

PLANNING COMMISSION AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, AUGUST 4, 2009
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

- | | |
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| 3. Meeting Minutes | Adoption of July 7, 2009 Meeting Minutes |
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NEW BUSINESS

- | | |
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| 4. Resolution PC 17-09 | A resolution authorizing a General Merchandise use to be located at 1129 Park Avenue. |
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OTHER BUSINESS

- | | |
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| 5. MONTHLY REPORT | General Information, Legislative Update, Special Projects, Permits |
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ADJOURNMENT

- | | |
|----------------|-------------------------|
| 6. Adjournment | Adjourn Regular Session |
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CITY OF PIQUA, OHIO
PLANNING COMMISSION MEETING MINUTES
TUESDAY, JULY 7, 2009 6:00 P.M.
MUNICIPAL GOVERNMENT COMPLEX – COMMISSION CHAMBERS

CALL TO ORDER

6:00 P.M. – Chairman Mark 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: Jim Vetter, Joanna Hill Heitzman, Al Cooper, Rosalie Cooper, Frank Barhorst, Brad Ulbrich, Chris Brubaker, Don Holtgraven, Derek Scharsch, Bernie DeMange.

Chairman Spoltman introduced William P. Murphy, the new Economic Development Director/Assistant City Manager.

Mr. Murphy stated he is excited to be in Piqua, and is looking forward to working with the Planning Commission on some exciting projects within the community.

MEETING MINUTES

Chairman Spoltman asked if there were additions, deletions or corrections to be made to the June 2, 2009 meeting minutes included in the agenda packet. Mr. Oda made a motion to approve the June 2, 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, Aye. A voice vote resulted in a 5-0 vote in supporting the motion to approve the meeting minutes as submitted.

NEW BUSINESS

PC-14-09

A resolution requesting authorization of a vehicle sales special use to be located at 336 S. Main Street

Mr. Schmiesing stated all surrounding property owners were notified, and one letter was received from the Southview Neighborhood Association. (Mr. Schmiesing passed out copy of the letter). Mr. Schmiesing reviewed the staff report concerning this request. The report indicated the request is to authorize a vehicle sales special use of the property located at 336 S. Main Street. The proposed use includes occupying the existing building with a small sales office and detail shop. The plan calls for utilizing the existing parking lot area for the display of vehicles, and for customer parking. They currently propose to have nine vehicles displayed for sale, and have two customer vehicles parked on the lot at any one time.

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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. The proposed display of vehicles and customer parking will utilize all of the existing pavement surface area and encroaches into the prescribed setback area, and will result in parking stalls and maneuvering lanes dimensions that do not conform to the adopted community standards. The proposed display of vehicles on the drawing provided shows vehicles extending all the way to the front lot line, with no setback or buffer being provided between the public sidewalk and the vehicle display area. Staff recommended certain conditions related to a minimum setback requirement intended to prevent an obstruction of the public sidewalk be considered.

Bernie DeMange, Fox Harbor Drive, Troy, applicant came forward and stated he would like to utilize this area for vehicle sales. Mr. DeMange gave a brief overview of the activities that would take place. Mr. DeMange stated he would be employing MRDD students from Riverside School, who will be learning to detail and sell vehicles.

There was discussion of the concerns in the letter by the Southview Neighborhood Association, and the conditions suggested by the staff report.

Brad Ulbrich, owner of the property came forward to voice his concern over several of the conditions that were recommended. Mr. Ulbrich stated he is not willing to put concrete curbing across the front, stating it would not be feasible to do so. There was discussion over possible use of landscaping, and the use of something other than concrete barriers in front of the cars such as landscape timbers, planters, or concrete parking blocks. Mr. Schmiesing explained the reason for the barrier requirement, noting the concrete curbing would keep the vehicles from encroaching over the sidewalk as they have in the past at this location.

Mr. Ulbrich stated he is frustrated over the requirement of the concrete curbing, noting that there is limited space in front of the building and they would like to maintain the entire pavement area for parking and traffic patterns and be able to pull out over the sidewalk to exit the lot when necessary. Mr. Ulbrich further stated he is afraid to commit to the recommendations required until he understands what he is required to do at this time to obtain the special use. Mr. Schmiesing repeated the explanation for the proposed conditions, noting that the current conditions are non-standard and the conditions merely bring the existing improvement more into compliance with the adopted community standards. Mr. Schmiesing suggested that in this case, rather than requiring full compliance with the adopted standards, using concrete parking blocks to address the encroachment concern and bringing the conditions closer to being in compliance but not 100% into compliance may be a reasonable option for the Planning Commission to consider. Mr. Ulbrich stated he is agreeable to installing concrete parking blocks in front of each of the vehicles to keep them from encroaching over the sidewalk.

The board briefly discussed the appropriate dimension for the parking blocks to be setback, taking into consideration the overhang of an automobile when pulled tight to the parking block. The board ultimately concluded that a setback of three (3) feet from the lot line would be appropriate.

Chairman Spoltman went over the recommendations with the changes made as follows:

Conditions are as stated:

1. No more than nine (9) display vehicles may occupy lot at any given time.
2. The display vehicles shall be setback a minimum of three (3) feet from the front line.
3. Concrete parking block shall be installed at the three (3) foot minimum setback line.

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4. A minimum drive opening width of 30 feet shall be maintained for the drive located at the north end of the lot.
5. A minimum of three (3) off-street parking spaces shall be provided at the north end of the lot.
6. The vehicle sales special use authorization shall automatically terminate upon any discontinuance of the vehicle sales use of the subject premises.

Public Comment

Jim Vetter, South Downing Street, President of the Southview Neighborhood Association came forward to voice his concerns on the list previously presented to the Planning Commission. He stated he felt most the concerns had been addressed previously in the discussions prior to his speaking.

Al Cooper, S. Main Street, Vice-President of the Southview Neighborhood Association came forward to inquire as to what the hours would be for the vehicle sales. Mr. DeMange explained the hours of operation would be from 9:00 A.M. to 7:00 P.M.

Chairman Spoltman stated he feels the car sales at this location is much less intrusive than of some of the past uses, and with the compromise with the parking blocks to keep the vehicles off the sidewalk, he feels it is a good use of the location.

Chairman Spoltman stated the applicant and property owner were both in agreement with the conditions as stated previously.

Mr. Oda stated he agrees with the comments as stated, and feels it is a good use of the site, and thinks the use of the concrete parking blocks to keep the vehicles off the sidewalk is the answer to the barrier requirement. Mr. Oda commended Mr. DeMange for employing the MRDD students and working with Riverside School.

No one else came forward to speak for or against PC 14-09 at this time.

Mr. Oda moved to approve the request as noted and Mrs. Franz seconded the motion. Roll Call vote, Mr. Oda, Aye; Mr. Bubp, Aye; Mr. Taylor, Aye; and Mrs. Franz, Aye, and Spoltman, Aye. Nay, None. A Roll Call vote resulted in a 5-0 vote to approve the request with conditions as stated and agreed to by the applicant and the property owner.

PC-15-09 & PC-16-09

A request to authorize a dwelling unit special use to be located at 124 W. Greene Street.

A request to authorize a banquet facility special use to be located at 124 W. Greene Street.

Mr. Schmiesing stated the two resolutions are the located at the same property, and this request is to authorize a one-family dwelling unit and banquet facility special use. The premises will also be occupied by a specialty retail use and a parking lot use, both of which are permissible principal permitted or accessory uses in the Central Business District zoning designation. Two off-street parking spaces are required for the dwelling unit use, with the location of the property being in CBD exempting all other uses from the off-street parking requirements. There are currently 10 off-street parking spaces available at this location and additional public parking spaces available immediately across the street.

Derek Scharsch, 124 W. Greene Street, owner came forward and explained his plans for the use of the property. There was discussion of the types of businesses that could possibly go in,

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what portion of the structure would be used as residential area, and the location of each of the areas to be used for business.

Mr. Oda stated Mr. Scharsch is purchasing the property on Land Contract from the Library and on behalf of the Library Board they feel it is a positive use of the structure.

Public Comment

No one came forward to speak for or against Resolution PC-15-09 and PC 16-09.

Mrs. Franz moved to approve the request for the dwelling unit special use located at 124 W. Greene Street. Roll call vote, Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye. Nay, None. Mr. Oda abstained. A Roll Call vote resulted in a 4-0 vote to approve the dwelling unit special use at 124 W. Greene Street. .

Mrs. Franz moved to approve the request for the banquet facility special use located at 124 W. Greene Street. Roll call vote, Mr. Bubp, Aye; Mr. Taylor, Aye; Mrs. Franz, Aye; Mr. Spoltman, Aye. Mr. Oda abstained. A Roll Call vote resulted in a 4-0 vote to approve the banquet facility special use at 124 W. Greene Street.

OTHER

Annexation - Zoning designation of 4243 W. U.S. Rt. 36

Mr. Schmiesing gave a brief overview of the zoning status of 4243 W. U.S. Rt. 36, the Piqua Steel Company property, which is currently being annexed into the City of Piqua. Mr. Schmiesing explained that current county zoning of the property is I-2 Heavy Industrial and that is that designation under which he suggests the property be annexed into the City. A voice vote of the Planning Commission resulted in a 5-0 vote in favor of allowing the property to be annexed into the city with the same zoning designation as it currently holds in the county.

Intersections Improvements Study – Intersections Improvements Study Implementation Plan

Mr. Schmiesing gave a brief overview of the Intersections Improvement Study Implementation Plan, explaining the content of each section of the Plan. There was discussion of the need and use for traffic signals versus stop signs in several areas. Mr. Schmiesing stated he wanted to make sure the Planning Commission was given the opportunity to review and comment on the Intersections Improvements Study Implementation Plan and voice their concerns and comments.

Mr. Oda made a motion stating the Planning Commission has reviewed the Intersections Improvements Study Implementation Plan and recommends it be forwarded to the City Commission for approval. A voice vote resulted in a 5-0 vote in favor of the motion to forward the study to the City Commission for approval.

Monthly Report

Monthly reports were reviewed.

Mr. Schmiesing stated he is excited to have Mr. Murphy join the staff and stated he is looking forward to working with him.

Mr. Schmiesing noted that he has completed a Land Use Principal Planning & Zoning power point presentation that he believes will be a helpful tool for board and commission members. Mr. Schmiesing stated he would be forwarding the presentation to the Planning Commission members very soon.

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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 7:50 p.m.

RESOLUTION No. PC 17-09

WHEREAS, Roberta H. Rike, on behalf of the owner, Cheryl Brown, of the subject location in the city of Piqua, Ohio, being in a district zoned R-1 (One Family Residential), has submitted a request to authorize a General Merchandise use as a change and continuance of a nonconforming retail sales and service use located at 1129 Park Avenue; and,

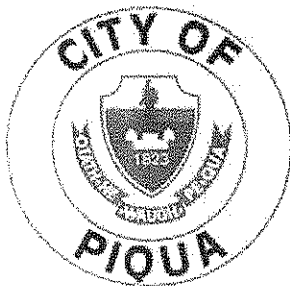
WHEREAS, section 154.060 of the City of Piqua Code of Ordinances provides the procedure for authorizing the change and continuance of a nonconforming use; and,

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"/>



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: July 20, 2009
To: Planning Commission Members
From: Chris Schmiesing, City Planner 
Subject: 1129 Park Avenue

GENERAL INFORMATION

Applicant: Roberta Rike
Owner: Cheryl Brown
Location: 1129 Park Avenue
Zoning: R-1 One-family Residential
Land Use
Existing: Retail sales and service – personal services
Proposed: Retail sales and service – general merchandise
Request: Authorization of a change and continuance of a nonconforming retail sales and service use type.

DISCUSSION/FINDINGS

This request is to authorize a change in the use of the premises to allow an existing nonconforming personal service retail sales and service use to be changed to a nonconforming general merchandise retail sales and service use. The subject premise also includes a separately occupied general merchandise use and dwelling unit use tenant space. The code requires 4 off-street parking spaces to support each of the general merchandise uses and two spaces for the dwelling unit use. The subject location includes zero off-street parking spaces and there are no off-street parking improvements proposed. Limited on-street parking is available at the subject premise, which is located at the intersection of a collector street (Washington Avenue) and an arterial street (Park Avenue).

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

No structural alterations.

Staff Analysis: There are no structural alterations to the premises shown on the submittals provided.

Same or more restrictive use category.

Staff Analysis: The existing and proposed use are both retail sales and service type uses.

STAFF REPORT

Date: July 20, 2009
Subject: 1129 Park Avenue

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COMPREHENSIVE PLAN

The goals, principles, objectives and strategies described in the Comprehensive Plan are supportive of the adaptive reuse of existing structures and the redevelopment of vacant properties, in particular when the proposed project supports and contributes positively to the surrounding land use and the community in general.

CONCLUSION

The proposed use and use intensity is consistent with the past use activities that have been located at this premise and is compatible with the surrounding land uses. The parking demands for the general merchandise use are likely to occur at a different time of the day than the parking demands of the surrounding residential land uses, and the intensity of the general merchandise use is not expected to generate parking demands that will result in a nuisance to the neighborhood.

RECOMMENDATION

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

VICINITY MAP





DEVELOPMENT OFFICE

201 West Water Street • Piqua, Ohio 45356
Phone (937) 778-2049 • Fax (937) 778-0809

GENERAL PERMIT APPLICATION

APPLICANT INFORMATION		<input checked="" type="checkbox"/> Primary Contact	<input type="checkbox"/> Billing Contact
Company/Organization Name:			
Contact Person First Last Name: <u>ROBERTA H. RIKE</u>			
Street Address: <u>6564 W. St. Rt 185</u>		City: <u>Covington</u>	State: <u>OHIO</u> Zip: <u>45318</u>
Email Address: _____		Home Phone: <u>773-4053</u>	
Cell Phone: <u>937-418-6789</u>		Work Phone: _____ Fax: _____	

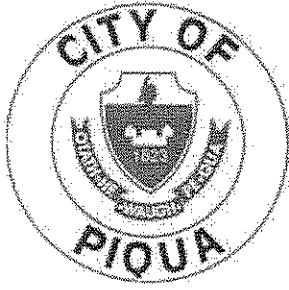
LOCATION INFORMATION		<input type="checkbox"/> No Existing Address Assignment / Address Assignment Requested	
Street Address: <u>1129 PARK AVE Piqua OHIO 45356</u>			
Owner Name: <u>KELLY + Cheryl BROWN</u>			
Parcel ID: <u>N44 -</u>			
Subdivision/Neighborhood Name:			

DETAIL INFORMATION			
Use Type:	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial-Business	<input type="checkbox"/> Commercial-Residential
Use Class:	<input checked="" type="checkbox"/> Principal	<input type="checkbox"/> Accessory	<input type="checkbox"/> Temporary <input checked="" type="checkbox"/> SPECIAL
Work Description:			
Work Class:	<input type="checkbox"/> New Construction	<input type="checkbox"/> Addition/Enlargement	<input checked="" type="checkbox"/> Remodel/Alteration
	<input type="checkbox"/> Demolition	<input checked="" type="checkbox"/> Change Use/Occupancy	<input type="checkbox"/> Reconstruction
Work Scope:	<input type="checkbox"/> Building Structure	<input type="checkbox"/> Other Structure (parking, driveway, deck, pool, etc...)	<input type="checkbox"/> Signage
Work Valuation: \$ _____	Start Date: <u>August 1 - 09</u> End Date: _____		
Existing Use: <u>RETAIL-SALES</u>			
Proposed Use: <u>RETAIL-SALES</u>			
Notes:			

APPLICANT'S ACKNOWLEDGEMENT	
I hereby request review of this application and the submittals provided incidental and necessary thereto, and hereby request certification that the application and submittals provided conform to the applicable provisions of the City of Piqua Code of Ordinances, and request the approval and issuance of a General Permit for this project, purpose of said permit request being to authorize the planned use of the subject property and to authorize the release of any other permits required for the work necessary to complete this project.	
Applicant's Signature: <u>ROBERTA H RIKE</u>	Date: <u>6-29-09</u>

OWNER'S CONSENT	
I, the owner of record of the subject property, hereby acknowledge with full consent the application and submittals presented, and understand and acknowledge that receipt of certification that the application and submittals provided conform to the applicable provisions of the City of Piqua Code of Ordinances, and or the approval and issuance of the General Permit, in no way waives or dismisses any applicable local, state, or federal standards or laws, or the obligation of the property owner to comply with the same. Further, I the owner of record of the subject property, hereby grant permission to the enforcing official to enter upon the subject property for the purpose of inspecting the use or work incidental and pursuant to this application request.	
Owner's Signature: <u>Cheryl A. Brown</u>	Date: <u>6-29-09</u>

OFFICE USE	
Received By: _____	Date: _____
Receipt Number: _____	Date: _____
Approved By: _____	Date: _____



DEVELOPMENT OFFICE

Christopher W. Schmiesing – City Planner
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E-Mail: cschmiesing@piquaoh.org

July 24, 2009

***** MEETING NOTICE *****

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

TIME: 6:00 P.M.
DATE: Tuesday, August 4, 2009
LOCATION: Commission Chambers - 2nd Floor
Municipal Government Complex
201 W. Water Street

To view the Planning Commission packet in its entirety, visit http://www.piquaoh.org/agenda_plan_comm.htm, or stop by the Development Office.

Please contact me if you have any questions pertaining to this notice.

Chris Schmiesing

Christopher W. Schmiesing
City Planner