

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday, January 13, 2022 – 9:00 a.m

Minutes

MEMBERS PRESENT:

Mayor Muryn
Rob Martin
Dan DeArment
Dan Clinger

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Kevin Shenise, Fire Prevention
Jeremy Kalb, PE, City Engineer
Erik Atkins, Zoning Administrator & Flood Administrator

GUESTS:

Nick Fore, Phil Rooney, Chris Schmitz, Andrew Gardner,
Jim Brown, Lisa Ammons, Kathleen Floyd, Mike Key, Tim
Mayle

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Muryn
Rob Martin
Dan DeArment
Dan Clinger

SWEARING IN

All those planning to give testimony were sworn in by Jacob Mercer.

APPROVAL OF MINUTES

Dan DeArment motioned to approve the minutes for the December 9, 2021 meeting. Rob Martin seconded. Motion approved 4-0-0.

OLD ITEMS

1. APPLICATION FOR CONDITIONAL USE #CU-09-2021 filed by the Caliber Collision, 9641 Kenwood Road, Cincinnati, OH, to renovate the building at 15199 SR 224 for a major auto repair business.

CPC STAFF

General Information

This site is located in on the south side of SR 224. It is zoned C-2 General Commercial. The parcels along SR 224 are C-2 General Commercial. To the south of the site is R-1 Large Lot Residential, which is currently Trinity Baptist Church. The parcels to the east are in Marion Township, and are zoned B-3 General Commercial and R-1 Single Family Residential. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Regional Commercial.

Parcel History

The site is the former location of Taylor Hyundai. It has been vacant since they relocated.

Staff Analysis

The applicant is proposing to locate a major auto repair business in the main building on the site. The applicant would also like to install a six feet high privacy fence around the buildings, with gates allowing access to the back of the property. During the December meeting, CPC asked why the fence was not flush with the neighbor's fence. The applicant indicated that the fence on the neighbor's property was ten feet off the property line, so that is the reason for the gap on the site plan.

The applicant will not be changing the existing size of the buildings. All changes to the building will be interior. As a conditional use, all automotive repair must be done on the interior of the building. Cars also may not stay on site more than thirty days, and must be parked on a hard, dust free surface.

Since the December CPC meeting, two items have been address on the site plan. A fence has been added to the south end of the property to allow for maintenance equipment to access the pond at the south of the property. The fence at the front of the main building has been moved so it does not impede the handicapped parking.

The following were listed as items for the applicant to address in today's meeting:

- Clarify the buildings to be used for repair work; and that doors remain closed during operations.
- Provide an update on the easements and access on the site

Staff Recommendation

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-09-2021** filed by the Caliber Collision, 9641 Kenwood Road, Cincinnati, OH, to renovate the building at 15199 SR 224 for a major auto repair business subject to the following conditions:

- Only the main building be used for repair work
- Garage doors must remain closed during repair work

ENGINEERING

No Comment

FIRE PREVENTION

Be sure proper permits are pulled from Wood County Building Department for any work that will be completed.

RECOMMENDATION

CPC Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-09-2021** filed by the Caliber Collision, 9641 Kenwood Road, Cincinnati, OH, to renovate the building at 15199 SR 224 for a major auto repair business subject to the following conditions:

- Only the main building be used for repair work
- Garage doors must remain closed during repair work

DISCUSSION

Mayor Muryn made a motion to remove the application from the table. Dan DeArment seconded.

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

Nick Fore with Cross Development was present to discuss the proposal. He thanked the Commission for tabling the item last month because he was out sick with Covid. Caliber Collision operates over 1000 locations around the US. The typical hours for these locations are 8am to 6pm. A location this size is projected to employ 15 people. They predict to get four to six customers a day. In terms of the paint, all paint would be contained in a paint booth. The vendor says that these paint booths are becoming so good at ventilation that they say the operators could paint without a mask on. Caliber Collision would work with the EPA to obtain any permits necessary for the paint booth. He noted that for the paint booth, it is standard practice for the doors to remain closed during the painting process, so they will be able to comply with that condition without difficulty. In terms of the noise, similar traffic studies that Caliber Collision have shown that the traffic noise from a road such as US Route 224 would create more noise to the neighbors than their operations would. For the building itself, they would have the front of the building used as office space, with the rear of the building set up to handle repair work. They would also like to use the building on the east side of the property, for additional bay space. The doors on that building face west, which would minimize the noise for the neighbors.

Dan Clinger asked if this is a franchise. Nick Fore said that Cross Development would own it, but that Caliber Collision would operate the location.

Mr. Clinger asked for clarification on the east building. He wanted to know what type of repair work would be done in the east building. Mr. Fore said that it would be minor repair/replace operations. Most of the repair work will be driven to the site, rather than tow trucks bringing major repair jobs. Mr. Fore said it was a possibility but the vast majority is minor repair/replace work.

Dan Clinger asked if they would utilize scrubbers to help with the ventilation. Mr. Fore said that they have a high exhaust off the roof. Dan DeArment asked if they utilized low VOC paints. Mr. Fore said he was unsure on the specifics but that it was his understanding that the EPA would not allow those types of paints to be used.

Mayor Muryn noted that she was comfortable with the proposal. The site was formerly a car dealership, it is a similar type of use. Since it is a conditional use, we have the ability to hold them accountable to the conditions we prescribed.

Dan Clinger noted that he wanted them to remove the east entrance or that the flag pole and sign would be removed. Mr. Fore said that would be fine with the applicant. Mr. DeArment asked if we would like a timeline on the removal. Mr. Clinger thought it could be done when the outlot is sold in the future.

MOTION

Dan DeArment motioned to **approve APPLICATION FOR CONDITIONAL USE #CU-09-2021 filed by the Caliber Collision, 9641 Kenwood Road, Cincinnati, OH, to renovate the building at 15199 SR 224 for a major auto repair business**, with the following conditions:

- The Garage doors must remain closed during repair work
- The pole and sign removed from the parking lot or the entrance be removed.

2nd: Rob Martin

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

NEW ITEMS

- 1. ALLEY/STREET VACATION PETITION #AV-01-2022 filed by KGD Properties LTD, 655 Fox Run Road, Suite B, Findlay, Ohio, to vacate the entire length of Heartland Court.**

General Information

This request is located southwest of the intersection of Technology Drive and County Road 99. It is zoned M-2 Multi-Family High Density. To the east is zoned C-2 General Commercial. To the south is zoned M-2 Multi-Family High Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the site as Neighborhood Commercial.

Staff Analysis

Heartland Court was originally platted as part of Findlay Commerce Park. It is currently vacant land. In October 2021, Lots 2-3, 5-6, and 8-9 of the Findlay Commerce Park were replatted as a single parcel. As part of the process, they indicated that they would like the alley vacated.

Staff Recommendation

Staff recommends approval of **ALLEY/STREET VACATION PETITION #AV-01-2022** filed by **KGD Properties LTD, 655 Fox Run Road, Suite B, Findlay, Ohio**, to vacate the entire length of Heartland Court.

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

RECOMMENDATION

CPC Staff recommends approval of **ALLEY/STREET VACATION PETITION #AV-01-2022** filed by **KGD Properties LTD, 655 Fox Run Road, Suite B, Findlay, Ohio**, to vacate the entire length of Heartland Court.

DISCUSSION

Phil Rooney was present on behalf of the application. Mayor Muryn noted that this was already reviewed during the rezoning request for the site. Since this was a condition for approval, this is a straight forward approval for the commission.

MOTION

Mayor Muryn motioned to **approve ALLEY/STREET VACATION PETITION #AV-01-2022** filed by **KGD Properties LTD, 655 Fox Run Road, Suite B, Findlay, Ohio**, to vacate the entire length of Heartland Court.

2nd: **Dan Clinger**

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

2. APPLICATION FOR CONDITIONAL USE #CU-01-2022 filed by the **Kyle and Brittany Robinson, 1638 Eastview Drive, Findlay, Ohio**, to convert **512 N. Cory Street into a duplex.**

Jacob Mercer noted that he did not see the applicant in the audience, so he had texted her to see if she was available. She was caught at work, so she requested to table until the February meeting.

MOTION

Mayor Muryn motioned to **table APPLICATION FOR CONDITIONAL USE #CU-01-2022** filed by the **Kyle and Brittany Robinson, 1638 Eastview Drive, Findlay, Ohio**, to convert **512 N. Cory Street into a duplex.**

2nd: Rob Martin

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

3. APPLICATION FOR CONDITIONAL USE #CU-02-2022 filed by the Chris Schmitz to operate a bed & breakfast at 2816 N. Main Street.

General Information

This request is located on the west side of N. Main Street, just south of the intersection with Waddle Street. It is zoned R-2 Medium Lot Residential. The neighborhood to the west is zoned R-1 Large Lot Residential. This block, on the west side of N. Main Street, is zoned R-2 Medium Lot Residential. 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

The site has been the home of Ed Sartore for over 32 years.

Staff Analysis

The applicant, Chris Schmitz, would like to convert the property into a bed & breakfast. The current total living area is 4200 square feet. Mr. Schmitz would like to start by having four bedrooms available for the business. He would also live and reside on the property. In the future, he would like to renovate to add an additional bathroom, which would allow for him to grow up to 6 bedrooms.

Parking should not be a concern for the property. There is a large 2-car garage and parking pad that could accommodate guests. The driveway stretches from N. Main Street, diagonally across the site, and has access to Waddle Street to the north.

In his application, Mr. Schmitz indicated that he planned on working with Erik Atkins in the Findlay Zoning Department, to work out a variance for the sign. He would like a sign in the front yard.

Staff Recommendation

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-02-2022 filed by the Chris Schmitz to operate a bed & breakfast at 2816 N. Main Street.**

ENGINEERING

No Comment

FIRE PREVENTION

- Need to obtain a certificate of occupancy from Wood County Building Department.
- Any renovations need permitted through WCBD.
- If the number of rooms for rent exceeds five, they will need to be licensed through the State.

- Single station smoke detectors need to be installed in every bedroom

RECOMMENDATION

CPC Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-02-2022 filed by the Chris Schmitz to operate a bed & breakfast at 2816 N. Main Street.**

DISCUSSION

Chris Schmitz was out of town, but was able to phone in for the meeting. Mr. Schmitz lives in Minneapolis and was unable to make it to the meeting in person.

Mayor Muryn thought that this was a good location for a bed & breakfast. The house was a beautiful Victorian style, with a large lot that would not be disruptive to the neighborhood.

Chris Schmitz noted that in the pictures, we could see the two-car garage at the rear of the property, but there is actually an attached three-car garage at the rear of the home. Mr. Schmitz noted that there is a fairly sizeable parking lot, and that would be the primary parking area. He noted on the south side of the building, there is a portico, which has some damage because someone tried to drive through and it was too narrow.

Matt Cordonnier asked if Mr. Schmitz had discussed the access from Waddle Street with his neighbors. Mr. Cordonnier noted that the auditor shows the access there is going across the neighbor's property. Mr. Schmitz was aware and had brief discussions with the neighbors. He believed there was an access agreement but would look into it further. Dan Clinger asked if the applicant was okay with expanding the parking if they needed. He worried that parking in the lot might block the garage spots. Mayor Muryn interjected saying that she thought it was good for him to be aware, but that additional parking was not something they need a condition at this time.

Mr. Cordonnier asked if Mr. Schmitz was going to be living on site. Mr. Schmitz confirmed that this would be a fully functioning traditional bed & breakfast, which means he and his wife would be living on site.

Mr. Schmitz noted they have a 3-phase plan for updating the house, which was noted in the packet, but he wanted to reiterate that point. Mr. Cordonnier noted he should check with Wood County Building Department on the specifics of the updates. Mr. Schmitz said that the home is registered historic, so some updates, such as being ADA compliant, might not be feasible.

MOTION

Mayor Muryn motioned to **approve of APPLICATION FOR CONDITIONAL USE #CU-02-2022 filed by the Chris Schmitz to operate a bed & breakfast at 2816 N. Main Street.**

2nd: Dan Clinger

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

4. APPLICATION FOR ZONING AMENDMENT #ZA-01-2022 filed by Provision Living, to rezone Parcel #620001022082, located at the southwest corner of the intersection of Township Road 145 and S. Main Street, from C-2 General Commercial to M-2 Multi-Family, High Density.

General Information

This request is located on the southwest corner of the intersection of TR 145 and S. Main Street. It is zoned C-2 General Commercial. To the north, it is zoned a mix of R-1 Large Lot Residential, R-4 Duplex/Triplex, C-2 General Commercial, and Liberty Township RM-1 Multiple Family Residential. To the west, it is zoned M-2 Multi-Family, High Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Agriculture.

Parcel History

The site is currently vacant.

Staff Analysis

The applicant, Provision Living, would like to rezone from C-2 General Commercial to M-2 Multi-Family, High Density. If they successfully get the parcel rezoned, they would like to develop the lot as an assisted living, memory care, and independent living villa community.

The zoning change would be consistent with development in the surrounding neighborhood. Directly to the west, there is Fox Run Manor and the Senior Homes of Findlay.

Staff Recommendation

Staff recommends **approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2022 filed by Provision Living, to rezone Parcel #620001022082, located at the southwest corner of the intersection of Township Road 145 and S. Main Street, from C-2 General Commercial to M-2 Multi-Family, High Density.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

RECOMMENDATION

CPC Staff recommends **approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2022 filed by Provision Living, to rezone Parcel #620001022082, located at the southwest corner of the intersection of Township Road 145 and S. Main Street, from C-2 General Commercial to M-2 Multi-Family, High Density.**

DISCUSSION

David Baylis was present on behalf of Provision Living. Provision Living is based out of St. Louis and operate a number of facilities throughout the Midwest.

Mr. Martin asked if Provision was affiliated with any of the existing facilities in the neighborhood. Mr. Bayliss noted that they are not, but they were complimentary. Mr. Cordonnier asked if these are market rate or if they are subsidized. Mr. Baylis confirmed that they are planning to construct market rate villas.

Mr. Clinger asked if there would be phasing. Mr. Baylis said that they would start with the main building and half the villas, so that they could get residents on site. Then they would be able to utilize the main building, and the construction of the additional villas.

Mr. Cordonnier reiterated that staff notes showed that this site is out of the floodplain.

Mayor Muryn noted that this seemed to be consistent with the neighborhood and would fit the zoning in the area.

MOTION

Mayor Muryn motioned to **approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2022 filed by Provision Living, to rezone Parcel #620001022082, located at the southwest corner of the intersection of Township Road 145 and S. Main Street, from C-2 General Commercial to M-2 Multi-Family, High Density.**

2nd: Rob Martin

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

- 5. APPLICATION FOR SITE PLAN REVIEW #SP-01-2022 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 five (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 gas station features a 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. 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 have added traffic with patrons getting 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. The site plan indicated that the south drive would only be one-way from east to west on the site, or from the gas station lot to the main parking lot. For anyone wishing to shop first, and then get gas, they must leave the property and use public streets. Staff would like to see all traffic between the grocery store and gas station remain on site.

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-01-2022 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 6th 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. The existing drive on 6th Street just west of the building is proposed to be turned into a right out only.

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. The water service will also need to connect to the 10” waterline on the north side of Sixth Street, this line will need to be bored or directional drilled under Sixth Street. 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 high tension brick.

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 agrees with the comments that Regional Planning has on this project, with the size of the existing property, and the circulation of internal traffic being directed to public roads, it seems there is too much being proposed for a small area.

The following permits may be required prior to construction:

Sanitary Sewer Tap Permit x1

Storm Tap Permit x1

Driveway/ Curb Cut Permit x4

Sidewalk Permit

Waterline Tap Permit x 1

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-01-2022** filed by **The Kroger Company for a fueling station to be located at 101 6th Street.**

DISCUSSION

Jacob Mercer noted that he assembled a number of emails from the neighbors regarding the site. All the emails stated they were concerned about the traffic circulation on the site. The emails from neighbors directly to the south also noted they were concerned about the delivery trucks

and lighting just behind their properties. They also were concerned Kroger were not keeping up their existing fence, which they did not think was a good sign for maintaining a future wall.

Andrew Gardner, the project Engineer from V3 Companies, was present on behalf of Kroger. He noted that there were other members present including: Jim Brown, the regional construction manager for Kroger, and Lisa Ammons, the regional Real Estate Manager for Kroger. Mr. Gardner noted that they did discuss this a year ago, but withdrew the application to address concerns. Kroger discussed this internally for a while, but they find that fuel is the number one request of customers at the store. They are trying to react to what the customers wanted.

Since the original application, they have met the staff request to increase the size of the wall from six feet to eight feet. He did note that it would be a concrete paneled wall, rather than a brick wall. It would be better at dampening noise.

He noted staff recommended that the southern drive remain a 2-way road rather than the one way that they were requesting. Mr. Gardner examined this, but they would not be able to vacate the power lines that go along the alleyway to the south. There is also sanitary sewer underneath the right-of-way leaving no room to bury utilities. The costs associated with this make it difficult to extend the site to the south.

Staff asked them to make the main entrance from 6th street right-in/right-out, to make traffic flow out quicker. They also asked if it was feasible to move the existing pedestrian entrance of the store to middle of the storefront to get pedestrians away from that parking lot entrance. Mr. Gardner said they spent extensive time looking at this, but the interior layout of the store prevented them from accomplishing this. The store is slated for renovations in 2024, and could be examined in the future though.

For the truck traffic, Mr. Gardner said that they would only get 2-3 trucks a week, so it would not increase the number of trucks to the site. For the Fire Department, they were willing to move the FDC and doing a remote one behind the store for easier access.

Kroger said that they feel they are providing all that is required to get the fuel station on the site. They have met the screening and landscaping for the neighbors and feel like they are meeting the requirements of zoning to get approval.

Mayor Muryn says she appreciates they have been willing to work with the City and CPC about the site. Her concerns are that they are still trying to fit too much on the site. She has significant safety concerns about the site. While the neighborhood impact have been addressed with the wall and landscaping, the traffic flow and increased traffic makes it more of a safety risk.

Mr. Gardner noted that there was a traffic study, and the only recommendation would be to increase the stacking the left turn onto Main Street. They were willing to try and accommodate this, but it is difficult to predict how the traffic internally will be impacted.

Mr. DeArment lives close to the Kroger, and likes the changes including the right-turn only onto 6th street. He was not sure if the de-celeration lane from 6th Street into the parking lot was

necessary given the new configuration. Mr. Gardner noted that the staff recommended they add it. There is a row of trees in the sidewalk that they are more than happy to keep for the aesthetic.

Mr. Cordonnier noted The Courier did a story on the application in preparation for the meeting. The comments were overwhelming negative with most comments saying that the traffic here is already crazy and this will exacerbate issues. The thought behind the request for the turn lane was to allow cars to wait in the stacking lane when pedestrians are walking and blocking their turn into the parking lot.

Mr. Cordonnier went on to outline the conditions that he thought were appropriate to getting Conditional Use approval:

- Right-in/right-out of the 6th Street entrance to the grocery store
- Centering the entrance to the grocery store to get pedestrians away from the vehicular entrance to the parking lot.
- 8-foot privacy wall
- 2-way traffic for the southern drive around the store.

If it was up to him, his priority would be to move the pedestrian entrance to the center because it will get them into the store safer.

Mr. DeArment asked if there was something that could be done to make the right turn better onto Main Street. He thought that it feels like a wide turn is necessary not to catch the curb. Mr. Gardner noted that this would be improved to help accommodate the trucks exiting the site.

Mr. Clinger asked about what trucks utilize the second truck dock. Mr. Gardner noted that it is a smaller drop zone, so things like bread trucks utilize that door.

Mr. Martin said that he appreciated Kroger's willingness to work with us to improve the site, but it is difficult given the 6th Street current situation is a logjam for emergency vehicles, even without the additional traffic. He understands the desire to wanting to get customers on the south side of town to utilize their fuel points. Lisa Ammons spoke on this topic. They have looked off-site for the fuel. The top priority is to utilize the existing property rather than look off-site. The customer gets the convenience of not leaving the site rather than invest too much to find a different location.

Dan Clinger asked if there was sanitary sewer in the right-of-way south of the site. Mr. Cordonnier stated that there is an unimproved right-of-way south of the store between them and the neighbors to the south. The suggestion from staff was that Kroger apply to vacate this alley so that they could get more room to accommodate 2-way traffic on the southern drive. Mr. Gardner noted that the major limiting factor is the power lines, which could not move because of the sanitary sewer underneath not giving them enough room to bury them.

Dan Clinger noted that the canopy is 16 feet, so even with the 8-foot tall would not be tall enough to really block the lights from the gas station. Kroger would meet the photometric requirements of the zoning code. The lights would be recessed into the canopy as well.

Mayor Muryn asked what the hours of operation would be. Mr. Gardner said 7am-10pm, which closes one hour before the grocery store.

Kathleen Floyd, lives behind the store on 7th Street. She noted that while they said they wanted to be good neighbors, they have never contacted any of the neighbors about their plans. She lives directly behind the fence, which has not been maintained since Kroger took over the site from Food Town. She went on to say while she understood the desire to make the 6th street entrance safer, but did not think the right-in/right-out would accomplish that. She thought this would result in increased traffic circulating down to Washington Street and 7th street to get back to Main Street. Mayor Muryn asked her if Ms. Floyd had ever notified the store about the fence. Ms. Floyd said she had not, but previously Food Town had a person to pick up trash. Since it became Kroger, they have never picked up trash, shoveled snow, or handled any maintenance issues. Erik Atkins said they had not received complaints about these issues, and if they had, they would have notified Kroger to take care of it.

Mike Key lives directly to the east of the proposed fuel station at 301 6th street. He noted that he was impressed with the review of the site by CPC. He noted that this year was the first year the vacant lot was not maintained. He ended up taking care of it rather than waiting on Kroger to take care of it. He thought it would be the right thing for the Commission would deny the application as there are concerns from the neighborhood. He did not think there was a need for an extra fuel station at this intersection.

Mayor Muryn asked if Jeremy Kalb could speak on the issues for the traffic at the site. He reiterated that the main reason for the right-in/right-out would eliminate the cars stacking to turn left. Due to the large number of pedestrians crossing at that point, the right-in/right-out limits the number of cars turning onto 6th street, and cars turning from 6th street into the store parking lot. They did recommend the Main Street entrance was extended to allow better turn radius. He did note this would move this closer to the intersection. Mayor Muryn asked if they could better align the entrance to line up with the Speedway entrance across 6th Street. Mr. Kalb noted that it would move it closer to the intersection which would back up traffic a bit. He suggested that they close off some of the spots at the 6th Street entrance so that cars were not trying to park at the entrance while traffic is flowing in/out of the site. Mr. Clinger noted that if we move the entrance to the west, it would need to be three lanes to accommodate the left turn. Mr. Gardner said that moving it would help buffer the pedestrian entrance a bit. They could stripe a sidewalk to help encourage pedestrian crossing further away from the store. He said this would be something they could look into.

Mr. Clinger asked about moving the pedestrian entrance. Mr. Gardner said the store was slated for interior remodel in 2024. The wall on the west side is the dairy freezers. At this time, it would not be feasible to physically move the entrance as part of this phase in the process.

In regards to the fence and trash, Mr. Gardner appreciates the concern and encourages the neighbors to let the store know when there is an issue. Kroger would respond if they hear about these issues.

Kathleen Floyd noted that there was a small gas station and bank at the corner of Main Street and 6th Street before it was Food Town. She asked why they did not consider that and put the grocery entrance and parking at the other end of the store. Mr. Gardner said they did discuss the dual entrance idea, but at this time was not something they could commit to doing.

Mr. DeArment asked if the landscaping improvements and 8-foot wall were tied to the approval of the project. Mr. Gardner confirmed it was, and they would need a different approval process for these capital improvements if they were not given approval.

Mr. Martin thought this site did not fit the traditional Kroger location model and asked if there were similar issues with retrofit projects. Mr. Gardner noted, for example, that they have been working with the City of Worthington on a gas station in the rear of the site. They continue to work on ways to make this location viable and Kroger thinks this is something necessary for the site.

Mayor Muryn stated these are the conditions she thought would be appropriate for granting approval:

- remote FDC added to the site
- 8-foot wall
- Right-in/right-out onto 6th Street
- Move the pedestrian entrance to the center of the storefront

Mr. Gardner asked if she meant that they need physically move the entrance. She said she did think it was necessary. Mr. Gardner, Mr. Brown, and Ms. Ammons all stated that this last condition would not be something they could accommodate.

Tim Mayle, Director of Findlay-Hancock County Economic Development, offered a solution. He thought if they enclosed the canopied walkway that would force the pedestrians to the center of the building without physically moving the entrance. In 2024, they could then revisit the physical entrance to see if they could move into the center.

Mr. Brown thought that if they railed that off it would not be an issue. To actually enclose that space could prove difficult. They did not want to limit the pedestrian traffic off 6th Street. Mr. Cordonnier noted he liked the idea, he was unsure if rails would be as good as an enclosure either aesthetically and functionally. Mr. Martin still worried if they did not close off the 6th Street pedestrian traffic, it would not truly deter pedestrians into the canopy.

Mayor Muryn motioned to approve with the following conditions:

- Remote FDC access
- 8-foot wall as
- Restrict pedestrian entrance to the southern end of the canopy
- Remove the right-in/right-out from the plan

Mr. Kalb said moving the pedestrian entrance would help alleviate the concern for having the right-in/right-out. He also wanted to removed the first parking space to better alleviate the vehicle conflict points.

Mr. Cordonnier wanted to revisit the landscaping. Mr. Gardner noted that the wall is stopped just south of a large ash tree. He thought it was better to save the tree rather than dig it out and put in the wall. It would eliminate any visibility issues onto 6th Street and aesthetically look nicer. On Main Street, the oak tree was similar. Mr. Cordonnier noted the oak tree was the second oldest tree in the county so he was glad to see it remain.

Mr. Key spoke again, saying that he preferred the trees remain and having the wall stop where they proposed.

Kathleen Floyd wanted to address the canopy colors. She saw that they were proposing a red canopy. She thought that the neighbors would prefer it to be gray or white so that it wouldn't be as noticeable.

Mr. Cordonnier asked if Kroger ever utilized pitched roofs at any of their fuel stations. Mr. Brown said that they are always flat, but they have dealt with faux-pitched roofs. Mr. Gardner said they would update the plan for neutral colors.

Ms. Floyd asked if they would only have a one-way drive on the south. She thought this would force the trucks to compete with customers to access 6th and Main Streets. Mayor Muryn noted it would be one way, but that would be Kroger's responsibility to maintain the appropriate flow. Ms. Floyd ended by stating the fumes from the fuel station are still a concern for the neighbors.

Mayor Muryn wanted to add the condition that the canopy be neutral colors to be approved by Staff.

Mayor Muryn motioned to approve with the following conditions:

- Remote FDC access
- 8-foot perimeter wall be
- Restrict pedestrian entrance to the southern end of the canopy
- Remove the right-in/right-out from the plan
- The canopy colors are to be neutral tones and submitted to staff for approval

Rob Martin seconded.

Mr. DeArment offered his thoughts on the project. He said that he would be voting no today. He thought they made a lot of progress on the site plan. He thought that it would be better to see Kroger implement these improvements for vehicular and pedestrian traffic before they gave approval for the fuel center. Once they see these improvements, the fuel station might be more appropriate on site.

Mayor Muryn asked Matt Cordonnier what would happen if there was a tie on the vote. Mr. Cordonnier said he was unsure but was trying to locate that rule in the code.

Jacob Mercer read back the conditions.

Mayor Muryn asked Mr. Cordonnier if, given the changes made in meeting, staff would now recommend approval. Matt Cordonnier said that given these conditions, staff could support approval with conditions. Mr. Cordonnier asked for an amendment to the conditions, to have the canopy area enclosed. Mr. Martin also thought they needed to reconsider the ADA compliance aspect of the pedestrian walkway. Mr. Gardner said they would work on it.

Mr. Cordonnier said that while he is never in favor of slowing down projects, he thought that it might be beneficial to digest everything today and see the changes on an updated site plan. Mr. Atkins said that he messaged Law Director Don Rasmussen, who said in the event of a tie, the application would need to be heard by the full membership. Mayor Muryn asked the applicant would be okay with the changes and be able to present the changes on a site plan. She thought it would give Kroger a chance to revisit some of the items we have discussed. Mr. Cordonnier thought that they made a lot of good progress today, but he did not want to miss anything before giving approval.

Ms. Floyd asked if the neighbors could be involved in the site design process with Kroger. She thought that the neighbors are only included at the end, and if they were allowed some input during the design process. Mayor Muryn offered that the neighbors should send comments to CPC. Mr. Cordonnier suggested that the neighbors should ask Kroger to host a neighborhood meeting to present their plan. He thought this would be a good step to have better relations with the neighborhood. Dan Clinger asked if Ms. Floyd if she had a lot of discussion with the neighbors. She said she had discussed it with them, and some of them are more impacted because they were directly behind the gas station.

Mayor Muryn withdrew her original motion and made a new motion:

MOTION

Mayor Muryn motioned to **table of APPLICATION FOR SITE PLAN REVIEW #SP-01-2022 filed by The Kroger Company for a fueling station to be located at 101 6th Street.**

2nd: Dan Clinger

Mr. Gardner asked if they tabled, when the next meeting would be. Jacob Mercer confirmed it would be February 10th. Matt Cordonnier hoped to see an enclosure plan, along with the revised site plan. Mr. Brown asked if the primary concern for the canopy area is safety or aesthetic. Mr. Cordonnier said it was both and he wanted to see a plan that was acceptable for both the city and Kroger.

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

After the vote, Mayor Muryn adjourned the meeting.