

# City of Findlay City Planning Commission

Thursday, October 8, 2020 – 9:00 AM

## Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

**MEMBERS PRESENT:** Mayor Christina Muryn  
Jackie Schroeder  
Dan DeArment  
Dan Clinger

**STAFF ATTENDING:** Matt Cordonnier, HRPC Director  
Judy Scrimshaw, Development Services Planner  
Erik Adkins, Flood Plain/Zoning Supervisor  
Kevin Shenise, Fire Inspector  
Brian Thomas, PE, PS, City Engineer,

**GUESTS:** Dan Stone, Todd Jenkins, Jane Rettig, Mark Boehler, Brett Gies, Tom Genzman, Eric Trout, Joe Middleton, Kyle Inbody, Evelyn and Mozelle Miree, John Best

### CALL TO ORDER

#### ROLL CALL

The following members were present:

Mayor Christina Muryn  
Jackie Schroeder  
Dan DeArment  
Dan Clinger

#### SWEARING IN

All those planning to give testimony were sworn in by Judy Scrimshaw.

#### APPROVAL OF MINUTES

Christina Muryn made a motion to approve the minutes of the September 10, 2020 meeting. Dan Clinger seconded. Motion carried 4-0-0.

#### NEW ITEMS

**1. PETITION FOR ZONING AMENDMENT #ZA-09-2020 filed by Mozelle & Evelyn Miree, 780 6<sup>th</sup> Street, Findlay to rezone 780 6<sup>th</sup> Street from R-1 Single Family Low Density**

## **to R-4 Duplex/Triplex.**

### **CPC STAFF**

#### **General Information**

This request is located on the north side of 6<sup>th</sup> Street west of the intersection of Graceland Avenue. The neighborhood is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

#### **Parcel History**

None

#### **Staff Analysis**

The property owners are requesting to rezone this property in order to turn it into a duplex.

According to records in Polk Directories, the property had two addresses (780 & 782) as recent as 2014. Engineering records indicated two addresses for utilities at this location as well.

There is still evidence that it had been a duplex at one time. The residence has a single car garage at each end of the building. There is a U-shaped driveway in front of the home and ample parking area for two vehicles per unit. There is a porch across the front with a door going into each side.

The current zoning map update has proposed that the property be changed from R-1 Single Family Low Density to R-3 Single Family High Density. The R-3 District would allow a duplex or triplex if approved by Planning Commission.

#### **Staff Recommendation**

CPC Staff recommends **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2020 to rezone 780 6<sup>th</sup> Street from R-1 Single Family Low Density to R-4 Duplex/Triplex.**

### **ENGINEERING**

The rezoning and stated proposed use will not cause an issue with existing utilities. The site currently has 2 drive cuts and a U shaped drive that has enough room for the required parking. Engineering has no objection to the zoning amendment

### **FIRE PREVENTION**

No Comments

### **RECOMMENDATION**

Staff recommends **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2020 to rezone 780 6<sup>th</sup> Street from R-1 Single Family Low Density to R-4 Duplex/Triplex.**

### **DISCUSSION**

Judy Scrimshaw noted that when she was discussing this request with the Mirees, she had given them all the options. They can file with Council a request to re-establish a non-conforming use, they can file for a zoning amendment, or since the map change will make the lot R-3 which permits duplexes as a Conditional Use, they could simply wait for that to take effect and then it would make the duplex legal. The latter process will take until probably January and they wanted to move it quicker if possible. The fastest method would be to request to re-establish the non-conforming use. Matt and Judy had talked about this, but were unsure if Planning Commission could make a recommendation to Council to go that route. Dan Clinger asked if it had to go to Council for either instance. Ms. Scrimshaw responded that it still goes to Planning and Zoning Committee today, they give a recommendation to Council, and if Council accepts their report of approval, it is done. It does not have to have three readings.

Mayor Muryn asked about the best scenario for them if they try to sell and it is a non-conforming use rather than being zoned for a duplex. Ms. Scrimshaw explained that when the map changes occur and the property goes to R-3, they will then be granted Conditional Use status. A letter will go in that address file and it will be legal from then on.

Dan Clinger said that when he looked at this he thought why don't we just recommend R-3 since it is going that way eventually and give the Conditional Use rather than go to R-4. Matt explained that this will take that same amount of time and not give them the ability to use the 2<sup>nd</sup> unit until the end of the year. Evelyn Miree asked that if this were denied on October 20, would they still be able to move forward with rezoning to R-4. Christina Muryn stated that they would need to reapply at that point. Matt reiterated that with the map update it would get them there about the same time then. Mr. Miree asked what it will cost them to go that way. Ms. Scrimshaw replied that there is no fee for that request. Mr. Miree stated that they had paid \$250 for the zoning application. Mayor Muryn replied that they can get them a refund of that.

### **MOTION**

Dan Clinger made a motion to **recommend to Findlay City Council that they re-establish the former non-conforming use for a duplex at 780 6<sup>th</sup> Street. The property can meet the standards for parking of 4 off street spaces.**

**2<sup>nd</sup>: Christina Muryn**

**VOTE:** Yay (4) Nay (0) Abstain (0)

Judy Scrimshaw informed the couple that the Planning and Zoning Committee meets at noon today and that body will make the recommendation to Council to accept this. Their report will then go to Council on October 20 and if Council accepts the report, they will be approved that night.

**2. APPLICATION TO RE-ESTABLISH A NON-CONFORMING USE #NC-01-2020 for 314 W. Sandusky Street. The owner wishes to re-establish the property as a duplex.**

### **CPC STAFF**

#### **General Information**

This request is located on the north side of W Sandusky Street just east of Liberty Street. It is zoned C-2 General Commercial. All abutting parcels are also zoned C-2. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as C-1 Local Commercial

### **Parcel History**

Site is currently a single family residence.

### **Staff Analysis**

The applicant is requesting to re-establish the property as a duplex. The zoning department files have a property card from 2008 that shows the Auditor had it listed as Multi-Family. The 2009 and 2010 City directories have multiple persons names listed as living at that address. It would appear that it may have even been a triplex at some time.

The 300 block of W Sandusky is a mix of dwellings and commercial property. Directly west of this home is a commercial building. 307 W Sandusky is listed as a triplex, 310 and 311 W Sandusky are both listed as duplexes. 301 W Sandusky is the Fort Findlay Playhouse.

The owner intends to live in the main house area with his family. He wants to demolish an existing garage on the property. A new 3-car garage will be constructed with additional living space above. Their plans show parking for potentially up to six vehicles on site.

The zoning map update has proposed this parcel to go to R-3 Single Family Low Density which would permit the conversion as a Conditional Use. The applicant is asking to re-establish this prior to the change to be able to at least get some foundations in before winter. The timeline for the map changes would have them not in effect until at least January, 2021.

### **Staff Recommendation**

CPC Staff recommends **approval of APPLICATION TO RE-ESTABLISH A NON-CONFORMING USE #NC-01-2020 for 314 W. Sandusky Street.**

### **ENGINEERING**

#### **FIRE PREVENTION**

No Comments

### **RECOMMENDATION**

Staff recommends **approval of APPLICATION TO RE-ESTABLISH A NON-CONFORMING USE #NC-01-2020 for a duplex at 314 W. Sandusky Street.**

### **DISCUSSION**

Brian Thomas noted that they should get with Water Distribution on establishing separate meter service.

Dan Clinger stated that his only issue is parking. He is particularly concerned about whether there is a shared easement of access on the shared driveway. No one could back out of his

garage without crossing into the neighbors half of the driveway. Mr. Genzman commented that the Dulings next door used to own both so there had not been any issue. He has had a food rapport with his tenants as long as he has lived there. Mr. Clinger said he thinks there should be a documented easement between both parties so there cannot be any issues in the future. Mr. Clinger also stated that he didn't understand how they could get six parking spaces. Mr. Gies noted that there are already two spots beside the house, three in the garage and one will pull straight off the end of the drive. Mr. Cordonnier stated that we had discussed the access easement some when we had met earlier. He also thinks it would be good practice. It will protect both parties.

### **MOTION**

Christina Muryn made a motion to **recommend to Findlay City Council that they re-establish the former non-conforming use for a duplex at 314 W Sandusky Street on condition that they record a shared easement of access.**

**2<sup>nd</sup>: Dan DeArment**

**VOTE:** Yay (4) Nay (0) Abstain (0)

Erik Adkins noted that he can place a condition on the permit that they have that easement when the construction is complete.

### **3. APPLICATION FOR SITE PLAN APPROVAL #SP-20-2020 filed by Dr. Richard Rhoton, 311 Church Hill Dr., Findlay for parking lot expansion to the west of the property and additional detention area at 1113//1115 W. Main Cross Street.**

#### **CPC STAFF**

##### **General Information**

This request is located on the south side of W Main Cross Street. It is zoned C-2 General Commercial. Parcels to the south, east and west are also zoned C-2. To the north is zoned R-2 Single Family Medium Density. It is located within the 100-year flood plain. The City Land Use Plan designates the site as Neighborhood Commercial.

##### **Parcel History**

A site plan for a used car dealership was approved by FCPC in September, 2019

##### **Staff Analysis**

The site plan presented today is for additional new pavement, new detention basin and some fencing.

The existing asphalt area along the front (north side) of the building is being removed and redone. This is an area that currently has the parking spaces for the business. More asphalt is being added to the west which is now a gravel area in front of an existing block building. Currently they appear to have vehicles parked in the grass between the new building and this block building. The applicant is proposing 63.5 lineal feet of a 6' high, 50% open wood fence

across the front of this new asphalt area.

The Zoning Department has had complaints of vehicles parked everywhere and in various states of disrepair. The Zoning Office has told us that the landscaping that was shown on the initial plan was never installed.

Below is a portion of discussion from the meeting in September, 2019.

“Mr. Clinger asked Mr. Cordonnier about a distinction in the zoning code between car sales and car repairs. He said he wouldn’t want to see a half dozen cars sitting out to be repaired if repairs are done here. Mr. Cordonnier said there is a segment on dilapidated cars not being stored outside – with repair shops, that’s what applies. Mr. DeArment asked if inoperable cars must be stored inside. Mr. Cordonnier said yes. Mr. Adkins said that when he spoke with Dr. Rhoton’s grandson about this, he picks out unique, classic cars and does minor repairs to them and sells them to individuals so it won’t be like just any used car. So it falls under the definition of the zoning code’s automobile sales and service where it talks about furnishing of minor services and etc.”

“Mr. DeArment said that Main Cross is an important entrance to our community and what we put there is important. He said he just wants to make sure that what’s being put there looks nice and appropriate because of how much traffic comes through and the impression that it gives of our community.”

Staff would like some clarification on exactly what the business has become as it appears to be far from what the Zoning Department and HRPC understood it to be.

#### **Staff Recommendation**

- **We cannot recommend any approvals until everything is clear as to how this will operate. The C-2 district permits “Auto Sales and Service” which is defined as the sale or rental of new or used motor vehicles; the furnishing of minor services incidental thereto**
- **Landscaping as shown on original plan must be completed**
- **The west side of the lot will also need to be screened from a residence on that side**

#### **ENGINEERING**

**Access** – The applicant is proposing to use the existing curb cuts so access for the site will not be changed.

**Water & Sanitary Sewer** – Since the site plan is for additional asphalt parking and drainage, no changes are being proposed for the existing water or sanitary services for the property.

**Stormwater Management** – Based upon the design calculations submitted, the proposed detention basin meets the City requirements.

**MS4 Requirements** – The amount of erodible material that will be disturbed will be less than one acre so the site is will not be required to comply with the City of Findlay’s Erosion & Sediment Control Ordinance.

Sidewalks – The property has existing sidewalks.

Recommendations: Approval of the Site Plan

The following permits may be required prior to construction:

- Storm permit

### FIRE PREVENTION

No Comment

### RECOMMENDATION

### DISCUSSION

Mayor Muryn stated that she is in agreement with HRPC's comments on not moving forward with any approvals until we get the concerns addressed from the prior site plan.

Todd Jenkins came forward as the engineer for the problem. He stated that the applicant is not here and he was not sure why they were not. He stated that as far as cars being stored outside, the business owner has not yet received an occupancy permit from Wood County and that is one reason there are still vehicles outside. The intent was to add additional pavement with this site plan and put up screening so they could have some cars parked outside.

Mayor Muryn asked if Mr. Jenkins knew what the issue was with Wood County that he could not get his occupancy permit. Mr. Jenkins responded that he is just not done with the building. The office area is not finished inside.

Dan Clinger stated that he did not think the owner has been a very good steward of our previous approval. He is afraid that if we put the pavement up front he will just be screening more junk vehicles. If this is going to be sales, you want your cars sitting out front where they are seen. Mayor Muryn wanted to clarify that in the original proposal he would be working on vehicles inside the building. We need to work with them to get to the previous standards before we take action on anything else.

Todd Jenkins asked if the Commission could table this item rather than deny at this time and allow him to have time to get with his clients and discuss the issues.

### MOTION

Mayor Muryn made a motion to **Table APPLICATION FOR SITE PLAN APPROVAL #SP-20-2020 filed by Dr. Richard Rhoton for parking lot expansion to the west of the property and additional detention area at 1113//1115 W. Main Cross Street.**

**2<sup>nd</sup>: Dan Clinger**

Jane Rettig commented that they do not mow the grass.

Matt Cordonnier asked Mr. Jenkins if he could get with his clients and set up a meeting with our

Staff and Zoning to relay some of the Commissions' concerns and work through the issues.

**VOTE:** Yay (4) Nay (0) Abstain (0)

**4. APPLICATION FOR FINAL PLAT #FP-03-2020 filed by Roger & John Best for Best Liberty Addition. This is a 24 lot residential subdivision in located in Liberty Township.**

**CPC STAFF**

**General Information**

This subdivision is located south of SR 12 and east of CR 9 in Liberty Township. It is zoned R-2 One Family Residential in the Township. Parcels to the south and east are also zoned R-2. To the west and north is zoned A-1 Agriculture. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

**Parcel History**

The Preliminary Plat of Best Liberty Addition was reviewed and approved by FCPC in October, 2019.

**Staff Analysis**

This is the first phase of the subdivision and will have 24 buildable lots as well as the drainage easement parcel. Shaffer Street and Colonel Drive are being extended south to intersect with the new extension of Early Drive.

The County Engineer has approved the Construction Plans for the development.

HRPC will also review this subdivision at its October 21, 2020 meeting.

**Staff Recommendation**

CPC Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-03-2020 filed by Roger & John Best for Best Liberty Addition. This is a 24 lot residential subdivision in located in Liberty Township.**

**ENGINEERING**

Engineering has no comments on the Final Plat. The developer will need to obtain OEPA approval of the construction plans for the waterline and sanitary sewer extensions.

**FIRE PREVENTION**

Verify with Liberty Twp. Trustees on hydrant placement

**RECOMMENDATION**

Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-03-2020 filed by Roger & John Best for Best Liberty Addition.**

**DISCUSSION**

Dan Stone reported that they already have their EPA approvals. They have been in discussion with Liberty Township on this project for a couple years and they will reach out to the Fire



Department on the hydrant placement.

Dan Clinger asked about the drainage path heading south. He asked if it is just being cleaned now or is it being modified. Dan Stone replied that it is being deepened to comply with some of the EPA requirements for sediment and erosion control. There is a new outlet ditch from the southwest corner of the pond going all the way down to the HPD land. They are repairing pond outlets that have been broken.

### **MOTION**

Christina Muryn made a motion to **approve APPLICATION FOR FINAL PLAT #FP-03-2020 filed by Roger & John Best for Best Liberty Addition.**

**2<sup>nd</sup>: Jackie Schroeder**

**VOTE:** Yay (4) Nay (0) Abstain (0)

**5. APPLICATION FOR SITE PLAN REVIEW #SP-21-2020 filed by D & K Development LLC, 15476 SR 12, Suite A, Findlay for a 9328 square foot multi-tenant commercial building to be located at 15329 US Rt. 224, Findlay.**

### **CPC STAFF**

#### **General Information**

This request is located on the south side of US 224 just west of the intersection of Brookstone Drive. It is zoned B-3 General Business in Marion Township. To the south, west and east is zoned R-1 Single Family Residential in the Township. To the north is zoned O-1 Institutions and Offices in the City of Findlay. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

#### **Parcel History**

This location has been the site of several small businesses including The Big Jerk, and Gracie's Deli.

#### **Staff Analysis**

The former store building has been demolished and the applicant is proposing a multi-tenant structure. The previous building had sat very close to the road right-of-way line. The new building has been pushed back to meet the current Township zoning standards.

The existing accesses toward the east end of the lot will remain. There was a second access toward the west end of the lot previously and it appears that that will be removed. Only have one area of ingress/egress should help with safety along this busy State Route.

Because this is located outside the corporation line, the Township will be the one to issue any permits for building (along with State approvals from Wood County). The location appears to meet all of their setback requirements and required number of parking spaces.

The elevation drawings submitted show an attractive building with stone veneers and lap siding. Certainly a great improvement over the former structure.

### **Staff Recommendation**

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-21-2020 for a 9328 square foot multi-tenant commercial building to be located at 15329 US Rt. 224, Findlay.**

### **ENGINEERING**

Access – Since the property is located outside of the City limits, any changes to the proposed access will need to be approved by the Ohio Department of Transportation.

Water & Sanitary Sewer – The applicant is proposing a separate water service for each unit which is acceptable. If a fire line is needed, this will need to be a separate service that is run from the water main to the building. The sanitary sewer service is shown connecting into the existing sewer manhole near the southwest corner of the property.

Stormwater Management – Since the property is located outside of the City Limits, the applicant does not need to comply with the City of Findlay detention requirements.

MS4 Requirements – Since the property is located outside of the City Limits, the applicant does not need to comply with the City of Findlay’s Erosion & Sediment Control Ordinance, they will still need to comply with all OEPA requirements for a construction project.

Sidewalks – The property has existing sidewalks.

Recommendations: Approval of the Site Plan

The following permits may be required prior to construction:

- Water Permit(s)
- Sanitary Permit(s)

### **FIRE PREVENTION**

No Comment

### **RECOMMENDATION**

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-21-2020 for a 9328 square foot multi-tenant commercial building to be located at 15329 US Rt. 224, Findlay.**

### **DISCUSSION**

Dan Clinger stated that he knows it is within setbacks, but he was concerned about parking out back that doesn’t really help serve clients. He thinks maybe the building should be pushed back and more of the parking out front. Dan Stone stated that it will be mainly employee parking. He’s not sure if there would be enough room out front to do two rows of parking and the required width of the aisle. The Township has agreed with the layout as it is shown. Dan

DeArment commented that there is nothing wrong with it, but it may be inconvenient for the customer. Dan Stone stated that right now DBE (home builders) is going to have a showroom here on the west end. The other two units are open at this time. If there is a higher traffic user they may be able to have some rear entrance also.

Mr. Ron Snapp, a tenant in the Brookstone Condominiums, came forward to speak. His unit backs up to this site. He would request some privacy fence on that side. The parking will be about 70' from his back door. Dan Stone stated that the Township had brought this up also. There is a well landscaped mound along the Condos now. The majority of the lights will go into that mound. They have agreed to work with the homeowners to either add to the landscaping to try and fill in any gaps or add fencing. The Township did require them to do this.

### **MOTION**

Dan DeArment made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-21-2020 for a 9328 square foot multi-tenant commercial building to be located at 15329 US Rt. 224, Findlay.**

**2<sup>nd</sup>: Christina Muryn**

**VOTE: Yay (4) Nay (0) Abstain (0)**

### **ADJOURNMENT**

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Christina Muryn  
Mayor

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Brian Thomas, P.E., P.S.  
Service Director