

**PLANNING COMMISSION MINUTES  
CITY OF PIQUA, OHIO  
6:00 P.M. – TUESDAY, JANUARY 14, 2025  
COMMISSION CHAMBERS – 201 W. WATER STREET**

**CALL TO ORDER**

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

**ROLL CALL**

Members Present: Brad Bubp, Eddie Harvey, Terry Wright, Adam Seas, Micah Underwood

Absent:

**APPROVAL OF MINUTES**

The minutes of December 11, 2024, Planning Commission Meeting were approved 5-0 by voice vote. Mr. Seas made a motion to approve the minutes and Mr. Harvey seconded the motion.

**NEW BUSINESS**

**Resolution PC 1-25 – Major Subdivision – Parcel N44-250148**

Chad Henry, City Planner was present and gave the staff report, which recommend approval of a major subdivision with dedication for a 5.079 acre parcel.

Mr. Seas asked if there was a plan to put lithium-ion batteries on the site. Mr. Kevin Krejny, City of Piqua Utilities Director spoke as the applicant. He noted that this project was being led by Piqua Power, but the City currently does not have a Director. He continued that last year AES requested to work with Piqua Power on redundancy of the power system, which would require the addition of a substation in this location.

Valerie Mullikan, 5905 Hickory Clayton, asked questions regarding the development of the future substation. She also asked what a “major subdivision” is, which Mr. Henry answered.

Ms. Mullikan continued to ask Mr. Henry what requires the user to build a substation. Mr. Henry stated that it is zoned as IH Industrial Heavy, and AES would be considered a utility in the district. He noted AES would own the 5 acres that are being split and the city would have to authorize that sale. She wanted to know who is going to oversee the substation and make sure they are going to do what they say. Mr. Henry noted that AES would be required to meet all regulations for a substation through local, state, and federal law.

Mark Safreed 3111 Tecumseh Cr, stated that when the water plant was built he was never notified and was happy that he got the notification from the city for this project. He stated there is a mound currently

to help work as a barrier for noise and visibility. Mr. Safreed requested confirmation on whether the mound would stay and who would own it. Mr. Henry noted that when a permit is requested to build something on the lot split the mounding, landscaping, and lighting would be reviewed. He reiterated that the case currently being requested isn't requesting construction, only a lot split.

Mr. Safreed stated that when there is a lot of rain the rain rolls off the water treatment property onto his property. He voiced his concerns about previous drainage issues and felt AES should know that information prior to purchasing the property.

Mr. Seas asked if AES would be allowed to come in and cause a water issue. Mr. Henry noted that AES would be required to meet all EPA stormwater requirements, which include retaining all water on their site.

Jeff Grimes, 1512 Margene Drive, asked what the property is zoned as right now. Mr. Henry stated that the property is Industrial, but there is some question as to why the zoning map doesn't reflect the IH designation like other surrounding properties. He noted that in 2023 when the city redesigned the code-the map changed, and it was potentially a map error.

Mr. Grimes was concerned that AES wasn't present at the meeting. He noted concerns about water quality, the size of lot split, and concern about the price of the sale.

Nicolas Mahrt, 1433 Covington Avenue, stated he was concerned about the possible health effects. He asked if there was a visual of the substation so he could see if there were large towers with brights lights and bugs that come with those lights.

Mr. Krejny responded that south of town on 25A there is a substation with a fenced in area and he anticipated that this substation would be similar. He noted that generally the lighting is inward facing to allow work to be done at the substation.

Mr. Mahrt asked about noise including humming lines. Mr. Seas stated it is probably the generators they hear there. Mr. Krejny said there are already lines in this area. Mr. Mahrt noted his concern about the eagles and wildlife in that area and how he felt that this would be disrupting some wildlife habitats.

Mr. Wright asked that AES come to the meeting and answer questions that the public has about what they are doing on the site. He also asked if an environmental study had been completed. Mr. Bubb stated that all of those items would be completed once the property is split, sold, and brought back or approved for development.

Mr. Henry stated this is only a recommendation from the Planning Commission and the City Commission would make the final approval. Mr. Krejny stated the purchase will go before the commission, which will allow additional discussion.

Mr. Bubb stated that if people have additional concerns and want to present them to the City Commission they will have another opportunity to do so, as the Planning Commission is just a recommendation.

Mr. Bubb asked if there were any additional comments and there were not.

Mr. Bubb noted that his spouse worked for AES and abstained from voting due to a conflict of interest.

Mr. Underwood made a motion to approve the resolution. Mr. Seas seconded the motion. The resolution was passed with a 4-0 vote.

### **Resolution PC 02-25 – Zoning Map Designation - Parcel N44-250148**

Mr. Henry gave the staff report, which recommended approval of a Zoning Map Designation of a 5.079-acre parcel. He noted that this request was necessary due to an unclear designation that was likely caused by a mapping error by the city.

Jeff Grimes, 1512 Margene Drive, stated that if there are no environmental studies completed how can we say that there are not impacts from electricity. Mr. Grimes noted all the uses he felt could be permitted in the IH district. Mr. Hinkelman noted that those uses were special uses, and would require additional approvals from the Planning Commission and City Commission. He also noted that those uses were not being requested.

Mr. Grimes continued that he had concerns about the source water protection area and allowing any development in it, and he noted that he believes that IH has to be 10 acres to be split.

Mr. Underwood asked if this was tabled, would AES be able to come in person to address questions by the citizens. Mr. Henry noted that AES isn't applying for anything at this time, and isn't the applicant, the City of Piqua is the applicant. He noted that if the city sells the property to AES, which will likely occur, there will be a public comment portion of the City Commission meeting that AES will be able to answer questions prior to the sale of the property.

Mr. Seas asked why it isn't currently zoned. Mr. Henry reiterated that in 2023 when the Development Code was adopted, this property wasn't clearly designated. It is clearly just a map error, but he felt having it clearly defined would be more transparent.

Mr. Grimes stated Commissioner Homan made a resolution that nothing like lithium battery burning can happen in the city again and if the city sells the land to AES, they wouldn't be subject to the rules to not burn batteries. He stated he feels this will impact the entire city negatively.

Alicia Lange, address not noted, stated that she agreed with Mr. Underwood asking for it to be tabled.

Mr. Seas asked Mr. Krejny if the site is in the water protection zone. Mr. Krejny stated that anywhere could feed our water sources, as we are not on a well system. He noted that he wasn't aware of any water protection zone being noted in Piqua. He continued that water is treated and comes from three different sources.

Nicholas Mahrt, 1433 Covington Avenue, stated he felt the item should be tabled. He felt there were health risks, notification wasn't big enough, and wanted to ask AES questions before someone approved the request.

Mr. Krejny stated the substation would bring more power into the city and make it more reliable with a stronger grid for our residents. He noted that as systems age, they need new infrastructure to support growth. Mr. Mahrt stated that the AES substation could be a battery burning 2.0 and the news stations would be in Piqua.

Mr. Underwood stated that he lost sight of the fact that we are not here to approve AES building a substation. He reiterated that the Commission has a case in front of it to provide a zoning designation to a property that isn't currently zoned but has IH zoning all around. He also reiterated that no matter what occurs this evening, AES will have to go before the city commission before they can build anything on the lot split. He noted that this was the city being transparent about what was coming and giving citizens time to discuss the case.

Mr. Seas stated that the purpose of the Commission is to "check off boxes" of whether a case meets the development code or not. He continued that the Planning Commission generally recommends something to the City Commission for their final approval. He stated the decision goes to the City Commission because they are the elected officials, and they make the final decision.

Mr. Hinkelman clarified that not all IH uses require special use approval, and therefore some uses would be permitted by right once the zoning designated. He noted that any development would still go through the permit process, but none of those items are being requested under PC02-25, only the designation of zoning on the property.

Mr. Mahrt said he felt that it should be tabled because people's property could be affected, and the Planning Commission should hear from them first.

A resident of 201 N. Downing, stated she wanted to understand how the Planning Commission works. She continued to ask what standards are reviewed when approving a case and how the Planning Commission makes their decisions. Mr. Bubp responded that the Planning Commission follows the Development Code and City Ordinances. The resident asked if they have a choice here, or if they just have to follow the codes. Mr. Bubp stated that they have to make a decision based on the development code and ordinances. Mr. Seas read the resolution aloud and told the resident that they are considering this resolution based on the codes and ordinances.

Mr. Henry stated that he is the applicant on this case, to try and bring to light this oversight. He noted that it potentially doesn't need to have Planning Commission recommendation, but he felt it should be clarified. He noted with a new law director, we may not have to do this in the future.

Kim Heisler, 1802 W. Parkway Drive, said that she would like to know why this couldn't be zoned something other than IH.

Mr. Hinkelman responded that it was Staff's understanding that the property is already zoned Industrial, like the old water plant property. He said the request was to make it abundantly clear that it was IH.

Ms. Heisler asked why this didn't meet the 10-acre standard. Mr. Hinkelman stated that she was discussing the Heavy Impact Industrial Use, which is different in the code from the IH Heavy Industrial Designation. If a property has one of the uses listed as heavy impact, that requires a special use, which would require a 10-acre size. This property isn't requesting any heavy impact uses, it is requesting non-heavy impact, which require substantially less, and this parcel split meets that requirement.

Mr. Mahrt asked if there is anywhere else the substation could be placed. Mr. Bubp stated that at this point we are looking at providing a zoning designation on a property, not the specific development of that lot.

Mr. Mahrt wanted to know what is next. Mr. Seas reiterated that the land was previously zoned industrial but that “light industrial” and “heavy industrial” weren’t differentiated. He also stated that the city could have done this administratively but wanted to bring it publicly and be transparent. Mr. Martz stated that his main concern would be for the residents that live there. He is worried about the animals out there and believes this should be tabled. He said there are a lot of voices in the crowd showing concern. He feels like sometimes you get into these things and open a can of worms that weren’t intended.

Mr. Wright asked just because the area around it was IH why we must leave it as that. He is concerned that maybe it shouldn’t be zoned that. He is worried about it around our water plant.

Mr. Bubp states that the water plant probably needs zoning as IH to be what it is. He states that the city has facilities there and require IH zoning.

Mr. Bubp asked if there were any additional comments and there were not.

Mr. Bubp abstained from voting due to conflict of interest.

Mr. Harvey made a motion to approve PC 02-25, seconded by Mr. Underwood. Mr. Seas and Mr. Wright voted nay. Mr. Harvey and Mr. Underwood voted yes. The motion failed.

Mr. Underwood made a motion to table the resolution. Mr. Seas seconded the motion. The motion was tabled with a 3-1 vote.

#### **Resolution PC 03-25 – Zoning Map Designation – Parcel C06-032810**

Mr. Henry gave the staff report, which recommended approval for an IH Heavy Industrial Zoning Designation of a 38.66 acre tract of land.

Mr. Bubp asked if the Planning Commission just approved this annexation. Mr. Henry noted that the Planning Commission previously approved a case for 300+ acres north of this property. This property is scheduled to be annexed into the community shortly.

Valerie Mullikan, 5905 Hickory Clayton, noted that she hopes this is approved because she would like to see more business opportunities for the City.

Nicholas Mahrt, 1433 Covington Avenue, asked for clarification on where this was located. Mr. Henry again noted the location of the request.

Kim Heisler, 1802 W. Parkway Drive, asked if there was anything the city could do to disrupt someone from harming citizens. She asked if there was a standard or code that would allow the city to go after someone if something happens that harms the city. She stated that she felt there should be more oversight.

Mr. Bubp asked if there were any additional comments and there were not.

Mr. Seas made a motion to approve the resolution. Mr. Harvey seconded the motion. The resolution was passed with a 5-0 vote.

#### **Resolution PC 4-25**

Mr. Henry gave the staff report and noted that this language was drafted by Commissioner Simmons and requested to be brought to the Planning Commission as is for consideration. He noted that he wrote multiple resolutions to allow freedom of how the Planning Commission could move forward.

Mr. Hinkelman noted that this is the third time that he could find that language was submitted or proposed to allow chickens within the City of Piqua. He noted the language that is currently proposed is much different than the language that was recommended by the Planning Commission, but ultimately voted down by the City Commission in 2023.

Valerie Mullikan, 5905 Hickory Clayton, stated that she agreed with six laying hens in town, but opposed allowing the processing of chickens to eat on residential property. She also noted her concern about residential backyard chickens eggs being sold, as she noted increased liability for the sellers if people get sick from those eggs. She noted her support of chickens in general, but wanted to see some changes to the language proposed.

Jim Vetter, 714 S Downing Street, who was present representing the Southview Neighborhood Association. He stated that he is opposed to chickens in the residential areas of the City of Piqua. He believes that it could degrade the value of property in those areas. He noted concerns including noise, disease, manure and feathers, and additional rodents that could bring coyotes. He also noted his concern for the additional code enforcement activities that the city will have to do, which he felt was a waste of their time.

Alicia Lange, address not stated, stated that she has chickens but lives outside the city. She said she has never seen her chickens cause coyotes or other animals to come to her property. She felt that the cats and raccoons in the area are a bigger problem. She noted that she doesn't think people should have roosters in town, but that people should be able to have chickens.

Ms. Mullikan came back up and addressed the concerns about disease, avian flu, and predators attacking the chickens. She suggested people go to the OSU extension and get a poultry book and become more educated. She also stated chickens have a short life span of about 5 years.

Nicholas Mahrt, 1433 Covington Avenue, stated there have to be other communities that allow chickens and he is curious how those communities have handled this. He noted his support for local farmers and how people should support people selling eggs. He noted that supporting farmers is more important than any other issue at hand.

Kim Heisler, 1802 W. Parkway Drive, believes that chickens should be allowed. She stated that she thought chickens would add property value. She noted that dogs make noise and that manure can be used for gardens. She stated how she felt that more and more are taken away from citizens and code enforcement is subjective and retaliatory. She noted that she doesn't feel there should be permits or fees, nor inspections as they are subjective.

Mr. Vetter stated that some of the people speaking in favor of chickens do not live in town, and the other person that was in favor of them doesn't live in his neighborhood.

Mr. Bubp stated that chickens do smell and they do make noise. He felt the current language as drafted could be a potential nightmare for Piqua. He asked if you have to own the property to have chickens or if you can do it at a rental property. He asked about the second floor of a rental.

Mr. Seas stated that he is worried about people hitting chickens with their vehicles as they drive through neighborhoods if there isn't fencing.

Mr. Underwood stated that he wants chickens and is excited about this, as he feels like he wants to have them for his children. He noted that he doesn't think that hitting chickens would be a large concern and thinks we can figure it out as a community.

Mr. Seas stated that he would like to see more clear and developed regulations for chickens to make sure we don't have too many chickens or that properties are unkept or become a problem.

Mr. Wright stated that if the Commission voted for acceptance he agreed that owners should have some type of license or permit and proper insurance to help protect the egg sellers.

Mr. Hinkelman added that research was done in 2023, when language was presented previously, that shows that 20 subdivisions do not permit for the chickens in them. He noted that through deed restrictions or HOA standards, these areas specifically ban the raising of chickens. He continued that the City does not enforce HOA requirements, but HOA's will have a right to enforce their own regulations if they wish.

Mr. Hinkelman asked that the Commission allow clear regulations and a permit process allow the city to create a clear and fair process and enforcement of the program. He noted that whether someone is for or against the program clear regulations and permits protect those with chickens and those who do not wish to allow chickens in the community.

Mr. Underwood suggested a workshop to bring everyone together to talk about the option. Mr. Hinkelman asked that if it is tabled the board gives the city staff clear changes they would like to see so Staff can bring back updated language for consideration.

Mr. Wright asked if he could see Covington's ordinance for chickens. Mr. Hinkelman stated that it is publicly on Covington's website for review.

Mr. Bubp asked if there were any additional comments and there were not.

Mr. Harvey made a motion to table the resolution and provided multiple language changes for Staff to make regarding the legislation. Mr. Seas seconded the motion. The resolution was tabled with a 5-0 vote.

## **OTHER BUSINESS**

None

## **ADJOURNMENT**

With no other questions, comments, or business before the Planning Commission, a motion was made by Mr. Seas to adjourn the meeting seconded by Mr. Harvey to adjourn the meeting. With all those present in support of the motion, the meeting was adjourned at approximately 9:06 P.M.

The meeting minutes provided herein were prepared by Emily McCulla, City of Piqua Community Services Department. Comments requesting corrections, additions, or deletions to the content of this record should be directed to Ms. McCulla at [emcculla@piquaoh.gov](mailto:emcculla@piquaoh.gov)