and they hope to have at least five vehicles a week with their hours of operation being 5:30 A.M. – 8:00 P.M.

Mrs. Franz asked if the paint booth was still in the building, and would he be using the paint booth? Mr. Brown stated yes, he intends to use the paint booth.

Mr. Spoltman asked if it would be necessary to include the installation of boundary control features at the perimeter of the parking lot areas since Mr. Brown would not be occupying that area. Mr. Schmiesing recommended withdrawing the boundary control requirement, and that the second item be amended to be more specific, and to add in the second line after the word from " public view by way of screening slats or landscaping on the outside of the fence.

Mr. Oda stated he felt this was a good use of the vacant space, and this will be a definite benefit for the use of the building and good economic development for the community.

**Public Comment**

No one came forward to speak for or against PC-08-10.

Motion was made by Mr. Oda to approve the request, seconded by Mr. Taylor. Voice vote, Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote resulted in a 4-0 vote to approve the request.

**3. PC-09-10**

A resolution requesting the zoning designation of parcel N44-00410 change from B General Business to R-2 Two-Family Residential, said parcel also known as 316 N. Downing Street Mr. Schmiesing stated the staff report would apply to both PC-09-10 and PC-10-10, and that both owners are supportive of the zoning change.

Mr. Schmiesing stated this is a request to seek a change in the zoning designation of the subject parcels. The applicant for the 316 N. Downing Street is the owner of that property and initiated the request based upon his desire to have the zoning accurately reflect the current use of the premises, a two family-dwelling unit. Upon reviewing the application it became apparent to staff that the adjacent property, known as 320 N Downing Street, also was being used as a two-family dwelling unit, and that an R-2 zoning designation would also more accurately reflect the use of this premise.

A review of the zoning map records indicated that the parcels were previously zoned R-2 at the time 1971 zoning map was adopted. A subsequent zoning code update in 1982 and the map amendments adopted at that time resulted in the properties being included in a business zoning designation. Whether or not this change was intentional or in error is unknown. The same business zoning designation was continued when the zoning code and the accompanying was last updated in 1996.

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The Comprehensive Plan recognizes the unique qualities and characteristics of established neighborhoods such as this one and promotes the concept of utilizing zoning as a way to preserve and protect the permissibility of those uses traditionally accepted.

The proposed zoning of the subject parcels would be consistent and compatible with the surrounding land uses and zoning designations and be appropriate for the use types found at the subject premises. Staff recommends the zoning change be recommended for approval for 316 and 320 N. Downing Street and be referred to the City Commission for their approval.

**Public Comment**

No one came forward to speak for or against PC-09-10.

Motion was made by Mr. Taylor to approve the request, seconded by Mrs. Franz. Voice vote, Mr. Oda, Aye; Mrs. Franz Aye; Mr. Taylor, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote resulted in a 4-0 vote to approve the request.

**4. PC-10-10**

A resolution requesting the zoning designation of parcel N44-00400 change from B General Business to R-2 Two-Family Residential, said parcel also known as 320 N. Downing Street Mr. Schmiesing stated the staff report was given previously with PC -09-10.

**Public Comment**

Tracy Thobe, 328 N. Downing Street, asked if the property owner's intent is to make the residence a two-family dwelling at 320 N. Downing Street?

Mr. Schmiesing stated that is not the intent, this is just to change the zoning from B General Business to R-2 Two-Family Residential to bring it in line with the other properties in the area.

There was discussion of the use for the property located at 316 N. Downing Street at this time and possibly in the future. Mr. Schmiesing stated the history indicated it previously was a two-family dwelling, and this is not a new use for this property just taking it back to what it was.

Motion was made by Mr. Franz to approve the request, seconded by Mr. Taylor. Voice vote, Mr. Oda, Aye; Mrs. Franz Aye; Mr. Taylor, Aye; and Mr. Spoltman, Aye. Nay, None. A voice vote resulted in a 4-0 vote to approve the request.

**5. PC-11-10**

A resolution requesting the zoning designation of parcel N44-250382 change from R-1 One-Family residential to R-3 Three-Family residential, said parcel also known as 339 South Street Chairman Spoltman gave a brief overview of PC 11-10 explaining the request is only for the zoning of the property, and not the special use permit. The Planning Commission will have the

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option to approve, deny, or table the Resolution. Mr. Spoltman stated anyone wishing to speak for or against the item should come forward and state their name and address for the record.

Mr. Schmiesing introduced four documents to be included in the record, (see enclosed documents)

1. A list of telephone calls from four residents who are opposed to the rezoning.
2. Two emails from residents who are opposed to the rezoning.
3. A letter from the Southview Neighborhood Association signed by the Jim Vetter, President.
4. A letter from Family Abuse Shelter in Troy signed by Barbara Holman, Executive Director.

Mr. Schmiesing explained this request pertains to a change in the zoning designation of the subject parcel and will not authorize the proposed "temporary housing for people in need" use. Issues and concerns related to the conformance status of a specific use/improvement with regards to applicable building and zoning standards will be addressed by special use, building permit, and zoning permit processes. To satisfy the special use, building permit, and zoning permit review processes, detailed construction documents verifying code compliance with the applicable standards must be submitted by the applicant. Upon approval of any special use of the property by the Planning Commission and after reviewing and finding that the documents conform to the applicable standards the enforcing official may approve and issue building and zoning permits for the subject use/improvements. The special use, building permit, and zoning permit processes can only occur after the subject property is properly zoned to "permit" the proposed use.

Mr. Schmiesing stated the request is to seek a change in the zoning designation of the subject parcel. The applicant for the request is the owner of the property and has initiated the request based upon their desire to seek approval of a "temporary housing for people in need" use for this location. A review of the zoning code determined that the proposed "temporary housing for people in need" use is not listed in any of the districts included in the zoning code. When this occurs the provision in the zoning code granting the Planning commission the authority "...to consider as a special use those uses not listed as a permitted principal or special use in this chapter" must be utilized. Recognizing that the proposed use is most similar to certain uses listed in the R-3 zoning district (such as boarding or lodging houses, or group homes) we must first consider whether a change to the zoning designation of the property from R-1 to R-3 (the zoning designation with "similar" uses listed) is appropriate.

The improvements found at the subject parcel were formerly occupied by an elementary school use prior to being occupied by the current use in the late 90's. The subject parcel is located in a traditional neighborhood established in the early 1900's. To the north, south, east, and west one, two and three-family dwelling units surround the subject parcel. To the northwest, diagonally across the intersection of South Street and Roosevelt Avenue, there is an elderly

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housing facility known as the Roosevelt Manor Apartments. Within several blocks of the subject parcel there are a host of neighborhood establishments, including but not limited to retail sales and service businesses, contractor and auto repair shops, eatery and drinking establishments, churches, an intermediate school, and a grocery.

The zoning code list as principal permitted uses within the proposed R-3 zoning designation; single-family detached and attached dwellings, two-family and multi-family dwellings, bed and breakfast inns, boarding and lodging houses, dormitories, convents and monasteries, schools, churches, libraries, recreation facilities and private clubs, and home occupations. Those uses that may be permitted in an R-3 zoning district as a special use include; elderly housing facilities, mobile home courts, group homes, child day care centers, nursing and convalescent homes, cemeteries, public office buildings, hospitals, membership sports and recreation clubs, neighborhood businesses, restaurants, and business and professional offices.

Prior to submitting this request a representative for the applicant contacted this office to determine what information should be provided with the application. Staff explained the submittal requirements and the review process and recommended that the Chief of Police and a professional architect also be consulted as part of the plan development process. Staff also suggested that the facility organizers engage the neighborhood residents in the plan development conversation. Ultimately the Chief of Police ended up in the role of city liaison concerning all matters related to the proposed use and helped to establish an initial meeting between the Bethany Center and the Southview Neighborhood Association.

The Comprehensive Plan recognizes the unique qualities and characteristics of established neighborhoods such as this one and promotes the concept of utilizing zoning as a way to preserve and protect the established character of the neighborhood.

Mr. Schmiesing further stated the Southview Neighborhood Association has worked diligently to improve the conditions that exist in the subject neighborhood and promote a positive image to the community. The group has placed a high level of importance on reducing the number of multi-family dwelling units and improving property values within the neighborhood. If the proposed zoning change is authorized the proposed zoning will open the door for any of the principal permitted uses listed in the R-3 zoning district to be established at this location. While the "temporary housing for people in need" use will still be subject to the special use process, a multi-family housing or boarding or lodging house use will be permissible as a principal permitted use in the proposed zoning district

It difficult to measure the demand for the proposed "temporary housing for people in need"; and, it is equally difficult to measure the impact such a facility may or may not have on a neighborhood. The impact "temporary housing for people in need" uses have produced in other communities is outlined in the Homeless Shelters: A Police Perspective of Experiences in Other Cities, June 2009 report included in this packet.

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The use that is being proposed if the property is successfully rezoned will introduce an additional number of persons coming and going from this location and there will be a modest increase the traffic volume in this area. Also, the use proposed would introduce 24-hour occupancy of the subject facility that currently does not exist. The plans provided with regards to the use proposed show sleeping facilities for up to 38 persons. If each person arrives separately driving his/her own automobile and the facility were operating at 100 percent of the capacity, there would be 38 vehicles parked in the parking facilities available on the lot or in the on-street parking spaces near this location. Presumably those persons arriving by foot will be permitted to congregate at the entrance to the building until the doors are opened. The facts provided herein and the information provided in the Homeless Shelters: A Police Perspective of Experiences in Other Cities, June 2009 report included in this packet suggest that the characteristics of this location and surrounding neighborhood, to some degree, will be affected by the proposed use. However, the same could be said for most any change of use or any other new use that could conceivably be introduced to this location.

Whether or not the change in the zoning designation will allow for use types of an intensity that a will be detrimental to the neighborhood is of primary concern in this matter. The stated intent of the of the R-1 zoning district "*...is to provide a stable residential area for one-family housing in those parts of the city that are largely developed at a gross density of approximately seven dwelling units per acre.*" The stated intent of the R-3 zoning district "*...is to provide a full range of residential dwelling types. The maximum approximate gross density of this district is 29 dwelling units per acre. The requirements allow a more complete use of the land in the district and provide more flexible guidelines for development and redevelopment efforts.*" Within the R-3 zoning district 12 principal permitted use types and 14 special use types may be permitted. Within the existing R-1 zoning designation 5 principal permitted use types and 10 special use types may be permitted. More specifically, the R-3 zoning district allows for a far greater range of residential uses, institutional uses, and retail commercial and service use types.

With reference to the anticipated public input and professional opinions likely to be offered concerning this request staff chooses to defer any recommendation at this time.

Mr. Schmiesing introduced Chief Building Official for Miami County Bob Bowman, who briefly explained the process that what would be required of the applicant if they should get to the point in the approval process where they are able to pursue the building permit. Mr. Bowman stated the biggest concern the County would have would be with the life safety issues.

**Staff Comments**

Mr. Oda asked what use the shelter would fall under in the R-3 Special Use, and what designation was used in Troy for their shelter. Mr. Schmiesing stated the shelter would be similar to the Boarding and Lodging House or Nursing and Convalescent Home, or the Group Home uses. Mr. Schmiesing stated he is not sure what designation Troy uses for their shelter.

Mr. Spoltman stated there is room for up to thirty-eight people at the shelter, does the current facility have enough parking spaces. Mr. Schmiesing stated there are a fair number of parking spaces available, and there is parking available on the street.

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Mr. Bill McGraw, a representative for the Bethany Center came forward and introduced Wilma Earls Executive Director of the Bethany Center, and Kathy Large President.

Mr. McGraw the request for the rezoning is to accommodate overnight shelter for persons in need and were told the rezoning would be needed. Modifications will be made to the interior to accommodate a maximum of ten men's beds and ten women's beds, with hours being from 7:00 P.M. to 7:00 A.M. with three staff members on site. The rules and procedures that were submitted in draft form to you will be looked at and finalized for training staff.

Mrs. Earls stated the reason they are asking for the rezoning is to get local homeless people off the streets and out of the elements, they will check in, be provided with food and a shower, and a place to rest.

Mr. Oda stated he understands what they are asking for but what are the needs, what are people asking for specifically. Mrs. Earls stated people are coming in and calling, and mother's with children who would like to stay in Piqua because their children are in the Piqua school system. This would allow us to provide a place in Piqua to take care of their needs, said Mrs. Earls.

Mr. Taylor stated the shelter wants to serve the local people, but how would you screen the people from coming in from other areas? Ms. Large explained there is a criteria that has to be met. They must have a mailing address within the school district of Piqua, children must be enrolled in Piqua City Schools, have immediate family currently living within the school district or be employed within the Piqua school district.

Mrs. Franz asked about the training of the volunteers and what kind of training would they receive and by whom, and what type of problems are they anticipating. Ms. Large stated they would be trained in the areas they are working in, but first we need to get the zoning through and then will get our ducks in a row. Mr. McGraw stated the training program is not yet detailed out, but will be if we get the necessary approval. Mrs. Franz inquired as to the number of volunteers they would have, if services are expanded would the same contributors be on board to support them, if they have twenty or more people more supplies will be needed would there be funds to purchase them. The question of the use of a post office box as an address was also brought up. Mrs. Franz stated she did not see a financial report in the information that was provided. Mrs. Earls stated a financial report was not presented with their request. There is enough money in our overnight lodging fund to get us started, said Mrs. Earls.

Ms. Large stated we as citizens of Piqua feel it is our duty to look after the less fortunate in our city, and to help them the best we can, by approving the rezoning this will be a step in the right direction.

Mr. McGraw stated they met with the Southview Neighborhood Association. President Jim Vetter conducted a very informative meeting allowing questions to be asked in a way that provided a good environment for open answers. Staff members Chris Schmiesing and Police Chief Bruce Jameson have been great in their openness and willingness to answer questions

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and be available for meetings and comments. Mr. McGraw stated the zoning request is compatible with the rest of the neighborhood as an R-3, the exterior of the building will not change but changes will be made to the interior, and the intent is to remove homeless people from the street and provide a safe and secure environment and asked that the Planning Commission approve the rezoning.

**Public Comment**

Don Riley, Pastor of the Gathering Place, voiced his opinion, further stating they have just received two calls in the past week and his church is in the process of drafting plans of their own for the same type of assistance program. Mr. Spoltman asked if Pastor Riley received two telephone calls this week is there any type of concrete evidence of this being a big problem in the community? Pastor Riley stated we get telephone calls all the time for assistance, but we do not want to just hand out money, we want to help people get from where they are at to where they need to be. Pastor Riley the Gathering Place would like to partner with Bethany Center to further their efforts if possible.

Lori Schmidt, N. Wayne Street, read a statement concerning the homeless, and spoke in favor of the shelter.

Vickie Byers, Morrow Street, stated she is a volunteer at the Bethany Center and expressed her support of the rezoning. There are many people in need of help and assistance and this would provide that need, said Ms. Byers.

Jim Vetter, President of the Southview Neighborhood Association, stated he is very appreciative of the City Staff and Chief Jameson on their work on the issue. Mr. Vetter stated they are very supportive of the general document that was presented. Mr. Vetter thanked the Bethany Center for creating the awareness of the homeless in the city, and for helping to raise the membership in the Southview Neighborhood Association. Mr. Vetter made reference to the letter dated March 6, 2010 that was included in the packet and explained the letter in detail. (See enclosed letter)

Staffing, security, encampment problems and inadequate planning for the building itself are of concern, also health & safety issues such as public urination, drug and alcohol problems, mental health issues, police and rescue squad problems, issues with scabies, bedbugs, lice. Rezoning issues that arise from changing the R-1 (Single Family Residential) to R-3 (Three Family Residential) they feel would leave the property open to any R-3 use that may come in the future if the funding for the homeless center falls through, a concern that a change in zoning would leave other parts of the neighborhood open for changes, based on precedence, and once the zoning is approved it would take new action from the zoning board to change the status.

Mr. Vetter further stated the Southview Neighborhood Association is concerned that the Bethany Center has not canvassed the neighborhood to see how the residents feel about having a homeless shelter in the midst of their neighborhood, and that they have not contacted other agencies in Piqua to see if there might be a more suitable facility or to see how things might be handled and planned. Mr. Vetter stated he would like to see a forum put together and assessment take place before making any decision.

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MARCH 9, 2010 - 6:00 P.M.  
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Mr. Spoltman asked if Mr. Vetter could outline how long it took them to get to this point, the number of meetings that were held and so forth. Mr. Vetter stated he attended approximately four meetings where discussion was held in regards to the plans the Bethany Center were planning on requesting the zoning change.

Mrs. Franz asked when the meetings were held, did any of the local churches show any interest in participating, and were most of the people attending from the Southview neighborhood? Mr. Vetter stated not in the meetings he attended, and he was quite distressed that this proposal only looks at one possible site. Only two residents other than the Executive Committee were present from the Southview Neighborhood.

Bill Shinell, New Haven Road, came forward and voiced his opinion on the need for a homeless shelter in Piqua and stated his support for the rezoning to an R-3 (Three-Family Residential).

Kim Treon, S. Roosevelt Avenue, came forward and voiced her opinion and support for the R-3 (Three-Family Residential) rezoning.

Jim Cline, Clark Avenue, came forward and voiced his opinion and opposition to the change in the zoning from R-1 (One-Family Residential) to the R-3 (Three-Family Residential) at this time.

Mr. Oda stated he felt we are in disagreement here and asked that all parties act in a civil manner when discussing the issues at hand.

Pastor Michael Myers, Vice President of the Piqua Association of Churches voiced his opinion on the rezoning, and stated the proposal has the full support of the Piqua Association of Churches. Pastor Myers personally stated he would be willing to facilitate with the training of the volunteers and risk assessment stating he has an extensive background in law enforcement and security. Pastor Myers further stated he knows what it is like to work with the homeless and people down on their luck and would be glad to offer his services.

Margaret Mundhenk, Lambert Drive, came forward and voiced her opinion stating she previously worked in a homeless shelter, and also addressed the post office box issue stating the homeless need a place to have their social security or their welfare checks sent. Ms. Mundhenk stated she is favor of the zoning change at this time.

Francis Davis, South Street, came forward and voiced her concern about her property values. Ms. Davis stated she would like the Bethany Center to have more informational meetings for residents to hear what they have planned before going forward.

Rodney Chilicoat, W. Grant Street, came forward and stated he grew up in the south end, previously lived in a boarding house at 410 Linden Avenue and never had any problems in the home or with the neighboring residents. Mr. Chilicoat further stated everyone needs to work together on this.

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MARCH 9, 2010 - 6:00 P.M.  
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

Gloria Stonerock, Washington Avenue, came forward to voice her opinion on the need for the homeless shelter in Piqua, and stated she is in favor of the rezoning.

Chairman Spoltman thanked all who came forward to speak.

Mr. Oda asked how many living units can there be in the R-2 Zoning, and can you put two apartments in there? Mr. Schmiesing stated in an R-2 (Two-Family Residential) you could have a two family dwelling and that would be permissible. Mr. Oda stated he has a problem with the R-3 zoning opening it up to other uses in the future, than gaining the special use, and the issue of bringing the building up to code, which is very costly. Mr. Oda further stated we need to address the issue as it is important for the whole community, look at other locations, is the Bethany Center the place to address the solutions, need to look at alternative, start out smaller like with the R-z zoning and having smaller apartment type units, and finally taking a look at all the alternatives and solutions before making a final decision.

Chairman Spoltman stated he has a issue changing from the R-1 to the R-3 zoning, and there was very little support of the change, there was a lot of talk of the homeless people but no real evidence was shown supporting that, and the issue of security raised by the Southview Neighborhood Association was not adequately addressed. Chairman Spoltman stated at this time he personally cannot support the change from R-1 to R-3. Should this not go forward, the City Commission is the next step.

Mrs. Franz stated she lived in the southview neighborhood for sixty years, safety issues need to be addressed, statements have been made to her stating three different churches have been asking for money, and there are to many beds being asked for and she cannot support the rezoning at this time.

Mr. Taylor stated from a zoning point of view he feels it is ok to change the zoning from R-1 to R-3 since it is adjacent to other R-3 zoning, but as a Special Use point he has many concerns that would need to be addressed first.

Motion was made by Mrs. Franz, to approve the request, seconded by Mr. Taylor. Voice vote, Mr. Oda, Nay; Mr. Taylor, Aye; Mrs. Franz, Nay; and Mr. Spoltman, Nay. A voice vote resulted in a 1-3 vote to deny the request at this time.

Chairman Spoltman stated the recommendation to the City Commission by the Planning Commission would be denial of the rezoning. This resolution will be on the April 6, 2010 Piqua City Commission Meeting and all who were in attendance and signed the sign in sheet will be notified of the public meeting.

Mr. Oda recommended the group gather more hard data and have available to backup their plans, strongly look at other options, and to have the construction documents in hand and ready if and when this passes.

CITY OF PIQUA, OHIO  
PLANNING COMMISSION MEETING MINUTES  
TUESDAY, MARCH 9, 2010 - 6:00 P.M.  
MUNICIPAL GOVERNMENT COMPLEX - COMMISSION CHAMBERS

**OTHER BUSINESS**

**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 8:30 p.m.

RESOLUTION No. PC 13-10

WHEREAS, Knight's Towing and Recovery, on behalf of the owner of the subject parcel located in the City of Piqua, being in a district zoned B (General Business), has submitted a request to authorize a automobile repair and towing special use of parcel N44-073740, said parcel also known as 8654 N. CR 25-A; and,

WHEREAS, an automobile repair and towing use is a special use in the B General Business zoning designation in which the property is located; and,

WHEREAS, section 154.066 of the City of Piqua Code of Ordinances provides the procedure for authorizing the special 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:

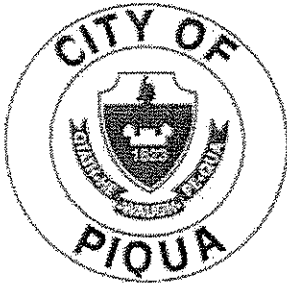
- Will be compatible with the stated intent of the zoning district.
- Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.
- Is compatible with the general economic development policies of the City.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

---

	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"/>

Date: \_\_\_\_\_



## PLANNING AND ZONING

Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-0809  
E-Mail: cschmiesing@piquaoh.org

### STAFF REPORT

Date: May 26, 2010  
To: Planning Commission  
From: Chris Schmiesing, City Planner  
Subject: 8645 N CR 25-A Automobile Repair and Towing Special Use

### GENERAL INFORMATION

Applicant: Knight's Towing  
Owner: James Rentschler Property  
Location: 8645 N CR 25-A  
Zoning: B (General Business)  
Land Use  
Existing: Automobile Repair Shop (Body shop)  
Proposed: Automobile Repair Shop (Body shop); Automobile Repair (Service Center), Towing (Dispatch and storage of towing equipment)  
Request: Authorization of special use to permit the automobile repair shop and towing operation proposed special use.

### DISCUSSION/FINDINGS

This request is to authorize the establishment of an automobile repair shop and a towing operation use of the subject premises. The property was formerly occupied by a vehicle sales, rental, and service special use of the premise that has been discontinued. Most recently an automobile repair (body shop) use of a portion of the premises was authorized by the Planning Commission. The proposed automobile repair use will occupy the former service center portion of the existing building structure and the existing pavement surface area will be used for the storage of towing equipment incidental to the towing operation. No additional details have been provided.

### COMPREHENSIVE PLAN

The goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of permitting property uses that contribute positively to the neighborhood concerned and the community in general. The Plan recognizes the significant impact the built environment has on the aesthetics of the community and the overall community image and encourages the mitigation of any negative affects a proposed use or improvement may produce if left unattended. Current non-standard conditions found at this site include the non-existence of a setback from the property lot lines to the nearest edge of the pavement surface and landscaping required incidental to parking lot improvements.

## STAFF REPORT

Date: May 26, 2010

Subject: 8645 N CR 25-A Automobile Repair and Towing Special  
Use

Page 2

### CONCLUSION

The proposed automobile repair shop use of the existing building facility is consistent with the most recent past use of this property that operated for numerous years with no known issues. The required off street parking necessary to support the proposed automobile use is available, although the proposed parking space locations will need to be clearly identified on a site plan before a zoning permit will be issued (assuming the Planning Commission authorizes the special use). No information was provided concerning proposed signage for the business, proposed hours of operation, number of service bays available, number of employees that will staff the facility, dumpster facility location, or any planned improvements to the facility.

The proposed towing operation will introduce a new use to the site that will bring with it characteristics not previously found at this location. While minimal information was included with the submittals provided it is self evident from the activity already taking place on the site that the use will include at the very least the parking and/or storage of large tow-truck equipment

### RECOMMENDATION

Staff recommends that the Planning Commission **approve** the requested special use of the parcel with the following conditions:

1. The off street parking spaces required for the proposed uses of the premises will be identified on a site plan to be submitted with the zoning permit request.
2. The storage and/or parking of tow equipment be limited to that area located to the south/west *side* of the building improvements and will not be permitted to be located in the *front* of the building.
3. The storage and/or keeping of impounded or damaged or inoperable vehicles will be limited to only the fenced in area to the *rear* of the building.
4. No other items other than those specifically noted herein shall be stored in or on any area of this premises that is exterior of the building improvements found at this location.
5. A five foot setback from the front lot line to the nearest edge of the pavement area will be established by the removal of the existing pavement, the installation of parking blocks along the new edge of pavement, and the installation of topsoil, grass, and not less than 5 tree and 12 bush plantings in the excavated pavement area. The species and sizes of the plantings shall be of a variety and scale appropriate to the landscape space available and the improvements found on this lot, as deemed acceptable by the City Planner.

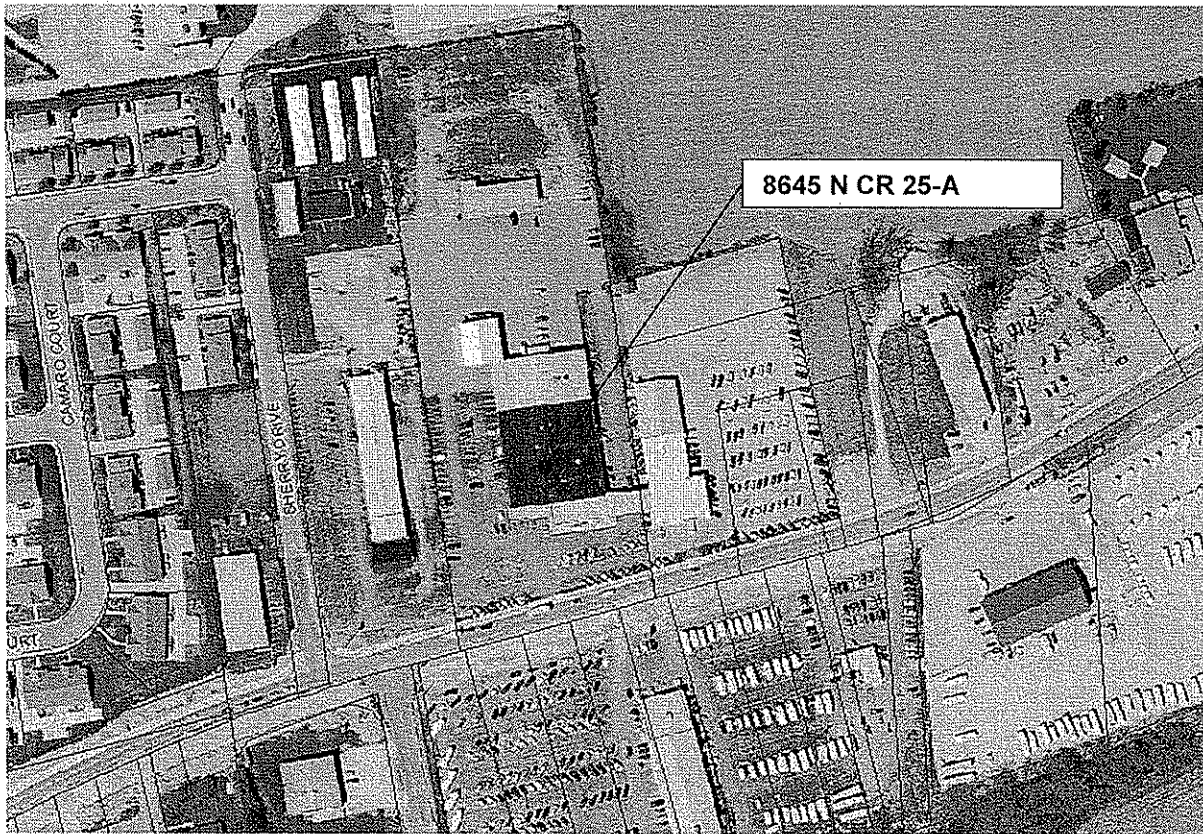
STAFF REPORT

Date: May 26, 2010

Subject: 8645 N CR 25-A Automobile Repair and Towing Special Use

Page 3

VICINITY MAP



CITY OF PIQUA, OHIO

Application for Special Use Permit

- 1. Applicant's Name Knights Towing and Recovery Phone 937-778-9052  
937-497-9121  
Applicant's Address 160 S. STOLLER AVE
- 2. Owner's Name Donas Austin Knight Phone 937-538-6649  
937-989-7110  
Owner's Address 1088 S. KATHAR RD Sidney, OH
- 3. Type of legal interest held by applicant Owner of Business
- 4. Location of Special Use Permit request  
A. Legal description (Inlot No. or attach legal description) N 44-073750  
B. Address 8654 N. CO RD 25A PO. BOX 602 PIQUA 45356
- 5. Existing zoning B GENERAL BUSINESS
- 6. Existing usage AUTOMOBILE CAR SALES & SERVICE
- 7. Proposed usage AUTOMOBILE SERVICE + TOWING
- 8. Proposed special usage \_\_\_\_\_
- 9. No. of plot plans submitted (10 required UNLESS waived) 10
- 10. Describe the reason for the requested special use:  
PER ZONING TYPE OF BUSINESS  
OPERATED IS CONDITIONALLY PERMITTED

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.

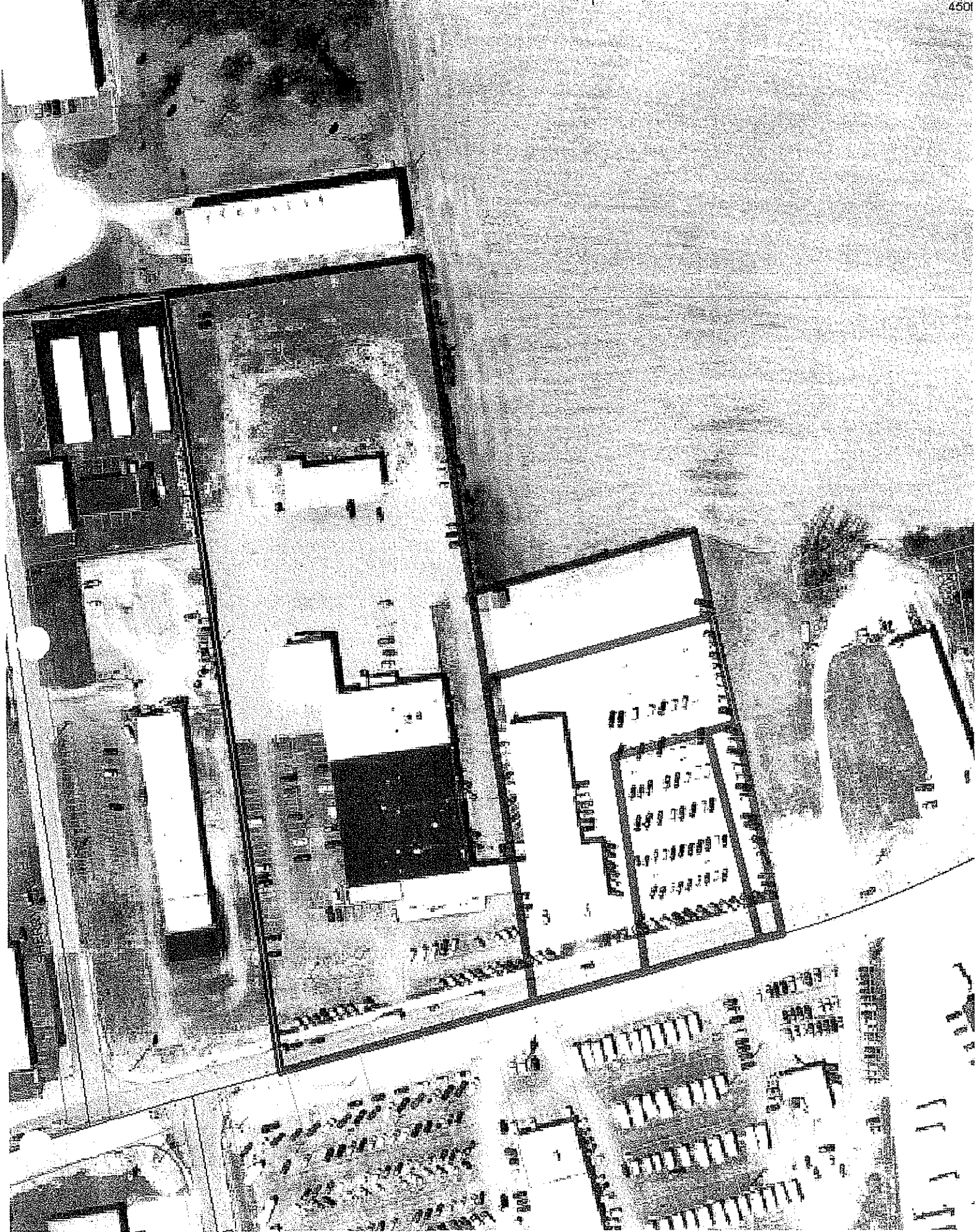
Signature of Applicant [Signature] Date 5-4-10  
 Signature of Owner [Signature] Date 5-4-10

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 Cash | Date Fee Paid 5-4-10  
 Receipt No. 194832 | P.C. Res. No. \_\_\_\_\_

PARCEL ID # N44-073750



thence North 76 deg. 03' 49" East with the South line of said 1.00 acre tract and the North line of Inlot 7683 a total distance of 229.00 feet to an iron pin;

thence North 11 deg. 24' 11" West with the East line of said 1.00 acre tract a total distance of 190.22 feet to an iron pin;

thence North 75 deg. 47' 14" East with the present Corporation line 500.31 feet to an iron pin;

thence South 85 deg. 38' 46" East with the present Corporation line a total distance of 456.94 feet to an iron pin;

thence South 9 deg. 07' 25" East partly with the East line of Inlot 7683, a total distance of 524.59 feet to an iron pin marking the Southwest corner of Inlot 7413;

thence South 81 deg. 04' 17" West crossing Inlot 7683, a total distance of 1148.63 feet to a P.K. nail at the intersection with the centerline of Hetzler Road, witness an iron pin 30.03 feet distant on line last described;

thence North 11 deg. 22' 38" West with the West line of Inlot 7683 same being the centerline of Hetzler Road a total distance of 373.81 feet to the place of beginning.

The above described Part of Inlot 7683 contains a total of 14.687 acres, same being subject to all legal highways, easements and restrictions of record.

Reference: Lot Survey Volume 20, Page 20.  
Prior Instrument Reference: Deed Volume 638, Page 298.

SUBJECT TO LEGAL HIGHWAYS, EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD.

B:\SHERTEL.TS7  
JMG.tls 06/10/96

8.00

<b>TRANSFERRED</b>	
In compliance with ORC §16.02	
CHRIS A. PEPPLES, Miami County Auditor	
By <i>[Signature]</i>	
<b>JUN 17 1996</b>	
Total Fee	\$ _____
ORC 319.54	\$ _____
ORC 322.02	\$ _____
Exempt	<input checked="" type="checkbox"/>

1048	<b>RECEIVED</b>	<i>[Signature]</i>
	O'CLOCK	M
<b>JUN 17 1996</b>		
FEE <i>26.00</i>		
JOHN W. GARDNER RECORDER, MIAMI COUNTY, OHIO		

EXHIBIT "A"

TRACT I:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7415 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT II:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7417 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT III:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7439 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT IV:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7440 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT V:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7441 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT VI:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7442 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT VII:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7443 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT VIII:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7444 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

TRACT IX:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Lot 7445 of the consecutive number of Lots on the revised plat of the said City of Piqua.

Prior Instrument Reference: Volume 647, Page 567 of the Deed Records of Miami County, Ohio.

BY DAVID G. J. J. J.

TRACT X:

Situate in the City of Piqua, County of Miami, State of Ohio, and being Inlot 7418, as shown in Miami County Records Plat Book 13, Page 31.  
Prior Instrument Reference: Volume 647, Page 569 of the Deed Records of Miami County, Ohio.

EXCEPTING THEREFROM:

Situate in the Northwest Quarter of Section 25, Town 1, Range 12 MRS, City of Piqua, Miami County, Ohio and being part of Inlot 7418 of said City, more particularly described as follow:

Beginning at the northeast corner of the northwest quarter of Section 25, thence N 80°19'00" W with the north line of said Section 25 a distance of 1037.0 feet, thence S 1°12'00" E a distance of 640.57 feet to the centerline of County Road 25-A, thence S 63°47'00" W with said centerline a distance of 683.40 feet to an angle point in said road, thence S 79°10'00" W continuing with said centerline a distance of 120.29 feet to the southeast corner of Inlot 7420 of said City, thence N 3°27'00" W a distance of 248.10 feet to the northeast corner of Inlot 7420 and the southeast corner of Inlot 7418 of said City and the point of beginning of the hereinafter described tract of land;

Thence from said point of beginning S 79°10'00" W with the north line of Inlot 7420 and the south line of Inlot 7418 a distance of 69.61 feet to an iron pin; thence N 7°47'06" W a distance of 124.14 feet to an iron pin in the north line of Inlot 7418 and the south line of Inlot 7429; thence N. 79°10'00" E with said common inlot line a distance of 79.07 feet to an iron pipe at the northeast corner of said Inlot 7418; thence S 3°27'00" E with the east line of said Inlot 7418 a distance of 125.00 feet to the place of beginning, containing 0.212 Acres, more or less, subject, however, to all legal easements and covenants of record. Survey Reference: Vol. 18, Pg. 45 Miami County Engineer's Lot Surveys. Prior Deed Reference: Book 574, Page 318. Prior Land Survey: Volume 14, Plat 37. Bearing basis: South line of Land Survey, Vol. 29, Plat 58.

Prior Instrument Reference for Exception: Volume 606, Page 347 of the Deed Records of Miami County, Ohio.

TRACT XI:

Being Lot Number Seven Thousand Four Hundred Nineteen (7419) in the City of Piqua, Miami County, Ohio.

Prior Instrument Reference: Volume 647, Page 569 of the Deed Records of Miami County, Ohio.

TRACT XII:

Situate in the Northwest Quarter of Section 25, Town 1, Range 12 MRS, City of Piqua, Miami County, Ohio and being part of Inlot 7420 of said City, more particularly described as follow:

Beginning at the northeast corner of the northwest quarter of Section 25, thence N 80°19'00" W with the north line of said Section 25 a distance of 1037.0 feet, thence S 1°12'00" E a distance of 640.57 feet to the centerline of County Road 25-A, thence S 63°47'00" W with said centerline a distance of 683.40 feet to an angle point in said road, thence S 79°10'00" W continuing with said centerline a distance of 196.53 feet to the southwest corner of Inlot 7420 of said City and the point of beginning of the herein described tract of land;

Thence from said point of beginning N 9°58'08" W with the west line of said Inlot 7420, passing an iron pin at 30.00 feet, a distance of 246.07 feet to an iron pin at the northwest corner of said lot; thence N 79°10'00" E with the north line of said lot a distance of 34.80 feet to an iron pin; thence S 7°47'06" E a distance of 246.39 feet to a P.K. Nail in the centerline of County Road 25-A; thence S 79°10'00" W with said centerline a distance of 25.41 feet to the place of beginning, containing 0.170 Acres, more or less, subject, however, to all legal highways, easements, and covenants of record.

Prior Deed Reference: Book 647, Page 569. Prior Land Survey: Volume 14, Plat 159. Bearing basis: South line of Land Survey Vol. 29, Plat 58. Survey Reference: Volume 18, Page 45 Miami County Engineer's Record of Lot Surveys.

Prior Instrument Reference: Volume 606, Page 343 of the Deed Records of Miami County, Ohio.

TRACT XIII:

Situate in the Northwest Quarter of Section 25, Town 1, Range 12 MRS, City of Piqua, Miami County, Ohio and being part of Inlot 7429 of said City, more particularly described as follow:

Beginning at the northeast corner of the northwest quarter of Section 25, thence N 80°19'00" W with the north line of said Section 25 a distance of 1037.0 feet, thence S 1°12'00" E a distance of 640.57 feet to the centerline of County Road 25-A, thence S 63°47'00" W with said centerline a distance of 683.40 feet to an angle point in said road, thence S 79°10'00" W continuing with said centerline a distance of 171.12 feet to a point, thence N 7°47'06" W a distance of 370.53 feet to an iron pin in the south line of Inlot 7429 and the north line of Inlot 7418 of said City a distance of 79.07 feet west of the northeast corner of said Inlot 7418, said iron pin being the point of beginning of the herein described tract of land;

Thence from said point of beginning S 79°10'00" W with the common line of Inlot 7418 and Inlot 7429 a distance of 269.54 feet to an iron pipe at the southwest corner of Inlot 7429 and a point in the east line of Inlot 7417; thence N 3°30'00" W with the common line of Inlot 7429 and Inlot 7417 a distance of 100.68 feet to an iron pin; thence N 79°10'00" E a distance of 262.00 feet to an iron pin; thence S 7°47'06" E a distance of 100.00 feet to the place of beginning, containing 0.609 Acres, more or less, subject, however, to all legal easements and covenants of record.

Reference: Lot Survey Volume 18, Page 45.

Prior Instrument Reference: Volume 606, Page 345 of the Deed Records of Miami County, Ohio.

SUBJECT TO LEGAL HIGHWAYS, EASEMENTS, CONDITIONS, AND RESTRICTIONS OF RECORD.

TRACT XIV:

Situate in the City of Piqua, County of Miami, and State of Ohio, and bounded and described as follows:

Being Inlot Number Five Thousand Eight Hundred Fifty (5850) in Sunset Gardens Subdivision Section One (1) as shown on the recorded plat thereof and recorded in Plat Book 8, p. 63 of the Miami County Recorder's Record of Recorded Plats, subject to all easements and restrictions of record.

Prior Instrument Reference: Deed Volume 650, Page 360.

TRACT XV:

Situate in the City of Piqua in the County of Miami and State of Ohio, and bounded and described as follows:

Being a part of Inlot 7414 in the City of Piqua, County of Miami and State of Ohio, as shown by survey filed at Volume 16, Page 181 of the Miami County Engineer's Record of Lot Surveys, and being more particularly described as follows:

Beginning at the iron pin marking the Northeast corner of Inlot 7414; thence South 6 deg. 33' East, along and with the East line of Inlot 7414 and the West right-of-way line of Sherry Drive, a distance of 466.86 feet to an iron pin; thence South 83 deg. 27' West, a distance of 110.48 feet to an iron pin on the West line of Inlot 7414; thence North 6 deg. 52'15" West, along and with the West line of Inlot 7414, a distance of 466.86 feet to the iron pin marking the Northwest corner of Inlot 7414; thence North 83 deg. 27' East, along and with the North line of Inlot 7414, a distance of 113.13 feet to the iron pin marking the Northeast corner of Inlot 7414 and the place of beginning of this description. Containing a total of 1.198 acres and being subject to any and all legal highways, easements and restrictions of record.

TRACT XVI:

Situate in the City of Piqua, County of Miami and State of Ohio, and bounded and described as follows:

Being Lots Seven Thousand Four Hundred Seventy-seven (7477) and Seven Thousand Six Hundred Eighty-three (7683) in the said City of Piqua, Ohio.

EXCEPTING THEREFROM:

Situate in the State of Ohio, County of Miami, City of Piqua and being a part of Inlot 7683, in said City, more particularly described as follows:

Beginning at a railroad spike in the centerline of Hetzler Road which marks the Northwest corner of 7683, same being the Southwest corner of a 1.00 acre tract witness an iron pin 30.0 feet distant on line next described;

GENERAL WARRANTY DEED

199950

PAUL SHERRY, Married, Grantor, for valuable consideration paid, grants with general warranty covenants, to SHERTEL COMPANY, an Ohio Corporation, Grantee, whose tax mailing address is P.O. Box 1446, Piqua, Ohio 45356, the following real property: Situated in the County of Miami, in the State of Ohio, and in the City of Piqua:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION OF REAL ESTATE.

Prior Instrument Reference: Volume 647, Page 569; Volume 650, Page 360; Volume 617, Page 393; and Volume 638, Page 298 of the Deed Records of Miami County, Ohio. ANITA SHERRY, wife of the Grantor, releases all rights of dower therein.

Witness their hands this 13th day of June, 1996.

Signed and acknowledged in the presence of:

John M. Garmhausen
Ralph F. Keister

Paul Sherry
Anita Sherry by Paul Sherry, her Attorney-in-Fact

STATE OF OHIO
COUNTY OF SHELBY / ss:

Before me, a Notary Public in and for said County and State, personally appeared the above named PAUL SHERRY and ANITA SHERRY, by Paul Sherry, her Attorney-in-Fact, pursuant to Power of Attorney recorded at Volume 14, Page 202 of the Power of Attorney Records of Miami County, Ohio, husband and wife, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial seal this 13th day of June, 1996.

Notary Public
John M. Garmhausen
Notary Public, State of Ohio
Commission Does Not Expire
Pursuant to Sec. 147.05 C.R.C.

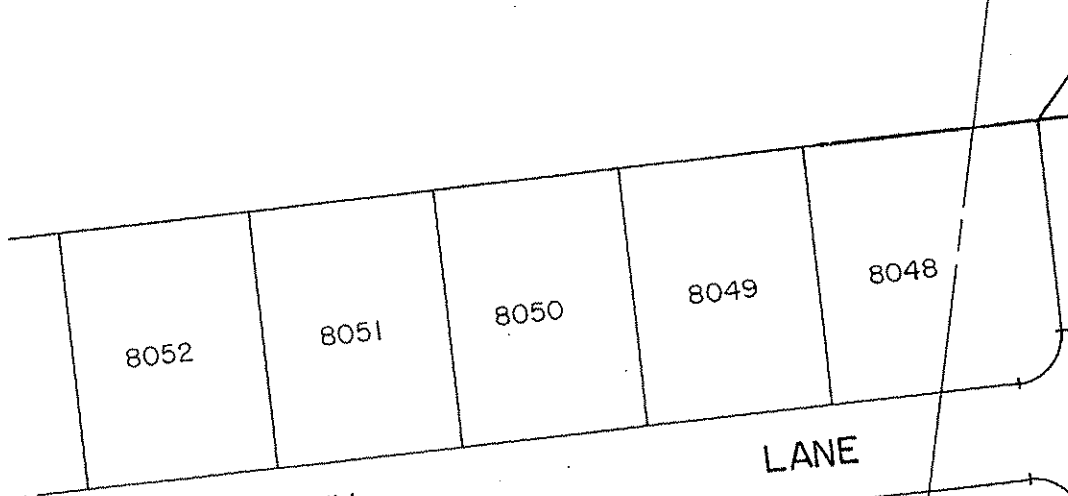
This instrument prepared by: FAULKNER, GARMHAUSEN, KEISTER & SHENK, A Legal Professional Association, Courtview Center-Suite 300, 100 South Main Avenue, Sidney, OH 45365.

8:DEED\SHERTEL2.TS7
JMG:ls 06/13/96

PT. 7413  
3.899 AC

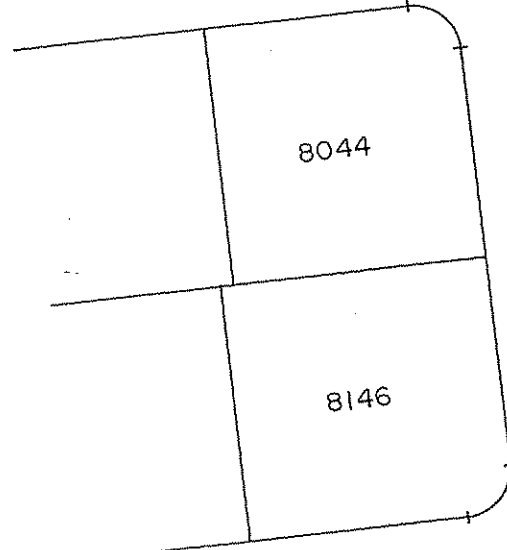
B.J. ZIMMERMAN  
D.B. 598 - 636

LAND SUR. VOL. 27, PG. 2  
LOT SUR. 21-79, 22-35  
369.28'

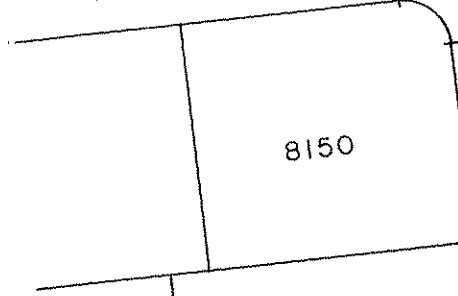


CHEVY

LANE

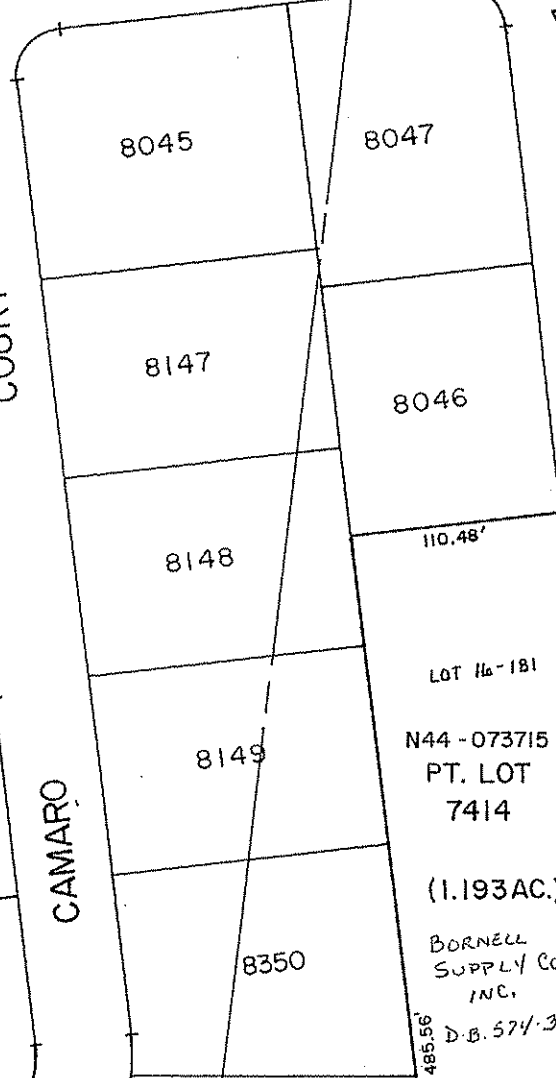


VAN WAY



CAMARO COURT

COURT



SHERRY DRIVE

R/W 50' Reg. BK 11-73

LND. 27-2  
1.293 AC.  
N44-073720  
7415

Finkes Property LLC  
DB 779-524

D.J. HEMM  
DB 626-883

N44-073730  
7416  
2.882 AC.

LOT 16-181  
N44-073715  
PT. LOT  
7414

(1.193 AC.)

BORNELL  
SUPPLY Co.  
INC.  
D.B. 574-325

(LOT 20 - 171)

N44-073740  
7417  
6.000 AC.

THE JAMES-RENTSCHLER  
PROPERTY CO. LLC  
DB. 765-709

LAND SUR. VOL. 17, PG. 55  
LAND SUR. VOL. 20, PG. 16

1" = 100' SCALE

ANNEXATION PLAT RECORDED IN RECORD

COUNTY ROAD 25A

RESOLUTION No. PC 14-10

WHEREAS, section 32.001 (C) of the City of Piqua Code of Ordinances states the members of the Planning Commission shall be vested with the powers as provided in section 94 of the Piqua Charter; and,

WHEREAS, section 94 of the City of Piqua Charter states the Planning Commission shall have powers "...concerning the plan, design, location, removal, relocation, and alteration of any buildings or structures belonging to the city or location in public streets or public property; the location, widening, extension, and vacation of streets, parks, parkways, playgrounds, and other public places; the approval of plats for the subdivision of land; location of railroads and street railways; the zoning of the city..."; and,

WHEREAS, the Planning Commission has studied the proposal to change the street name of that portion of Statler Road located within the City of Piqua Corporation Limits between Main Street and Staunton Street, and that portion of Bridge Street located within the City of Piqua Corporation Limits from the point where Bridge Street intersects with Statler Road to Staunton Street; and,

WHEREAS, the Planning Commission recognizes that Main Street is the east west divider for address assignments along east west streets and roadways inside the corporation limits and acknowledges that address assignments to structures located along the aforementioned portions of roadway shall be referred to as East Garnsey Street; and,

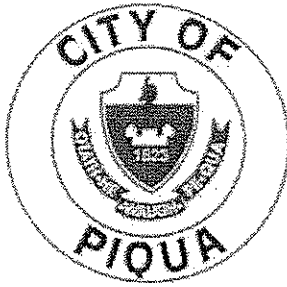
Whereas, Planning Commission has studied the proposal presented and recommends the following;

NOW THEREFORE BE IT RESOLVED, board member \_\_\_\_\_ hereby moves to recommend \_\_\_\_\_ of 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 herby 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"/>

Date: \_\_\_\_\_



## PLANNING AND ZONING

Christopher W. Schmiesing – City Planner  
201 West Water Street • Piqua, Ohio 45356  
(937) 778-2049 • FAX (937) 778-0809  
E-Mail: [cschmiesing@piquaoh.org](mailto:cschmiesing@piquaoh.org)

### STAFF REPORT

Date: May 26, 2010  
To: Planning Commission  
From: Chris Schmiesing, City Planner  
Subject: Statler Road and Bridge Street Name Change

### GENERAL INFORMATION

Applicant: City of Piqua  
Owner: N/A  
Location: Statler Road from Main Street to Stanton Street  
Zoning: N/A  
Land Use  
Existing: N/A  
Proposed: N/A  
Request: Change the name of that portion of Statler Road from Main Street to Staunton Street to be Garnsey Street

### DISCUSSION/FINDINGS

This request is to recommend the name change of a portion of Statler Road from Main Street to Staunton Street, and a portion of Bridge Street near Staunton Street. Currently the referenced portions of Statler Road and Bridge Street is posted as Garnsey Street and the parcels adjacent to this segment of roadway located inside the City limits use Garnsey Street and Bridge Street address assignments. While the subject roadway segment is one continuous through street, the plat reflects the roadway as being two separate roadway segments with two separate names, neither of which reflect the street name posted. Because of this discrepancy problems arise when the occupants of the properties located on this stretch of roadway request a response from safety service agencies or utility companies of the like, or simply try to have a pizza delivered to their residence.

### CONCLUSION

The proposed street name change will reflect the street name already used by the general public to refer to this stretch of roadway and will modify the necessary documents to make official the street name currently in use. This action will remedy a condition that at the very least is an inconvenience to the affected property owners and at its worst may result dire consequences. The Piqua Materials property located across the roadway is located outside of the city limits and the address assignment for this business will not be affected by the proposed change. Changing the street name will result in a change to the street name currently being used as the mailing address at 3 of the 4 affected properties.

## STAFF REPORT

Date: May 26, 2010

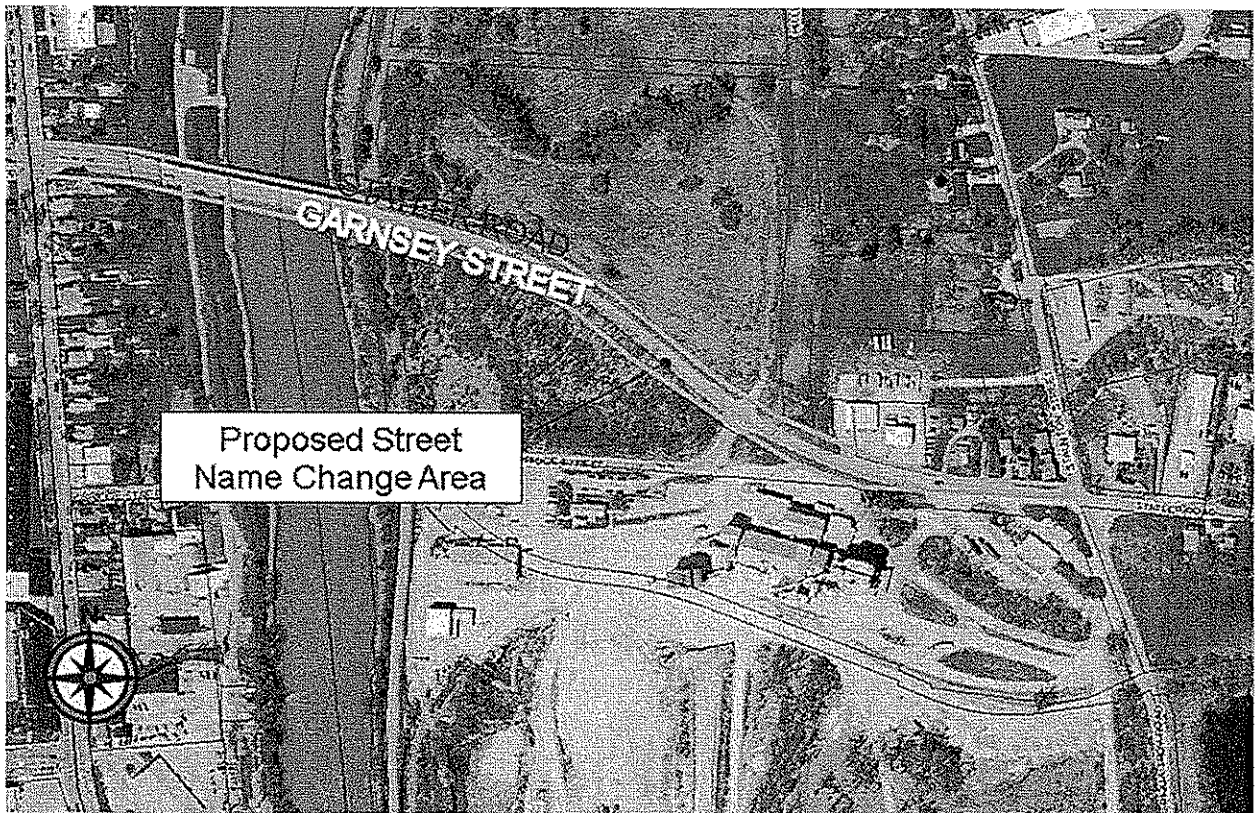
Subject: Statler Road and Bridge Street name Change

Page 2

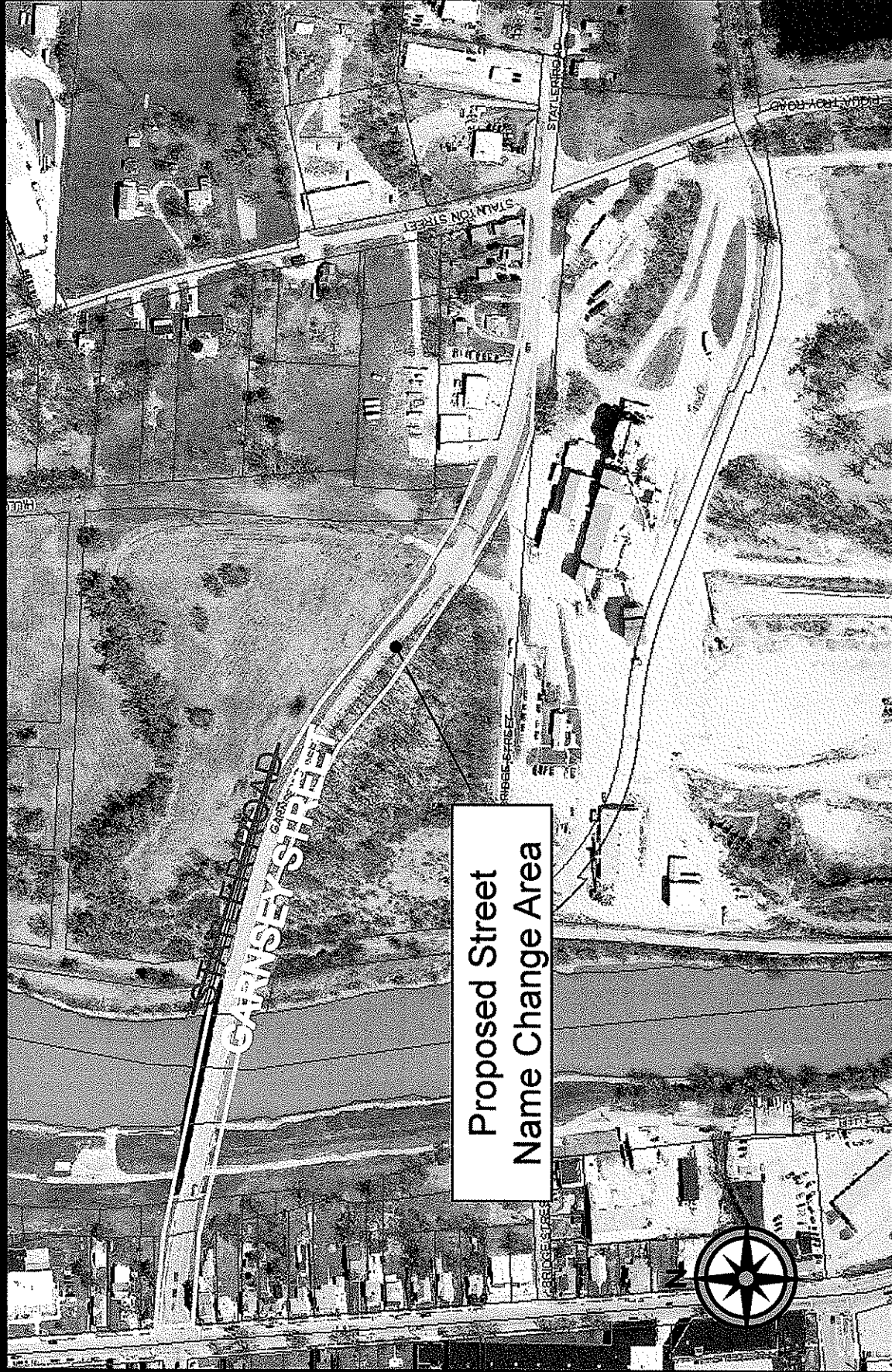
### RECOMMENDATION

Staff recommends that the Planning Commission **approve** this request.

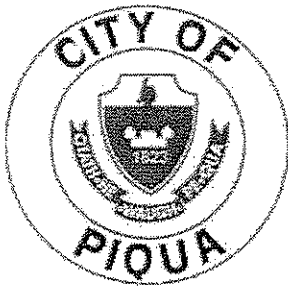
### VICINITY MAP



EXHIBIT



PROPOSED STATLER ROAD NAME CHANGE TO GARNSEY STREET



**DEVELOPMENT OFFICE**

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 28, 2010

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

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

TIME: **6:00PM**  
DATE: **Tuesday, June 8, 2010**  
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.

A handwritten signature in cursive script that reads "Chris Schmiesing".

Christopher W. Schmiesing  
City Planner

Enc.

**PLANNING COMMISSION  
JUNE 8, 2010  
MAILING LIST**

RESOLUTION	NAME	MAILING ADDRESS	CITY STATE ZIP
<b>MEETING NOTICE AND AGENDA TO:</b>			
	MUNICIPAL GOVERNMENT COMPLEX PUBLIC BULLITEN BOARD		
PC 13-10	KNIGHTS TOWING	1088 S KUTHER RD	SIDNEY OH 45365
PC 13-10	RICK JAMES	TIMBERLEA TRAILS	KETTERING, OH 45429
PC 13-10	HEMM DANIEL J	2596 W ST RT 47	SIDNEY OH 45365
PC 13-10	FINKES PROPERTIES LLC	1025 GEISERMAN RD	PIQUA OH 45356
PC 13-10	ZIMMERMAN BURKHARDT J	2580 W FENNER RD	TROY OH 45373
PC 13-10	JAMES RENTSCHLER PROPERTY COMPANY LLC	PO BOX 602	PIQUA OH 45356
PC 13-10	SCARBOURGH FAMILY LIMITED PARTNERSHIP	3492 NE CAUSWAY BLVD APTT 401	JENSEN BEACH FL 34957
PC 13-10	SHERTEL COMPANY AND OHIO CORPORATION	PO BOX 742	PIQUA OH 45356
PC 14-10	SEIPEL NORMAN R JR & KATHY JO	222 E BRIDGE STREET	PIQUA OH 45356
PC 14-10	MALLON THOMAS A	220 E BRIDGE STREET	PIQUA OH 45356
PC 14-10	HAUSFELD GERALD & MARY ANN	221 S WAYNE STREET	PIQUA OH 45356
PC 14-10	SKINNER DORIS ELBERTA	PO BOX 1441	PIQUA OH 45356
PC 14-10	PIQUA MATERIALS INC	1750 W STATLER RD	PIQUA OH 45356
<b>ENTIRE PACKET TO:</b>			
	FRED ENDERLE	INTER-OFFICE MAIL	
	CHRIS SCHMIESING	INTER-OFFICE MAIL	
	PLANNING COMMISSION	REGULAR MAIL	
<b>E-MEETING NOTICE TO:</b>			
	AMY WELKER	EMAIL	
	CHRIS BOEKE	EMAIL	
	CITY COMISSION	EMAIL	
	DEAN BURCH	EMAIL	
	DEBBIE STEIN	EMAIL	
	FRED ENDERLE	EMAIL	
	BILL MURPHY	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	