

PLANNING COMMISSION MINUTES
CITY OF PIQUA, OHIO
6:00 P.M. – TUESDAY, SEPTEMBER 13, 2022
COMMISSION CHAMBERS – 201 W. WATER STREET

CALL TO ORDER

At 6:00 pm Chairman Koenig called the meeting to order and welcomed all in attendance. Mr. Koenig outlined the order of business and procedures that will be followed by the Planning Commission.

ROLL CALL

Members Present: Eddie Harvey, Brad Bubp, Gary Koenig, Shannon Brandon

Members Absent (excused): Joe Wilson

MEETING MINUTES

The minutes of August 9, 2022, Planning Commission Meeting were approved by voice vote.

NEW BUSINESS

Resolution PC 28-22

A resolution requesting a zoning designation of I2 upon annexation of +/- 770 acres along N Co Rd 25A and Farrington Rd

Kyrsten French, City Planner, provided a staff report. She noted that resolutions PC 28-22, 29-22, and 30-22 were submitted by the same applicant and could be discussed together but should be considered separately.

Piqua Materials has purchased 770 acres to the south of, and contiguous to, Piqua's jurisdiction. Since this purchase, they have been engaged with the City of Piqua and a developer, Woodard Development, to plan out a future development pattern that can accomplish their own goals and assist with the advancement of the community's goals outlined in the Comprehensive Plan. The zoning code provides that the Planning Commission will make a recommendation for a zoning designation upon annexation.

Kyrsten discussed the administrative portion of the annexation review within the city. She went on to discuss the considerations of the City for a preliminary plat. Kyrsten discussed the requirements for noticing. The preliminary plat that is before the board today will likely be updated in the future. Additional details of road layout, traffic analysis, utility service, drainage patterns, and other considerations will be provided on future preliminary plats before the rest of the acreage becomes eligible for final platting. Staff recommends approval of the preliminary plat as shown.

The Comprehensive Plan's Conservation and Development Map depicts land south of the city along 25A as being desired for industrial development. The City of Piqua has a robust utility system, and the presence of the I-75 exit and possible rail connection makes the land highly suitable and ready for manufacturing.

The landowner, Piqua Materials, has a vested interest in continuing a steady limestone quarrying operation, as they have been on the east side of the Great Miami River for many generations. Piqua Materials seeks to annex this acreage into Piqua's jurisdiction

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and has agreed to enter into an Economic Development Agreement, which will ensure orderly planning and development of the land and extension of utility services cooperatively and collaboratively. This agreement will also protect the City's interest in furthering economic development along this corridor. An end-user for the land outside of the proposed quarrying site is unconfirmed, so any commitment to a layout for streets or utility infrastructure is premature.

The intense industrial use of quarrying requires a special use permit. In many cases, there may be no authority outside of Piqua's jurisdiction to ensure that detrimental impacts to neighbors cannot occur, but this is not the case with quarries. The Ohio Department of Natural Resources (ODNR) has requirements for blasting and vibration tolerances for neighboring residences and commercial properties. They also automatically presume the fault of the quarry should damage occur due to vibrations to ensure that litigation isn't required if some blasting error or oversight should ever occur. The Ohio EPA regulates quarries in terms of dust and air pollution, wastewater discharges, stormwater discharges, potable water sourced from wells, and waste management, as applicable.

Staff has reviewed the proposal, and has found the site to be a suitable location for quarrying, based on its large setback from main corridors and the relatively sparse population that would be affected by any site noise. Staff recommended approval of the Special Use requested.

Brian Barger, 100 E. Broad Street, Suite 2100 – Columbus, representing Piqua Materials, came forward to speak on the item. He reiterated the desired designation for I2 Heavy Industrial. Mr. Barger went on to discuss that developers search for very large 500(+/-) acre lots with heavy industrial zoning. In this case, the I2 zoning designation is the underlying foundation in order to develop.

Chris Schmiesing, Community and Economic Development Director came forward to speak on the item. Chris provided an estimate of property tax and job increase based on the square footage of the development. He explained that an Economic Development agreement would address details regarding infrastructure and utilities. Site selectors and developers have considered many of the site assessment questions asked as a part of their due diligence. It was also noted that there cannot be a change in the special use permit without coming back to the Planning Commission for approval.

The board deliberated and discussed the request. A Commissioner asked why the annexation was tabled at the City Commission. Staff answered that the applicant needed additional time to prepare to apply for their zoning designation, but that state law required the City Commission have the item before them by a certain time after the application. The solution then was to table until a zoning designation could be recommended. Commissioner Brandon asked about existing vacant industrial stock, and Ms. French replied that she didn't have specific figures prepared, but that demand for industrial space was at an all-time high.

No one else came forward to speak on the item for zoning designation.

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Brad Bubp made a motion to approve Resolution PC 28-22 and Eddie Harvey seconded the motion. Resolution PC 28-22 was approved by a 4-0 roll call vote.

Resolution PC 29-22

A resolution requesting approval of a preliminary plat for a new +/- 201 acre parcel, to have access on Farrington Rd

Kyrsten French, City Planner, provided a staff report. She noted that resolutions PC 28-22, 29-22, and 30-22 were submitted by the same applicant and could be discussed together but voted on separately.

The board further discussed, and it was noted that the plans in the packet are preliminary, detailed road planning will be determined once an end user has been established.

Commissioner Brandon asked about whether road upgrades would be required. Ms. French noted that there would most likely be many upgrades needed as a commerce park is developed, but traffic impact studies are premature and would be considered with a future preliminary plat to subdivide the commerce park.

No one else came forward to speak on this particular item.

The board deliberated and discussed the request. Brad Bubp made a motion to approve Resolution PC 29-22 and, Eddie Harvey seconded the motion. Resolution PC 29-22 was approved by a 4-0 roll call vote.

Resolution PC 30-22

A resolution requesting a Special Use for mineral quarrying, contingent upon the City Commission's acceptance of a proposed annexation and I2 zoning designation

Kyrsten French, City Planner, provided a staff report. She noted that resolutions PC 28-22, 29-22, and 30-22 were submitted by the same applicant and could be discussed together but voted on separately. Letters of support and opposition from citizens and local businesses were shared with the board before the meeting.

The board deliberated and noted that the I2 zoning district is the only district that allows mining in any capacity. It was asked if the proposed mining site in the plans would ever change in size.

Brian Barger, 100 E. Broad Street, Suite 2100 – Columbus, applicant, noted that there is no plan to change the size of the proposed mining site. He explained that the high-pressure gas main running through the land is a barrier to expansion, and none is planned. Other information provided by the applicant to answer board member questions included that additional permit reviews are taking place at the state level as was previously mentioned. This review can likely take another year to complete. Until state permits have been issued, no soil can be turned. ODNR requires a bond to ensure reclamation completion, so there is no risk of the site being left as an open pit after quarrying were completed.

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The board asked for clarification on water tables. Mr. Barger commented that Mr. Garrison could provide the answer to this question.

Dennis Garrison – Washington Court House, stated that the quarrying pit will be 50 feet deep and the overburden will be approximately 8-20 feet. The water table would fill up to the top of the limestone. Stripping will be 15 acres initially on the Southwest corner of the site and may proceed at a rate of 5 acres per year after that. A berm will be built using the overburden removed. Blasting is expected to happen 4 times per month.

Brian Barger explained that the blasting plan is being reviewed by ODNR. The processes and regulations were described. EPA regulations were also described. It was explained that there is a notification to surrounding land owners when blasting is going to happen. He noted that the Piqua East location has no violations against it and that he believes they have submitted enough detail to satisfy the requirements of the code.

Steve Champa, Delaware, OH, came forward to discuss the cone of depression. Pumping groundwater out of the pit creates a cone of depression in the surrounding water table. He explained that the report indicates the projected maximum. If diminution, contamination, or interruption of the owner's water supply happens, the operator will be required to provide a water supply within 72 hours.

It was explained that ODNR is not allowed to issue a permit if the operator will not be able to submit a water replacement. The mitigation process was outlined and noted in the submittals. The permit is under review with ODNR. There will be additional outreach to those within the cone of depression. Outside of the depression, there is no legal requirement to replace; however, these situations are looked at on a case-by-case basis along with ODNR. It is unknown if there are any livestock farmers within the acreage. No one came forward to say otherwise.

The board questioned if potential developers have an issue with the mining use of this site.

Brad Doudican, Woodard Development, Dayton, OH, came forward. He noted that there would be hesitation from some manufacturers, particularly high-precision manufacturers, as there are with other sites. Overall, those who have shown interest are satisfied with the data presented and would be eager to develop the adjacent land.

Chip Tokar, Swanton, OH, came forward to answer questions regarding the sound study. This study determined that blasting from 500 feet away produced ambient noise conditions as compared to no operations taking place. The study did not include blasting noise, but the maximum decibels allowed for blasting by the state were 133 decibels at any adjacent occupied structure, and the noise would last for 2-3 seconds at most.

Mike Sherry, 430 Fox Drive – Piqua, came forward to speak on the item. His legal representation, J.P. Burley, 455 Delta Ave – Cincinnati, also came forward. Mr. Burley asked the board to dismiss the special use. He argued that the Planning Commission does not have jurisdiction to approve the special use. He then asked the board to waive time restrictions for citizen comments, which had been set by the Chair to around 3 minutes each if community members were to speak one at a time. The Chair allowed the attorney to call additional community members to present information.

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Commissioner Koenig (the Chair) expressed that the Commissioner's preference is to hear directly from community members on their thoughts.

Mike Sherry talked about his family's history in Piqua. He didn't feel that he had enough notification for the Planning Commission meeting to prepare. He spoke about "Stop the Pit signs" that were in Troy and speculated why the project did not move forward. Mr. Sherry noted that his family lives 1,000 feet from the proposed mining location. He explained that he has a sinus condition and shared a letter of concern from his Doctor. He shared his concern about the noise, vibration, and property values as well as tenant worries.

Kathy Henne, 9480 Meckstroth – Piqua, came forward to speak on the item. Answering Commissioner Bubb's inquiry on whether she had specific experience with properties next to quarries, she shared that although she doesn't have experience with properties next to mining operations, she believes that property values are likely to decrease by 25-30%.

Scott Reardon, 328 Fox Drive – Piqua, came forward to speak on the item. He explained that he has a successful print screening business (Atlantis Sportswear) located near the proposed mining site. He discussed his concern about the vibration and dust that may cause issues with his equipment and the process of calibration. If it did cause calibration issues, he noted that he would be forced to move his business elsewhere. Dust interacting with the screen printing would ruin the business if it were to get inside the building.

Phillip Neal, Experiment Farm Road – Troy, came forward to speak on the item. He noted that his property is not within the projected cone of depression but shared his concern about the water supply to his farmland. He asked who he would call if this became an issue if it is unregulated by the state. He also asked questions regarding the "Stop the Pit" signs.

Shannon Brandon shared a photo from her phone of dust on the road carried out of the East location along Piqua-Troy road, arguing that if the Ohio EPA regulates dust, they must currently be out of compliance.

Brian Barger, 100 E. Broad Street, Suite 2100 – Columbus, applicant, noted that the Troy project did not happen because there were not enough minerals in that location so it was withdrawn. He went on to explain that dust concerns are heavily regulated by the Ohio EPA and OSHA and went over some of the precautionary measures to manage dust that should be taken, such as water trucks. The phone number for the ODNR Ohio Observation Well Network to report any issues with water is (614)265-6603 and encouraged anyone to report issues if noticed. He noted that there is no geological information for a silica concern and that the Mine Safety and Health Administration (MSHA) is the federal agency that enforces workplace safety. He encouraged those with issues relating to vibration to speak to reach out to discuss.

Kevin Harlan, CEO of Upper Valley Medical Center, 3130 24A – Troy, came forward to speak on the item. UVCC legal representation, J.P. Burley, 455 Delta Ave – Cincinnati, also came forward. Mr. Harlan explained that he was not personally involved with "Stop the Pit", but noted that the Board of Directors were opposed in 2016. He shared the

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board resolution of opposition with the Planning Commission. He discussed his concern for the safety of the patients of the hospital as well as employees. He went on to explain the high sensitivity of hospital equipment and shared concerns about vibrations and silica dust. He shared a letter from Mr. Garrison dated October 27, 2016, that noted the reason for withdrawing the mine was to further engage the community.

Mr. Burley summarized the reasons that the board should disapprove of this particular item, noting again that the Special Use was premature and that it wasn't demonstrated that adverse impacts were unlikely to occur for neighbors.

Joshua Blackshire, a resident of Troy, came forward to speak on the item. He noted that he currently manages the Sherry properties and the majority of the buildings in the Paul Sherry Industrial Park. A letter from Mr. Blackshire was given to the board before the meeting. He commented that he has been to the existing mining site many times and he has not noticed water trucks or water sprayers. He also shared that many of the tenants share similar concerns that were previously stated.

No one else came forward to speak on the item. One other community member's comment was received by an email from Jim Roth that was supportive of the proposal so that more industrial land could be gained for development.

Shannon Brandon delivered a statement in opposition to this resolution for the record, "Currently the residents in the area of the proposed quarry do not have to deal with the issues of vibration due to blasting and possible damage to their property. Also, they do not currently have to deal with the possible water issues brought about by the cone of depression. These are issues that can affect the safety, health, and welfare of the surrounding residents."

Brad Bubp made a motion to approve Resolution PC 30-22 with the condition that severe impacts to health facilities, manufacturing centers, and other commercial and residential properties due to vibration and dust, or any other impact that threatens general health, welfare, or productive use of commercial facilities are not allowed and that staff would facilitate review of particulate or vibration impacts with the neighbors who could provide information on tolerance levels. It was discussed that the City Planner will rely on the expert opinions of state agencies responsible for reviewing quarrying permits to determine whether severe impacts are likely that the state agency cannot prevent, and issue a zoning permit only if she were confident that the intent of the Special Use was being fulfilled and no impacts are found to be unlikely to occur. Eddie Harvey seconded the motion. Resolution PC 30-22 was approved by a 3-1 roll call vote.

Resolution PC 31-22

A resolution requesting approval for a drive-thru Special Use for N44-072866 and N44-072868 between Recker Road and E. Ash Street, to host a medical marijuana dispensary

Kyrsten French provided a staff report. Two lots that take access from Recker Road will be replatted into one, and this is the proposed site for a new dispensary. The State of Ohio has issued guidance for upcoming allowances for drive-thrus for dispensaries, and

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the applicants are preparing for this and the submission of their zoning permit application by planning for a drive-thru layout. Small adjustments may be to help arrange traffic flow between sites, though staff finds the drive-thru layout to be functional and appropriate on this site, and recommends approval of the request.

No one else came forward to speak on this particular item.

The board deliberated and discussed the request. Eddie Harvey made a motion to approve Resolution PC 31-22 and, Brad Bubp seconded the motion. Resolution PC 31-22 was approved by a 4-0 roll call vote.

Resolution PC 32-22

A resolution requesting approval for a drive-thru Special Use for 538 McKinley Ave, to host a fuel station and convenience store

Kyrsten French provided a staff report. She explained that the applicant, Raj Patel, has requested a Special Use to redevelop a site with a new convenience store and associated drive-thru and small canopy hosting fuel pumps. Upon further review of the drive-thru's features, doubts were raised by staff about the functionality of the drive-thru given real-world demands by larger vehicles and imperfect drivers. Because these concerns are difficult to overcome, staff has recommended that the applicant determine whether the building can be reduced in size, the fuel pumps foregone, or if the drive-thru can be removed from the plan to fit within the site's very difficult starting conditions. A letter was provided to the board from a neighbor in approval of this resolution.

Raj Patel, Applicant, 516 Wilson Ave – Piqua, came forward to speak on the item. He explained that his architect was attending via zoom. Josh Stephens, Core Consulting was available for any questions.

The board deliberated and asked the applicant to reconsider the plans submitted and to work with his architect on a compromise for this unique site. If the board votes in disapproval, this item will not be able to come before the Planning Commission again for one year.

No one else came forward to speak on this item.

The board deliberated and discussed the request. Shannon Brandon made a motion to table Resolution PC 32-22 and, Brad Bubp seconded the motion. Resolution PC 32-22 was tabled with a 4-0 roll call vote.

Resolution PC 33-22

A resolution requesting a recommendation of approval for a zoning change from I1 to R1 for a new parcel on the corner of South St and Commercial St

Kyrsten French provided a staff report. She explained that the owner plans to continue to use the existing building as a printing shop, but would like to allow the new inlot to be sold for a new residence. Staff recommended this zoning change request to the

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applicant, and supports the change that can facilitate new development on a sizable lot relative to the neighborhood, which will be well-suited for easy bike/pedestrian connectivity on the adjacent Commercial Street connector.

No one else came forward to speak on this particular item.

The board deliberated and discussed the request. Shannon Brandon made a motion to approve Resolution PC 33-22 and, Brad Bubp seconded the motion. Resolution PC 33-22 was approved by a 4-0 roll call vote.

Resolution PC 34-22

A resolution requesting approval for a drive-thru Special Use for 8866 N Co Rd 25A, to host a medical marijuana dispensary

Kyrsten French provided the staff report. She explained that this development proposal for a medical marijuana dispensary is the second license holder in Piqua's jurisdiction. The size of the site, its location, and the details of the design of the drive-thru has been reviewed by the Engineering staff and the City Planner. Some adjustments may be made to the parking stall layout as proposed, though staff finds the drive-thru layout to be functional and appropriate on this site, and recommends approval of the request. An additional staff recommendation is to study the future needs of the roadway and determine whether additional drive-thrus will be appropriate in this area.

Brian Wingfield, applicant, came forward to speak on the request. He reiterated the plans for the unique site and explained traffic expectations based on other Ohio locations.

No one else came forward to speak on this particular item.

The board deliberated and discussed the request. Brad Bubp made a motion to approve Resolution PC 34-22 and, Shannon Brandon seconded the motion. Resolution PC 34-22 was approved by a 4-0 roll call vote.

OTHER BUSINESS

ADJOURNMENT

With no other questions, comments, or business before the Planning Commission, a motion was made by Brad Bubp and seconded by Shannon Brandon to adjourn the meeting. With all those present in support of the motion, the meeting was adjourned at approximately 9:40 P.M.

Attending the meeting to prepare the meeting minutes provided herein was Bethany Harp, City of Piqua Development Department. Comments requesting corrections, additions, or deletions to the content of this record should be directed to Ms. Harp at bharp@piquaoh.org.