

City of Findlay

City Planning Commission

Thursday, February 11, 2021 – 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
Kevin Shenise, Fire Inspector
Brian Thomas, PE, PS, City Engineer
Erik Adkins, Flood Plain/Zoning Supervisor
Don Rasmussen, City Law Director

GUESTS:

Dan Stone, Jacob Mercer, Abigail Akyeampong, Ann Clinger, J R Black, Michael Uloko, Bill Alge, Dan Sheaffer, Tim Mayle, Luke Siefring, Dennis Doolittle, Randy Greeno, Kara Ankney, Mike Farmer, Troy Sonner, Kathleen Floyd, Greg Bockrath, Linda Saldana, Clinton Stahler, Kelly Taylor, Doug and Christy West, Demetrius Williams, Andrew Gardner, Ben Saldana, Tom DePuy, Bob Miller

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 January 14, 2021 meeting. Jackie Schroeder seconded. Motion carried 4-0-0.

NEW ITEMS**1. PETITION FOR ZONING AMENDMENT #ZA-01-2021 filed by Michael Farmer to rezone 610 S Blanchard Street from C-1 Local Commercial to R-4 Duplex/Triplex.****CPC STAFF****General Information**

This request is located on the west side of S Blanchard Street south of the intersection with South Street. It is zoned C-1 Local Commercial. To the north is also zoned C-1. To the south and east is zoned R-3 Single Family High Density and to the west is zoned I-1 Light Industrial. It is located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The structure recently had a commercial use on the first floor and residential above.

Staff Analysis

The applicant wishes to convert the first floor into another residential unit. The C-1 Zoning District does not permit this, so he would like to rezone it to R-4 Duplex/Triplex. He will then change it to a full residential property.

Due to prior business uses, there is a large paved area at the rear of the building. This will provide more than enough parking to accommodate the extra residential unit.

Staff Recommendation

CPC Staff recommends **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2021 to rezone 610 S Blanchard Street from C-1 Local Commercial to R-4 Duplex/Triplex.**

ENGINEERING

None

FIRE PREVENTION

No Comment

RECOMMENDATION

Staff recommends **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2021 to rezone 610 S Blanchard Street from C-1 Local Commercial to R-4 Duplex/Triplex.**

DISCUSSION

Mike Farmer stated that they had owned the property for some 30 years. It had a commercial use on the first floor and a residence above. They have tried to keep a business there but have not been able to sustain a good business recently so they would prefer to create another residential unit.

Dan Clinger asked what our new zoning map had designated this lot. Matt Cordonnier replied that the C-1 Local Commercial is the new zoning. It had a commercial use on the first floor, so it stayed commercial. Mr. Clinger asked if it would make any difference to make it R-3 with the Conditional Use for a duplex instead of changing to R-4. Mr. Cordonnier replied that either would work. Changing to R-4 cuts out the step of coming back to CPC for approval of the Conditional Use. Because the biggest concern in changing existing buildings to R-4 is usually meeting required parking standards and this site has more than enough parking, we felt the change to R-4 is appropriate.

MOTION

Dan DeArment made a motion to **recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2021 to rezone 610 S Blanchard Street from C-1 Local Commercial to R-4 Duplex/Triplex.**

2nd: Jackie Schroeder

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

2. APPLICATION FOR SITE PLAN REVIEW #SP-04-2021 filed by Columbia Gas of Ohio, 1800 Broad Avenue, Findlay for a Point of Delivery Station to be located at 15590 US Rt 224, Findlay.

CPC STAFF

General Information

This request is located on the north side of US 224 east of TR 212. It is zoned C-1 Local Commercial. To the east and west is also zoned C-1. To the north is zoned M-2 Multiple Family High Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as PMUD Planned Mixed Use Development.

Parcel History

The portion of the parcel in this request is currently vacant ground.

Staff Analysis

Columbia Gas is proposing a Point of Delivery Station on this site. They will be leasing 1.295 acres toward the west side of a 5.855 acre parcel owned by Blanchard Valley Health Systems.

They will construct one 50' x 50' steel building for metering and regulation, and two smaller prefabricated monitoring enclosures. (One is 8' x 12' and the other is 8' x 8'.) The buildings will sit on concrete pads.

All of the surface area inside the fenced enclosure will be stoned. The entry from US 224 will have a concrete apron and then become a stone drive going in to the facility. We normally do not permit stone surface in a C-1 district, but due to the nature of the use and it not being a traffic generator or parking surface we are fine with the stone. The applicant stated that personnel will typically only be on site a few times a month.

The entire complex will be fenced in with a tan 6' vinyl fence. The posts extend higher than the fence and will have barbed wire across them. The barb wire is not normally permitted either in C-1, but because it is a public utility that needs protection it is a reasonable request. The applicant submitted some photos of a similar site and the wire is barely discernible in the photos. Two rows of arborvitae are planted outside the fence.

The large building can be seen above the fence, but it is a similar color to the fencing and the entire site has a very neat appearance.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW FOR SITE PLAN #SP-04-2021 for a Columbia Gas Point of Delivery Station to be located at 15590 US Rt 224, Findlay.**

ENGINEERING

Access – Access will be via a proposed drive from US 224.

Stormwater Management – Detention for the site will be provided by the voids in the proposed stone areas. The water will be held in the voids until it can percolate into the underlying soil.

MS4 Requirements – The site will be disturbing less than one (1) acre so the applicant will not need to comply with the City of Findlay's Erosion & Sediment Control Ordinance.

Recommendations: Approval of the Site Plan.

The following permits may be required prior to construction:

- Driveway/Curb Cut Permit

FIRE PREVENTION

Stone driveway must be maintained.

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-04-2021 for a Columbia Gas Point of Delivery Station to be located at 15590 US Rt 224, Findlay.**

DISCUSSION

Troy Sonner, Poggemeyer Associates, summarized the project. They will be tapping the TransCanada Pipeline to the north of the property. That high pressure gas will be brought in and go through the metering and regulation to drop the pressure and then be sent back out to the lower pressure distribution line.

Dan Clinger questioned if the site area was over an acre and should have to comply with MS4 standards. Brian Thomas stated he had calculated the "disturbed" area as under an acre, but if he miscalculated they would be required to meet MS4 standards.

Dan DeArment asked if they monitor gas inside the building. He stated that he was referring to the quality of the air inside the building – detection of leaks. Mr. Sonner replied that the buildings are not air tight, there are vents and louvres. It is all passive venting, nothing mechanical. Before any personnel would enter the building they are required to do air monitoring to check for combustible levels.

Jackie Schroeder asked who takes care of the mowing and landscaping. Mr. Sonner replied that the gas company will.

Dan Clinger asked if the gas is carried to a line south of US 224. Mr. Sonner replied that there is a new gas line proposed as part of this project south of US 224. Jackie Schroeder asked if they will be boring under the road for that. Mr. Sonner replied yes.

Mr. Clinger asked if there is any differentiation in types of stone used inside the facility. Mr. Sonner replied that driving areas are differentiated on the plans. Non-vehicular areas get #57 stone and drive areas get an ODOT 304 stone.

MOTION

Jackie Schroeder made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-04-2021 filed by Columbia Gas of Ohio for a Point of Delivery Station to be located at 15590 US Rt 224, Findlay.**

2nd: Dan DeArment

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

3. APPLICATION FOR SITE PLAN REVIEW #SP-07-2021 filed by Croy’s Property Holdings, LLC, 440 N Maple Street, Ottawa, OH for a new 36’ x 60’ building and additional parking surface for the business located at 811 Broad Avenue.

CPC STAFF

General Information

This site is located on the east side of Broad Avenue south of Howard Street. It is zoned C-1 Local Commercial. To the north is zoned C-1 and R-3 Single Family Small Lot. To the south, east and west is zoned R-3 Single Family Small Lot. There is some flood plain on the property, but the area for construction appears to be outside of that. The City of Findlay Land Use Plan designates the area as Neighborhood Commercial.

Parcel History

The site has a single family home fronting on Howard Street and the south area was once a U Haul rental site. In 2017, Croy’s mowing received a Change of Use to use an existing garage for storage and have outdoor storage of vehicles and equipment for their business on the existing gravel lot. The east west alley running through the property was vacated in 2020.

Staff Analysis

Apart from the house there are three (3) other buildings on the property. The two smaller structures will be demolished. The garage near the house and along the N/S alley running from Howard Street will remain.

A new 36' x 60' building with a covered porch area on the northwest corner will be constructed to attach to the remaining garage. There will be an overhead door on the common wall of the two buildings to allow passage between the two and three (3) overheads on the west side of the building. The west side (facing Broad Avenue) will have a stone wainscot between the overhead doors as well as the same stone under the porch roof. This is the most visible side of the building. A business identification sign is indicated beside the entry door.

There is a dumpster shown at the very southeast corner of the lot. The plan indicates it will have a vinyl fence enclosure. It appears that the enclosure is only about 2' off the property lines. A dumpster must be 10' from a property line.

Because the business is expanding, they will need to comply with current standards. One in particular is to pave the parking and driving surfaces. Stone surfaces are only permitted in industrial settings for enclosed storage. All the areas that are now stone must be converted to a hard surface as well as the new areas proposed.

Protecting neighboring residential uses is also important. We propose that a privacy fence at least 6' in height be placed on the south property line between the business and the dwelling at 805 Broad Avenue. There is residential property along the north/south alley on the east side of the site also. We are not sure if the area to the south of that building is used for any parking. Because there is the intersection of that alley with the vacated alley now serving as ingress/egress for the business it may be pointless to fence in that short space and maintain good turning radius.

We would also want the lots and vacated alley combined into one parcel. This makes it much easier to define property lines for setbacks, etc. for the zoning department.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-07-2021 for a new 36' x 60' building and additional parking surface for the business located at 811 Broad Avenue subject to the following conditions:**

- **Move dumpster enclosure 10' from property lines**
- **Install a minimum 6' high privacy fence on south property line**
- **Pave any driving surfaces and parking areas**
- **Combine the lots and vacated alley into one parcel**

ENGINEERING

Access – Access for the proposed development will be from either the vacated alley off of Broad Avenue or the alley off of Howard Street.

Water Service – The proposed water service size is not labeled. The existing waterline on the west side of Broad Avenue is a small line. Depending on the size of the waterline needed, that line may or may not be able to be used. Based upon the use, I do not expect it to be an issue but if it is, the applicant would need to tap the waterline on Howard Street.

Sanitary Service – The sanitary service needs to be revised on the drawings. The proposed lateral will need to connect to the existing sanitary sewer that is located in the pavement of Broad Avenue. It is Engineering’s understanding that the sewer line that is shown on the plan is actual the storm sewer so it cannot be used for a sanitary connection.

General – Engineering would like some more information on what the proposed use of the proposed building will be. If equipment is going to be washed in the building, and if there are going to be any floor drains, Engineering would have concerns with oils/grease and grass clippings being washed off of the vehicle/mowers and entering the sewer system via the floor drains. A grease trap or some other method would need to be provided to keep the oil/grease and grass clippings out of the sewer system.

Stormwater Management – The proposed plan shows additional stone parking added to the site. If the stone is allowed, the increase in impervious area is small enough that Engineering would not require detention. The zoning code requires all parking areas to be paved. If the Commission does not allow the additional stone to be added and requires the parking to be paved, Engineering would require detention to be provided and would need to see revised drawings with proposed grades and any additional drainage that would be needed before signing off on the zoning permit.

MS4 Requirements – The site will disturb less than one (1) acre so the applicant will not need to comply with the City of Findlay’s Erosion & Sediment Control Ordinance.

Recommendations: Approval of the Site Plan with the following conditions:

- The size of the proposed water service that will be requested be provided and the water service be revised, if necessary.
- Additional information be provided regarding the use of the proposed building and if there will be floor drains and equipment will be washed in the building, a grease trap or some other method will need to be provided to keep oil/grease and grass clippings out of the sewer system.
- If the parking area is required to be paved, detention will need to be added and the drawings revised to show proposed grading and any drainage that would be required to drain the parking area.

The following permits may be required prior to construction:

- Sanitary Sewer Tap Permit
- Waterline Tap Permit

FIRE PREVENTION

No Comments

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-07-2021 for a new 36' x 60' building and additional parking surface for the business located at 811 Broad Avenue subject to the following conditions:**

- **Move dumpster enclosure 10' from property lines (CPC Staff)**
- **Install a minimum 6' high privacy fence on south property line (CPC Staff)**
- **Pave any driving surfaces and parking areas (CPC Staff)**
- **Combine the lots and vacated alley into one parcel (CPC Staff)**
- **The size of the proposed water service that will be requested be provided and the water service be revised, if necessary. (ENG)**
- **Additional information be provided regarding the use of the proposed building and if there will be floor drains and equipment will be washed in the building, a grease trap or some other method will need to be provided to keep oil/grease and grass clippings out of the sewer system. (ENG)**
- **If the parking area is required to be paved, detention will need to be added and the drawings revised to show proposed grading and any drainage that would be required to drain the parking area. (ENG)**

DISCUSSION

Brian Thomas will need detention calculations now that it is going to be paved. There is a swale shown south of the lot.

Troy, representing Croy Mowing, stated that the business does mowing, landscaping, and snow removal. The building will be for storage of vehicles and equipment. There do not propose doing any maintenance on the vehicles here. It is normally contracted out or done at their home base in Ottawa. He went through the comments with the owner and they have no issue with any of those. He noted that they had moved the dumpster as requested on the revised drawing also. Troy stated that the owner would do whatever the Commission required for the buffer to the south.

Dan Clinger asked if there was an outlet for the drainage swale. Troy stated that he showed one going out to the storm drain on Broad Avenue. Mr. Clinger stated that he would like to see some screening on the east side along that alley from the backyard area of the house next door. Mr. Cordonnier commented that the Fire Department expressed some concern with that. The alleyway is narrow and anything along the alley may impede the trucks maneuvering. Keven Shenise said that it is technically their only rear access to the house at 805 Broad.

MOTION

Christina Muryn made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-07-2021 filed by Croy's Property Holdings for a new 36' x 60' building and additional parking surface for the business located at 811 Broad Avenue subject to the following conditions:**

- **Install a landscape buffer of arborvitae on south property line (CPC Staff)**
- **Combine the lots and vacated alley into one parcel (CPC Staff)**
- **The size of the proposed water service that will be requested be provided and the water service be revised, if necessary. (ENG)**
- **Detention calculations will need to be provided for the paved areas. (ENG)**

2nd: Dan Clinger

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

4. APPLICATION FOR SITE PLAN REVIEW #SP-05-2021 filed by Robinson Investments, 811 N Main Street, Bellefontaine, OH for parking lot and truck maneuvering areas for an existing industrial building at 2615 Crystal Avenue.

CPC STAFF

General Information

This site is located on the east side of Crystal Avenue north of Melrose Avenue. It is zoned I-1 Light Industrial. To the north is zoned B-1 Institutions and Offices in Marion Township and I-1 Light Industrial in the City of Findlay. To the east is zoned I-1 Light Industrial. To the south is zoned M-2 Multiple Family High Density. To the west is zoned R-2 Two Family in Marion Township. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as PMUD Planned Mixed Use Development.

Parcel History

The site plan for the existing warehouse was reviewed and approved by Findlay City Planning Commission in September, 2017.

Staff Analysis

There are no new buildings added to the site. There are two “potential future canopies” shown on the west side of the building. No details are provided other than the location and dimension. Today’s review will not include any approval for the canopies.

The site plan consists of drive lanes and parking areas. There are speed bumps in the major driving areas which are fine as they are on private property. The Engineer will cover the ingress/egress details of the site in his review. Setbacks for I-1 allows pavement as close as 5’ to a side lot line and 10’ to a rear line. All pavement locations exceed these standards.

The location of a monument sign is indicated on Crystal Avenue. It meets setback requirements of the code. The Zoning Department will issue separate sign permits and will determine if the design meets standards.

There is a need for adequate screening for the Multi-family housing abutting this project. The units in Crawford Station are quite close to the property line and protecting those residences from headlights is a concern. Adequate screening is required along the south property line and the property line abutting the duplexes along Crystal Avenue. We can discuss the best remedy at the meeting as there appear to be some easements in the area.

A photometric plan was submitted that indicates foot candle readings of .5 or less at all property lines. Notes on the lighting plan state that pole mounted fixtures are placed at 28’. Our code has a maximum height of 25’ for the entire light structure (pole and fixture combined). The lighting will have to be lowered unless a variance is requested.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-05-2021 filed by Robinson Investments for parking lot and truck maneuvering areas for an existing industrial building at 2615 Crystal Avenue subject to the following conditions:**

- **Adequate screening from residential properties as determined by Planning Commission**
- **Submittal of new light structures meeting the maximum 25' height**

ENGINEERING

Access – Access to the site will be from the existing curb cuts on Crystal Avenue and Production drive. While the applicant has stated that the access from Crystal Avenue will not be used by trucks, Engineering would like to have the following changes made to that entrance:

1. Reduce the drive width from 30 feet to 24 feet
2. Reduce the radius on the north side of the drive from a 50 foot radius to a 20 foot radius
3. Post the drive as no trucks
4. The property to the south has a second drive that would access the proposed drive. If there is not a recorded easement that allows for this drive, Engineering would like for the drive to be removed.

Since the existing building is currently unoccupied, Engineer would like to know if the property owner would be in favor of changing the address from the existing Crystal Avenue address to a Production Drive address. The thought is that if the property has a Production Drive address, then GPS units used by the truck drivers will be more likely to direct them to use the Production Drive entrance instead of the Crystal Avenue entrance.

Water Service – The plan is proposing to relocate an existing fire hydrant. If the hydrant is going to be a public hydrant, a water tap will be required for the water department to make the tap. If the fire hydrant is going to be a private hydrant, no tap will be required. If the hydrant is private, the property owner would be responsible for all maintenance and repairs needed for the hydrant.

Stormwater Management – The consultant has submitted detention calculations that shows that the site is complying with the City of Findlay Standards.

MS4 Requirements – Since more than one (1) acre will be disturbed, the applicant will be required to comply with the City of Findlay's Erosion & Sediment Control Ordinance, which includes all post construction maintenance requirements.

Recommendations: Approval of the Site Plan.

The following permits may be required prior to construction:

- Sanitary Sewer Tap Permit
- Waterline Tap Permit

FIRE PREVENTION

Dumpsters must be 10 ft. from buildings.

Proposed plan blocks FDC and fire pump room access.

Proposed canopy doesn't allow access for FFD apparatus.

Driveways create access concerns for FFD apparatus in some areas.

RECOMMENDATION

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-05-2021 filed by Robinson Investments for parking lot and truck maneuvering areas for an existing industrial building at 2615 Crystal Avenue subject to the following conditions:

- Adequate screening from residential properties as determined by Planning Commission (CPC Staff)
- Submittal of new light structures meeting the maximum 25' height (CPC Staff)
- Reduce the drive width from 30 feet to 24 feet (ENG)
- Reduce the radius on the north side of the drive from a 50 foot radius to a 20 foot radius (ENG)
- Post the drive as No Trucks (ENG)
- Remove drive from apartments unless there is an agreement in place (ENG)
- Issue new address on Production Drive (ENG)
- Dumpsters must be 10 ft. from buildings. (FIRE)
- Resolve issue with plan blocking FDC and fire pump room access. (FIRE)
- Resolve any issue for proposed canopy not allowing access for FFD apparatus. (FIRE)
- Address issue of areas of driveways that create access concerns for FFD apparatus (FIRE)

DISCUSSION

Dan Stone commented that about $\frac{3}{4}$ of the south boundary of the property has a mature pine tree buffer. The eastern end of the parcel is currently open. Mr. Stone noted that there is a recorded easement to maintain the row of pines. He stated that all of their development will be moved outside of that easement. They would work with Planning Commission to fill in the voided areas in the existing pine row. Mr. Stone also stated that on the east end, the stone from the current side had been carried over there and there had been access between these under the prior owner. They will introduce landscaping in that area as required.

Matt Cordonnier asked if there is room with the easement there for them to put fencing along the south boundary. Mr. Stone replied that they cannot go in the easement without permission. If Planning Commission would require something, there may be caveats in the document to allow that. Mr. Cordonnier clarified that he would mean outside the easement on their site is there room to place that barrier. Mr. Stone replied yes. They intend to shift the roadway 20' north of the property line which will allow them a 3' buffer between the driveway and the easement. They could install a privacy fence there.

Mr. Stone stated that they had a lot of discussion with FFD on how they would access and fight a fire on the site. They will move the FDC to the north face of the building to avoid the canopy area. A new fire hydrant would go on that side also. They also discussed a fire access road only being added. They looked at Kevin Shenise's concerns on truck turns and creating other accesses to allow that maneuverability. It would effectively create a loop around the building for fire access to avoid those sharp turns in the driveway system.

Mayor Muryn noted that she had received a couple letters with drainage concerns related to the pond. During heavy rain there has been water covering portions of Crystal Avenue. They will analyze the existing pond. They do not want to put any more water in there. They will have to wait for the snow to thaw in order to be able to see the conditions. They are installing a new retention pond on the east side with the new development that goes to a new larger storm sewer. If this pond is deemed inadequate they can route as much water as needed around the building over to the east side. They will investigate any blockages, etc. that may be causing any issues and correct them.

Brian Thomas commented that he believes that last year there was an issue with the drive pipe being plugged. He did not see the dates of the photos so is not sure if that coincided with that issue. The City and County both looked at it. Found a bucket in there and once it came out it drained pretty quickly. The Corporation line is right there, so he, Dan and the County Engineer will all be involved in this.

Dan Stone stated that the canopies are going to be part of the plan and would ask the Commission to include them in today's approval process. Dan DeArment asked what the purpose of the canopies is. Mr. Stone replied that it will be a staging area to load and unload product. The clear height will be 14' at the lowest point and up to 16' at the building.

Jackie Schroeder asked for some information on the different traffic patterns on the site. Mr. Stone replied that all truck traffic will come off of Production Drive. He indicated the areas for main truck drop off, where box trucks would go and areas for trailer storage. The loading and staging area where the canopies are located will be accessed by the trucks coming around the building. They will then exit around the building back out to Production Drive. The employees will use the Crystal Avenue access. There is a detailed striping plan they put together showing all the directional flow. There is a great amount of signage on site to direct traffic.

Mr. DeArment asked how many employees they plan to have. Mr. Black replied that they will initially hire 160 and could go to 195 at peak season.

Matt Cordonnier commented that there is a gentleman in the audience that wanted him to convey his concerns. The first was the occasional flooding which has been discussed and we are confident it can be addressed. He had also asked about sidewalks along Crystal Avenue. Our zoning ordinance does not require sidewalks for industrial properties. He has also asked if there could be a guard rail installed between the pond and Crystal Avenue. His concern is that the pond is very close to the roadway. His final question was in regard to headlight pollution from vehicles leaving the site. He wondered if there could be some landscaping put on the north side to help with that. Dan Stone replied that they will be very limited with landscaping in that area. There are fiber optics, gas and telephone, overhead power lines all along the north property line. They could try to position some at certain points, but it will be up to Planning Commission to guide them in that area, but there are several obstacles. Mayor Muryn noted that with the traffic patterns on site, it does not appear that there will be much facing that north side very often.

Clint Stahler, attorney for Randall Strauch, indicated on the map where his client owns property south of the industrial site. He stated that they hold the 17' tree line easement. He had submitted a letter on behalf of his client to Planning Commission. Their concerns are the buffering for the M-2 Multiple Family zoned property. They want to maintain the suitability of that land for quiet residential enjoyment of potential building. If the road is moved 3' out of the easement area that is an improvement. The applicant cannot do anything to alter the trees within the easement. Mr. Stahler stated that there may need to be some investigation into whether 3' from that easement is enough to not alter the trees. It sounds like the Commission's recommendation is to add a no less than 8' opaque wall. He stated they would want this to be out of a material that also provides a sufficient acoustical barrier as well. Mr. Stahler commented that they would request a masonry wall similar to what you see along a highway. The road is listed as heavy duty, meaning box trucks and possibly tractor trailer vehicles. That would mean heavy trucks operating a few dozen feet from people's back patios. This could have a tremendous impact on the value of the abutting property and its suitability for development. They would want to be sure the screening goes far enough to the east to the boundary line that goes north. They would like a chance to review and weigh in and get this done directly with the applicant. They would like to have another opportunity with the Commission to have final site plan reviewed and approved. They would like the wall a sufficient distance outside the easement so as not to harm their trees.

Mayor Muryn noted that the easement issue is not something that the City can enforce. She stated that her thought is that a large privacy wall making it look like a large residential community might be beautiful, but may be a bit excessive. The combination of maintaining the mature tree line and putting an 8' vinyl privacy fence could be sufficient. This will not be high speed traffic which would not generate as much noise. Ms. Muryn stated that she did review the letter Mr. Stahler provided, but she feel comfortable with the solutions they have proposed.

Dan Stone stated that he wants to be sure the Board understands the logistics of the truck traffic and that it will be during normal business hours. Mr. Stone commented that they had spoken with the management of the Crawford Station apartments and they had discussed the traffic and hours. There will not be a lot of traffic through here in the middle of the night. Mr. Black commented that the owners of Crawford Station were in agreement with the 8' fencing. Mr. Stahler asked how far outside the easement area the fence would be. Dan Stone replied that it would probably be about 2' from the easement line. Mr. Stahler stated that they cannot alter the trees in the easement and he is thinking about root systems. They are concerned that you start to dig for the fence or roadway and hit a root and kill a tree. This is why he feels a visit to the site to analysis that issue would be good. Matt Cordonnier asked for clarification on what land Mr. Strauch owns and where the tree line is located in relation to his property. Mayor Muryn stated that as she sits and thinks about this, she understands that we do not want to damage a root system and have a dead tree that may fall on a roadway or fence and cause other damage. She expressed that it may however be difficult to prove over time what caused the tree to die. We cannot know where all the root structures are when a fence goes in. The applicants are meeting standards in our code, they are willing to install buffers as required, and they are willing to maintain that easement. She does not think they (the City) can legally restrict them any further as long as they are outside the easement. Mr. Stahler stated that an arborist can come out and tell you what distance you need to stay away from a mature tree to not compromise the root structure.

Dave Burns stated that his mother lives right across the street from the exit onto Crystal Avenue. He asked if they could make it a left turn out only. When they doing construction for the building he had to fix her yard four or five times where the trucks ran through her yard leaving the site. He stated that if they narrow the drive and make the radius less, trucks will cut wider and be in her yard again. Mr. Burns asked if the semi-trucks back trailers in back to back and they use that road their lights will shine in all the houses picture windows a little further up the road. Mayor Muryn replied the Crystal Avenue entrance is designated for employees only. They will change the truck traffic over to the entrance on Production Drive. She also replied that they have stated they will operate on standard business hours, so there should be minimal times that headlights will be an issue. We do live in Ohio and it gets dark early in the winter, but there should not be a lot of after-hours traffic. Matt Cordonnier responded that he knows they cannot guarantee that a truck will never use that access, but he is comfortable with the fact that the applicant has stated they will post as No Trucks and specify that the trucks use the other entry. Jackie Schroeder stated that changing the address for the building to Production Drive will also help with anyone relying on GPS directions. Mr. Black noted that the address will be a priority even now. They have persons coming to visit the site and the entry from Crystal is not good and they do not plow it right now. It is preferable for all traffic to come from Production Drive. Mr. Burns asked if the drive to Crystal will be blacktopped. The applicant replied yes. Mr. Burns asked who would be responsible for repairing her lawn if the construction company uses it. He had problems with them promising to repair it before and they never did. Mr. Black said he understands his frustration, but they are the landlord, and if this ever happens, the tenant would be causing the damage and he cannot speak for them.

MOTION

Mayor Muryn made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-05-2021 filed by Robinson Investments for parking lot and truck maneuvering areas for an existing industrial building at 2615 Crystal Avenue subject to the following conditions:**

- **Issue a new address on Production Drive**
- **Install an 8' privacy fence along the entire south property line and landscaping on the west property line abutting the Cunningham duplexes**
- **Submittal of new light structures meeting the maximum 25' height (CPC Staff)**
- **Reduce the drive width from 30 feet to 24 feet (ENG)**
- **Reduce the radius on the north side of the drive from a 50 foot radius to a 20 foot radius (ENG)**
- **Post the drive as No Trucks (ENG)**
- **Dumpsters must be relocated 10 ft. from buildings. (FIRE)**
- **Resolve issue with plan blocking FDC and fire pump room access. (FIRE)**
- **Resolve any issue for proposed canopy not allowing access for FFD apparatus. (FIRE)**
- **Address issue of areas of driveways that create access concerns for FFD apparatus (FIRE)**
- **Review and correct if necessary the drainage of the pond along Crystal Avenue**

Dan Stone asked that we consider the canopies as part of the approval of today's plans. When they file for a permit, they will bring in the details on those as part of the plan. The Commission agreed.

2nd: Dan Clinger

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

5. APPLICATION FOR CONDITIONAL USE #CU-02-2021 filed by Abigail Akyeampong to operate a group home for elderly persons that require help with Activities of Daily Living (ADL) to be located at 2619 Foxbury Lane.

CPC STAFF

General Information

This request is located on the north side of the south east/west leg of Foxbury Lane. It is zoned R-1 Single Family Low Density. All abutting property is also zoned R-1. It is not located within a 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Large Lot.

Parcel History

This is the site of a single family home.

Staff Analysis

Group Homes are a Conditional Use in the R-1 district and subject to review of the Planning Commission. Planning Commission can place any conditions they deem necessary on the property as part of the approval of the use. There is no change in Zoning District and if any use other than residential ever wanted to occupy the location, they would have to be listed as a Permitted or Conditional Use in the R-1 district to be considered. If they would fall into the category of a Conditional Use, they would have to go through this same process with Planning Commission.

The Applicant (a licensed medical professional) has stated that she intends to have elderly persons (age 65 and over) reside in the home that need some level of care but do not desire to move to a nursing home facility at this time. She commented that they will be predominantly female unless there is the case of a husband and wife. The number of residents will depend on what the State will approve for her license. She indicates that she will start with two (2) clients, but it could go up to as many as five (5). (Per conversation with applicant on February 4, 2021)

The Applicant has stated that she will be the only other person residing in the home. There will be caregivers probably working 12 hour shifts. Normally only one during the day and one during the night. There is a large driveway area in front of the house and she predicts that no more than (four) vehicles would be parked there at any time. She has stated that none of the clients will have cars or the ability to drive. As the project is presented we do not anticipate any more traffic generation than a normal residence.

There will not be any signage and the exterior of the home will not be changed. It will maintain the appearance of a single family home.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-012-2021 filed by Abigail Akyeampong for a group home for elderly persons subject to the following conditions:**

- **State approval of license to operate**
- **Approval of State Building Department for renovations if required**

ENGINEERING

Based upon the information that has been provided, Engineering would not expect the any more traffic from the proposed use than a normal household.

FIRE PREVENTION

Change of building use/ occupancy change must be filed with Wood Co. Building Dept.

DISCUSSION

Abigail Akyeamong stated that she is a certified Nurse Practitioner. She commented that she wanted to clarify her proposal. She feels that anytime someone uses the term Group Home it raises concern in people's minds. This house idea was the result of working with Nancy Miller who was a Findlay resident. Ms. Akyeamong has her 93 year old husband, Bob, with her today. Nancy Miller got sick four years ago and eventually was diagnosed with Alzheimer's, Parkinson's, and dementia. Bob and his wife had promised each other to not put their partner in a nursing home. The couple had no children. However, the disease became too complicated for him and he had no choice but to place her in a nursing home. Mr. Miller would spend eight hours a day by her side to make sure she was taken care of. Ms. Akyeamong related that she had worked in nursing homes before. She does not blame the employees, but the system can have one aid responsible for 14 to 24 residents at a time. She stated that Mr. Miller called her from the nursing home one day and told her that his wife needed help. He needed to get her from her wheel chair to her recliner and he was repeatedly told it was not her turn yet. Nancy Miller passed away last September and that is when she decided that she wanted to have a house to provide care for the next Nancy that deserves better, more personal care.

Ms. Akyeamong stated that this house will be her home. She just wants to have elderly adults who have worked all their lives and do not want to go to the nursing home live there. She stressed that the exterior of the home will not change. There will not be any sign. She is highly regulated by the Ohio State Department of Health. Every 120 days they will come by to ensure the clients are safe and taken care of properly. She stated that the other neighbors would be more of a risk to the neighborhood than these elderly adults. Her clients will not create traffic. They do not drive or own cars. Abigail noted that someone can run a day care out of their home and have multiple children and multiple vehicles coming and going daily. She compared her situation to like living with her in-laws and her family in one house.

Abigail Akyeamong said her house would be affiliated with a non-profit. They will work with Center for Aging to provide funds locally into the Dementia, Alzheimer's and Parkinson's care. She decided to do this in Findlay because it was Nancy's hometown. She wants to give back to her and have name live long in the community.

Mayor Muryn thanked Abigail for her passion. The mayor stated that the topic in front of them is making sure it is conducive with the neighborhood, will not cause disruption and that it can be classified within the parameters of the Conditional Use. Christina commented that she wanted to clarify that this is not a rezoning of the property it is a Conditional Use. The Commission can grant permission for the use if they see fit. Any other future use of the property if not residential would have to come back to the Commission to see if they would allow it. The Mayor also noted that they received communication from the neighborhood regarding Restrictions and Covenants of the Subdivision that would prevent this. The Commission cannot address that. Any violation of those rules are a civil matter to be addressed outside this Commission's purview.

Dan Clinger asked Abigail if she had any experience in operating a nursing facility. Ms. Akyeampong replied yes. She has a practice in Lima Ohio and does house calls to elderly adults' homes. She stated that she also has patients in Columbus that she sees. She also goes to nursing homes and supervises staff. Mr. Clinger asked if she could have up to two persons without being licensed. Ms. Akyeampong replied yes, she can according to the State. If she is going to have more – she would like to have five – then she must get the license.

Mayor Muryn asked how many of her occupants she expected to have vehicles on site. Abigail replied that none of them will be drivers. Christina Muryn then asked about patients in particular having Parkinson's, Alzheimer's or dementia and stated that they have all heard of situations when they can get violent, forgetful, possibly get out of the building. How can she protect against that happening? Abigail replied that she has the liberty to take the clients that she feels she can provide safe care to. She would not take a client that is a "wanderer". She would not have the patients that are in an advanced stage of the disease.

Dan DeArment asked if any of them can own a car. Ms. Akyeampong replied that she does not have room to keep someone's car, so part of her criteria is they will not own a car. She does not feel her patients will be able to drive in any circumstance.

Dan Clinger asked if she has a business plan for what she is doing. Ms. Akyeampong stated no she has not developed a business plan. She is being associated with a non-profit. It is in the process. The house will be called Nancy's Home. The nonprofit will support Parkinson's, Alzheimer's and Dementia Foundation. Mr. Miller stated that he sold the home he and his wife had lived in and it went toward this Foundation.

Dan Clinger asked what she planned to do as far as renovations to the house. Abigail stated that there will be no exterior alterations. She will be making a bathroom handicap accessible and just repaint the interior and freshen up in general. Mr. Clinger asked if she was planning to add any additional bedrooms. Abigail stated that it is currently a four bedroom house. There is an extra dining area that could be turned into a bedroom. Mr. Clinger stated that she will need to go to an architect or engineer to get state approved plans drawn up. Abigail replied that she will have to have the Fire Marshall come through the house and give a recommendation to the State Board on the safety of the home. The Ohio Department of Health will not approve until they sign off.

Mr. Clinger asked if she does intend to live here. Abigail replied yes, but she does work and her business takes her out of the home. There will always be a caretaker there for the residents when she is gone. Mr. Clinger noted that a letter they received indicated that she has a family and children in Ada. She replied yes, her ex-husband is there and a 17 year old daughter. Her daughter is the only one left at home and she will be going to college. Her daughter spends part of her time with her and part with her husband until then. None of them will reside in this house with her.

Christina Muryn stated that another concern from neighbors was emergency vehicles coming if there are regular incidents. She asked if Abigail could give any perspective on level of care and how often there may be incidents requiring such. Abigail stated that it will not be any different than if you have an aged parent living with you. She stated that she has the discretion and privilege of being able to be able to admit people to a nursing home. Her patients will not be in need of things like feeding tubes, tracheotomies, etc. Yes, someone could fall and injure themselves like in anyone's home and perhaps need other medical assistance.

Ms. Muryn wanted to clarify that Abigail has the ability to decide if someone that has been staying with her needs a higher level of care that she cannot provide, that she can admit them to a facility.

Dan Clinger asked how Ms. Akyeampong arrived at the decision to submit this as a group home. Ms. Akyeampong stated that she has always wanted to help people in this way and she believes this will not be the only such place she will have. She would like people to get to the point that if they love their neighborhood so much and they don't want to go to the nursing home that you can call a neighbor in the same situation and get together and combine households to help each other. Dan Clinger asked what is the maximum number the State could license her for. She believes that here she can have one resident per room, so it will depend on the number of rooms. She plans to stick to no more than five. Mr. Clinger stated that she calls this a group home but he thinks it falls more into an assisted living facility. Abigail said that according to the State licensure it is called assisted living. Matt Cordonnier stated that he thinks a definition of a group home is someone living in and supervising persons living in the home. Mr. Clinger stated that a group home would have individuals living there on a short term. In his opinion this is not a group home but a nursing/assisted living facility. Ms. Akyeampong stated that considering the age group, she does not foresee anyone living there very long term. She stated that it is an end of life service.

Kara Ankney stated that she lives in a house directly across from this proposal. She commented that she took offense to the statement that she and her family would be more of a risk to her residents than her residents to them. Ms. Ankney said she moved to this neighborhood as a family residential place. It has a lot of character, there are a lot of kids in the neighborhood for her children to play with. Ms. Ankney stated Abigail had stated she had a non-profit but also stated she had an investor. Kara said you do not have investors in non-profits. She said she had researched and found an LLC called Villa De Nancy's. Ms. Ankney had researched the licensing and it is listed as a residential care facility or assisted living. She also stated that while she says it is for elderly, by law it could open it up for other things. Ms. Ankney questioned the number of vehicles. Will any be in the garage? Is she changing the garage into something else? She stated that she suspects the amount of additional waste generated will require a dumpster. She again pointed out that the licensure allows for a whole gamut other than just elderly. Maybe she would change that in a year or so. Ms. Ankney stated she intends to stay in that home until she is older and retired and she does not want that risk across the street. If one goes in, what's to say another does not in the future?

Ms. Ankney said that Bill Alge had to leave for an appointment and he asked her to share something. He commented that the Conditional Use request will substantially change the character of the neighborhood and she is in total agreeance with that. Ms. Ankney commented that there are two nursing facilities within a half mile of this now. Within another five miles there are two more. Although Abigail states that they will not have vehicles and she has control over that, the patients' rights manual is very large. How can she say that if someone comes in and says they can still drive? There will also be relatives visiting that may cause tons of extra traffic. She quoted Mr. Alge as saying that the Conditional Use will require a very liberal interpretation of the City Zoning Code. Ms. Ankney stated that if someone doesn't want to go to a nursing home, they do provide in-home care.

Bob Miller commented that today you are forty, tomorrow you will be ninety. It comes fast. He said he is sure at this point you have people that are eligible to live in Nancy's House.

Christy West, neighbor of the Ankeny's, spoke next. She commended Kara on the research she did. Ms. West stated that they are concerned about property values. She commented that she worked in home health for 11 years and she knows what that is like. She appreciates someone wanting to stay in their home, but she does not want a "Golden Girls" home across from her.

Michael Ebersole, 2523 Foxbury Lane, has lived here since 1988. He commented that this isn't what they signed up for when they moved into the Fox Run area. At the time it was one of the premier neighborhoods in town. He considers this an encroachment on the neighborhood. He stated that if this house comes in, it is not particularly because it is the house, but what will happen next. Will there be a bed and breakfast come along? He is asking the Planning Commission to protect the residents of this neighborhood. This totally overlooks the deed restrictions.

Mayor Muryn stated that she appreciates the discussion for both sides. She has tried to come in with an open mind because she did not really have a strong opinion either way. At this point she says she is leaning towards denial of the application. This is a single family environment. She agrees that this is very needed in the community and she thinks Abigail has a great vision for what she wants to accomplish. Ms. Muryn stated that it might be more suitable in a neighborhood where there are maybe some existing duplexes and maybe some other environments around it so it is not so out of balance within the neighborhood. There is a progression and quality of life that Abigail will be able maintain in such an environment that is very noteworthy.

Monica stated that she and her husband purchased a home in July of last year on Foxbury Lane. They purchased in this area because it was a nice neighborhood and they could raise their family, grow old and retire there. She stated that she is a nurse and has worked in an extended care facility so she knows what it is like. She does not think this will solve the health care system. She does not feel it belongs in this family neighborhood. She agrees with the neighbors that it will bring down the property value of their home.

Dan Clinger commented that he has done extensive research with codes and he feels that this project is very clearly not a group home. It is an assisted living facility that is permitted in other zoning districts but not in R-1.

MOTION

Dan Clinger made a motion to **deny APPLICATION FOR CONDITIONAL USE #CU-02-2021 to operate a group home for elderly persons that require help with Activities of Daily Living (ADL) to be located at 2619 Foxbury Lane. Reason for denial is that it is not a group home, but an assisted living facility.**

2nd: Christina Muryn

Mr. Miller commented that he will probably have to call relatives in W Virginia to see if he can live with them.

Mayor Muryn stated that she is sorry to hear that, and they do agree that it is a great idea here but they have to make sure it will be located in a neighborhood where it fits more appropriately with the overall environment.

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

6. APPLICATION FOR SITE PLAN REVIEW #SP-06-2021 filed by The Kroger Company, 4111 Executive Parkway, Westerville, OH for a fueling station to be located at 101 6th Street.

CPC STAFF

General Information

This request is located on the south side of 6th Street just east of S Main Street. It is zoned C-1 Local Commercial. To the north, south and east is zoned R-1 Single Family Low Density and R-2 Single Family Medium Density. To the west 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 property as Neighborhood Commercial.

Parcel History

The site is currently a parking lot and vacant grass lot behind the existing grocery store.

Staff Analysis

This applicant is proposing to construct a 5 pump fueling station at the east end of the existing Kroger store. Fueling stations are a Conditional Use in the C-1 Local Commercial district.

The parking lot is currently used for employee parking. There is no public access at this end of the store for patrons. There is one access to the parking lot at the east end of the pavement. There is a remnant of the former residential drive into the grass area east of the parking lot. The Engineer will discuss the new driveway locations in his review.

The canopy and small attendant building. The structures meet all required setbacks. This site will not have a convenience store component.

Parking along the east side of the building and to the south of the proposed fueling area will generally serve employees. There are 28 spaces shown there. We do not see any estimate on number of employees. In general, the parking required is only based on square footage of the building. There are more than enough spaces with the parking on the west side and the additional spaces on the east to meet those minimums.

Although the plan can meet bare minimum requirements, the site is small and has the potential to exacerbate the existing site issues. We can only assume that the drive at the south end of the store will also have added traffic with patrons leaving their shopping trip and cutting through to go fill up before they leave the site. And the case will be vice versa also – get my gas and now go out front to do my shopping. The site has issues now at busy times with so many shoppers, conflicts in the parking lot and not easy ingress and egress in general.

All the residential neighbors will be subject to more traffic, lights and noise than they already have had living beside a retail space.

Staff Recommendation

CPC Staff recommends **denial of APPLICATION FOR SITE PLAN REVIEW #SP-06-2021 filed by The Kroger Company for a fueling station to be located at 101 6th Street.**

ENGINEERING

Access – The site currently has one (1) drive on Main Street and three (3) drives on Sixth Street (one drive is for the currently vacant lot that is under the same ownership). The proposal keeps the same number of drives as what currently exists.

Engineering feels that access to the property will be an issue. The proposed plan shows fuel trucks entering the Main Street drive, which requires a left turn across 2 lanes of traffic. There have been numerous times that Engineering has seen a vehicle waiting here to turn left. When the fuel truck waits, it will back up traffic through the intersection. Engineering also feels that there will be issues when the truck tries to make the left turn onto Sixth Street to leave the site.

There are also vehicles that currently use the drive located on the south side of the building to travel from the existing parking lot on the west of the building to the parking lot on the east side of the building. While it is assumed that this drive was really installed for delivery trucks, it doesn't change the fact it is used by delivery trucks, passenger vehicles and would now also be used by fuel trucks.

These concerns were provided in a conference call with the applicant and the consultant in the fall of 2020. During the call, Engineer also asked for a traffic study to be completed. It was stated that the purpose of the study would not be to look at the impacts on the intersection but should look at all of the drives to determine if any improvements need to be made. Engineering has received the traffic study that was requested.

Engineering does have some comments on the study. Some of the comments are minor, such as typos, or inaccurate statements but there are a couple of comments that are more major:

1. The study only looked at the new drives and did not look at the existing drive on Main Street or the existing drive on Sixth Street on the west side of the building.
2. The study assumes that 20% of the traffic will go both to the grocery store and stop at the gas station. The numbers that are used, assumes that all of those vehicles will visit the store first which reduces the number of vehicles entering the gas station.

Water Service – The proposed water service is labelled as a 2" service. This seems like a large size to service 1 restroom for employee use only. Are there other water uses that were used to determine the size of the water service? The water service will also need to connect to the 10" waterline on the north side of Sixth Street. The plan currently shows the service connecting into the waterline that was abandoned last year when the newer line was installed. The location of the water service will also need to be modified so that the water meter pit will be located in a grass area.

Sanitary Service – The proposed sanitary service will connect to the existing sanitary sewer located at the rear of the property.

Stormwater Management – The stormwater calculations submitted complies with the City of Findlay Standards. The proposed storm sewer connection to the existing 36" storm sewer will be difficult because the existing sewer is brick. This sewer is currently being televised so that Engineering can determine its condition. Once Engineering has the video, we will determine if there is an existing tap that can be used so that a new connection will not be required.

MS4 Requirements – The site will disturb less than one (1) acre so the applicant will not need to comply with the City of Findlay’s Erosion & Sediment Control Ordinance.

Recommendations: Engineering also agrees with the comments that Regional Planning has on this project. It really seems to be a case of trying to put too much in an area that is too small.

Engineering would recommend denial of the plan as proposed but if the Commission does not agree, Engineer would request that the following conditions be placed on the approval:

1. The water service size be verified and the location be modified to the satisfaction of Engineering.
2. Storm sewer tap location be confirmed with Engineering.
3. Traffic Study be modified to the satisfaction of Engineering and any improvements that are required be added to the project.

The following permits may be required prior to construction:

- Sanitary Sewer Tap Permit
- Waterline Tap Permit
- Driveway/Curb Cut Permit x2
- Sidewalk Permit

FIRE PREVENTION

Concern with access to FDC due to potential new traffic flow and vehicle stacking.

RECOMMENDATION

Staff recommends **denial of APPLICATION FOR SITE PLAN REVIEW #SP-06-2021** filed by **The Kroger Company for a fueling station to be located at 101 6th Street.**

DISCUSSION

Andrew Gardner representing Kroger came to the podium. Mr. Gardner stated that the store was opened in July, 2003. Prior to Kroger it had been Foodtown at this location. He said that one of the reasons they are doing this is that a convenient fueling location has been requested by the customers at this store. It will be a \$2 Million plus investment. Mr. Gardner commented that he was a little surprised when he received the Staff reports recommending denial. They have been communicating with Staff since August. He commented that he was surprised because they do meet the zoning code requirements for the C-1 Conditional Use. He read the section of the code that listed a couple of conditions for approval. Those were related to position of underground tanks and level of screening required. Their plan meets both of these.

Mr. Gardner replied to the Staff comment regarding more light, noise, and traffic for the residential neighbors. He stated that any of the permitted uses in C-1 could have the same challenges. He said that they did submit a lighting plan that meets the City standards. Mr. Gardner stated that the hours of the fuel center would be 7 a.m. to 10 p.m. He remarked that the Speedway on Main Street would have the same conditions and it has been a 24 hour operation. He feels that they are asking for something that is already existing at an adjacent property. This is nothing new or something that has not been done or already approved.

Mr. Gardner explained that the reason they moved the tanks was to address the condition in the zoning code as best they could. A fuel center like this only gets 2 or 3 tanker trucks per week. They did not feel the truck motion would be a significant problem. He stated that he is confident they could come up with a tank location to flip that and keep the trucks entering off 6th Street and take them back out to Main if that will satisfy the Commission.

Mr. Gardner noted that his engineer did make some incorrect assumptions in the traffic study. They did go back and reanalyze after receiving Mr. Thomas' comments. He has looked at all the new drives and modeled all the traffic as a worst case scenario. They have not had time to get that to Mr. Thomas and would ask the Commission to make that a condition of approval. The study did show that the level of service was still acceptable even with traffic coming and going onto 6th Street between store and fueling station. He stated that they could sign the rear drive as one way truck traffic only. That will not absolutely prevent cars from using it but would deter some. He thinks these adjustments would resolve Mr. Thomas' issues.

Mr. Gardner stated that they left a landscape buffer on the east side. They are proposing a mound with trees and shrubs to try to meet the screening requirement. The south side is tighter. They are proposing a fence with additional plantings similar to what is there now. There is a mix of fence, masonry wall and fence again there now.

They respect Staff's opinion, but they respectfully disagree with the denial Mr. Gardner said. This is a value to their customers. Kroger constantly offers fuel perks incentives to help them save money.

Christina Muryn stated that her comments may come off as harsh. She grew up in that neighborhood a couple streets away. She grew up going to this store. Ms. Muryn commented that it does not function effectively. She agrees that they are technically meeting all the minimum standards. The Commission has to consider the overall impact to the neighborhood and the overall safety and function of it. She knows of persons that have regularly parked in the rear parking lot to avoid the front lot because it can be so challenging to maneuver at busy times. It is a very busy store and we need that grocery store in this end of town. She stated that she is struggling with the idea that this can fit and not cause significant disruption and more conflict points. That could not only be an efficiency and disruptive experience, but a potential safety hazard due to the volume of people you have walking through there, it's not a very wide spot to have multiple vehicles trying to maneuver through there, persons loading and unloading, etc.

Mr. Gardner acknowledged that the front parking lot is an additional and unique challenge all its own. They do not intend to have customers parking in the rear lot and walking to the front of the store. They certainly prefer all the employees park in the back and leave space in the front for the customers. He stated that they have not done an analysis of that parking lot to see if there could be a better layout for it that might give better flow. They can certainly take a look at that. To them the fuel center in the back is almost a separate site. If they can separate the traffic in front from the back he feels it certainly should not cause any issues in the front of the store.

Mayor Muryn asked about the employee parking. Mr. Gardner stated that there are around 27 spaces along the building and the south property line. He said the store generally had 25 to 30 employees. Ms. Muryn replied that they need to visit the site between 4 and 7 p.m. any week night or Saturday morning to witness what she is referring to.

Matt Cordonnier remarked that we did look at the Speedway site which is similar in that it is very close to residential units. The one difference is that when Speedway built they also purchased the homes directly north and east of their store and maintain them as rental units. Dan DeArment questions whether another gas station is needed in the area at all. Dan Clinger noted that he can understand their wanting to do this from an economic standpoint. In comparison to the Speedway site this will impact 12-14 residences abutting it. That is probably a little more impact than the Speedway was when it came. Mr. Clinger also agreed that it is a very tight fit. He understands there are only 2 or 3 fuel trucks per week, but how many store delivery trucks come through the back also? This is a tough nut with traffic, the closeness of approaches to the intersection and it just gets bottled up a lot the way it is now. This will create another venue for people to be driving in and out of.

Ms. Muryn stated that she has been trying all week to come up with what conditions they could place here to make it work. Mr. Gardner replied that obviously the completion of the traffic study is one. Looking at the traffic patterns on the site and coming back with a study and pattern that is acceptable.

Jackie Schroeder stated that she does have some problems with pushing traffic and lights to the east and further into the residential area. She referred to the station on Tiffin Avenue and asked if they would potentially have outside sales of salt and mulch, etc. as they do there. Mr. Gardner replied potentially. That is something that could also be done in the front of the actual store. There may be the “impulse buy” coolers with sodas and such. They did not show any of that on the site plan because they have not hashed that out yet. He does think there is the potential for those types of things here.

Dan DeArment asked if the pumps would have the speakers and screens with commercials, etc. going on while you pump your gas. Mr. Williams stated that the speaker is at the pump to communicate with the attendant.

Dan Clinger asked Brian Thomas about detention. Mr. Thomas replied that they propose under pavement detention.

Ben Saldana stated that he lives directly behind the Kroger store. He commented that Kroger has not been a very good neighbor. There is trash constantly coming over the fences. The wooden fence is in terrible disrepair. There are trucks at 2, 3 or 4 o'clock in the morning. Sometimes there are multiple ones backed up waiting. The store is not open, but they pull in and sit with their engines running until they can unload. In the summer they may open their windows and play their stereos. During busy times, the parking lot out front is full and people are waiting to get a spot. This is particularly bad at the holidays. He would be happy if the Commission would say no to this. They have to live there. They were there before Kroger was there. He commented that it is not fair for them to say that these things were already this way so it should not make a difference.

Tom DePuy, 310 7th Street, spoke next. He will be directly behind the new gas station. Mr. DePuy commented that he thinks this will decrease his property value a great deal. He stated the issue with traffic problems there now and that this will only increase those.

Mr. Saldana stated that just a little east of here on 6th Street is the Hanco Ambulance Service. They fly down 6th Street to get to Main Street and there is already havoc with trucks coming and going. That will just be another potential dangerous situation.

Matt Cordonnier stated that he had a letter from Lee and Cathy Weygandt that they requested be read. They did not want to attend due to Covid. Mr. Cordonnier summarized their comments. They do not see this as a welcome addition to the neighborhood and they oppose it. They noted the traffic nightmares with the current access to the Kroger store. The service station will only add to the noise, traffic and lighting issues in this nice neighborhood. A 6' fence with plantings that will take years to grow enough to block anything will not buffer the neighborhood which has been long established. With the Speedway, the potential station across Main Street and Kroger here, how much more traffic can that intersection take on? They also noted a sign at the corner of Main and 6th. How many more signs can they take in their residential neighborhood? The Weygand's stated that careful and thoughtful planning is the only way to grow our community. They requested the Commission listen to their concerns and urged them to reject the proposal.

Kathy Floyd, 128 7th Street, spoke next. She remarked that her parents had built this home. The house has been there for 70 years. She stated that this is probably the worst thing that could happen to this property. Traffic behind the store is already a problem. The additional traffic at the gas station will be worse. She is very much opposed to this.

Ms. Muryn stated she is trying to decide to recommend denial or table. Mr. Gardner replied that they would request to table. They can go back and discuss with their internal team and decide how and if they want to move forward. Mayor Muryn replied that the only reason she is going back and forth on this is because she is trying to figure out if there is anything from the screening standpoint, etc. that we can add conditions to that might help. But ultimately her primary concern is that this will be unsafe. There is just too much here. She cannot see any new version of this that she could approve. She feels they have a problem in the fact that they have outgrown this site.

Mr. Cordonnier replied that he cannot speak to the traffic. The question to the neighbors to the south is if there would be any benefit to an acoustical wall as we had heard brought up on a previous case - something maybe 10'-12' high. Linda Saldana replied that they are directly behind the loading dock area and there is a concrete wall there. That does not deter any noise. It is better looking than the wooden part that is so much in disrepair and looks awful. She does not see how any type of barrier can fully block all the additional noise and light pollution. She commented that it is a logistical nightmare to go down Main Street or 6th Street around the store. She can't see any viable option for the trucks coming back there. Ms. Saldana stated that she personally does not want a gas station in her backyard and does not think anyone else would want it either. Their property value would definitely nose dive.

Matt Cordonnier stated that the existing conditions are as they are and were legal at the time. We do need to be specifically considering the gas station. We can't really do anything about the existing site here.

Dan DeArment stated that his concern is the traffic. He thinks they can dampen sound and light but he does not think we can fix the potential traffic problems. He personally does not want to rehash this. He does not see how it will change in a month so he would prefer to deny and not table.

MOTION

Dan DeArment made a motion to **deny APPLICATION FOR SITE PLAN REVIEW #SP-06-2021 filed by The Kroger Company for a fueling station to be located at 101 6th Street.**

2nd: Christina Muryn

Brian Thomas stated that if the applicant does not want a denial on record they could still pull the application. Mr. Gardner replied that if that is an option he would request that the application be pulled.

Mayor Muryn state that the record show that the applicant pulled the application from consideration. Mr. Cordonnier clarified for the residents that this means there is nothing that Kroger is permitted to do in regard to the fueling station.

ADJOURNMENT

Christina Muryn
Mayor

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