

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

Minutes

MEMBERS PRESENT:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder
Dan Clinger

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Jeremy Kalb, PE, City Engineer
Erik Adkins, Zoning Administrator & Flood Administrator
Don Rasmussen, City Law Director

GUESTS:

Dan Stone, Eric Trout, Larry Ball, Alana Langlois, Dan Romick, Bill Schedel, Jack D Raymond, Cathy Weygandt, Tasha Dimling, Lee Weygandt, Jason Plesec, Timothy Mager, Amanda Sprague, Fernando Camargo, Brandon Metzger, Holly Frische, Judy Scrimshaw, Randy Greeno, Cory Hall, Tony McAfee, Tony Coyne, Tom Gatossi, Sharon Sils

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder
Dan Clinger

SWEARING IN

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

APPROVAL OF MINUTES

Dan Clinger motioned to approve the minutes for the September 8, 2022 meeting. Rob Martin seconded. Motion approved 5-0-0.

NEW ITEMS

- 1. APPLICATION FOR SITE PLAN REVIEW #SP-22-2022 filed by Pressed Paperboard Technologies LLC, 115 Bentley Ct, Findlay for a new 80,000 sq. ft industrial building at parcel #220001030164.**

CPC Staff

This request is located at the east side of Stamford Parkway, just north of Westfield Drive. It is located in an area that is zoned I-1 Light Industrial. The Findlay Land Use Plan designates the area as Industrial. It is not located within the 100-year floodplain.

Parcel History

The proposed property is currently vacant. Pressed Paper built at their current location, 115 Bentley Court, in 1997.

Staff Analysis

The applicant has requested to build a new 80,000 square foot warehouse on the site. The building would be connected to the existing Pressed Paper facility. The proposed parking lot shows 123 additional parking spots with five (5) handicapped spaces. They also included room for two (2) truck docks on the east side of the building.

The height of the building is forty-two feet at the tallest point, which meets the setbacks for the I-1 district. They will utilize wall packs for lighting of the building.

The landscaping sheet shows that they have followed the standards in the I-1 district for perimeter landscaping. They show seventy-seven (77) shrubs along the southern edge of the parking area and included trees in the landscape islands accordingly. They note that they are including ten (10) trees along the southern edge of the parking lot, but did not include them in the drawing.

There is a detention pond located between the ingress/egress on Stamford Parkway. Staff would propose a guardrail be added to prevent vehicles from accidentally going in the pond.

Staff Recommendation

CPC Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-22-2022 filed by Pressed Paperboard Technologies LLC, 115 Bentley Ct, Findlay for a new 80,000 sq. ft industrial building at parcel #220001030164.**

ENGINEERING

Recommendations:

Access –Site will be accessed from a new curb cut that will be extended to Stanford Parkway. This curb cut will consist of two drives that will be utilized for trucks to the loading docks as well as car traffic.

Water Service – Water will be extended from the existing building

Sanitary Service – Sanitary will be extended from the existing building.

Stormwater Management – The stormwater calculations that were submitted as part of the application, complies with the City of Findlay Standards. The stormwater will be directed to a new detention pond located on the property.

MS4 Requirements – The site will disturb more than one (1) acre so the applicant will 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:

- Storm Sewer Tap Permit x1
 - 10-inch into manhole
- Curb Cut x 1
 - 188 LF
- SWPPP Permit x1

FIRE PREVENTION

- Be sure proper permits are pulled through Wood County Building Department

RECOMMENDATION

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-22-2022 filed by Pressed Paperboard Technologies LLC, 115 Bentley Ct, Findlay for a new 80,000 sq. ft industrial building at parcel #220001030164.

DISCUSSION

Jeremy Kalb commented that he did agree with HPRC in regard to wanting some kind of barrier around the detention pond.

Eric Trout, Peterman Associates, stated that since they are further into the plans, they have decided to have a separate water and sewer tap for this building. Mr. Kalb replied that they will need to meet and get him the sizes he will need.

Dan Clinger asked if they only run one shift now. The applicant replied that they run three shifts. Mr. Clinger asked Matt Cordonnier if as in some past cases we should require a fire

access drive around the building. He wondered if that is a guideline. Mr. Cordonnier stated that that is a fire department issue and since they did not comment that they wanted one in this case we assume they don't see a need.

Dan DeArment asked if perhaps some landscaping could be used instead of a guardrail along the pond. Mr. Cordonnier replied that a combination of rocks and landscaping would look nicer. This pond does seem to be closer to the road than what we usually see. Jeremy Kalb asked if the drives will have curb. Mr. Trout replied no, it is just surface runoff. Mr. Cordonnier replied that he would like the recommendation to be for landscaping and rocks that will prohibit a car from travelling into the pond. This could be a condition to worked out with Staff administratively prior to approval of the plans for permits.

MOTION

Christina Muryn motioned to **approve APPLICATION FOR SITE PLAN REVIEW #SP-22-2022 filed by Pressed Paperboard Technologies LLC, 115 Bentley Ct, Findlay for a new 80,000 sq. ft industrial building at parcel #220001030164 with the following condition:**

- **An approved landscape barrier (or guardrail) be provided along the detention pond**

2nd: Rob Martin

Matt Cordonnier commented that the plan stated that there were 10 trees along the parking lot and the plan only showed shrubs. Mr. Trout replied that the trees are in the parking islands. Matt replied that we can work that out administratively.

VOTE: Yay (5) Nay (0) Abstain (0)

- 2. APPLICATION FOR SITE PLAN REVIEW #SP-23-2022 filed by CEC, Inc to construct a 96,759 sq. ft self-storage building, a 9,268 sq. ft storage building, and several mini-storage buildings measuring 7,000 sq. ft at 325 Emma Street.**

CPC STAFF

General Information

This request is located on the east side of Emma Street between W. Sandusky Street and W. Main Cross Street. The site is zoned I-1 Light Industrial. To the north, it is zoned C-2 General Commercial. To the west inside the city boundary, it is zoned C-2 General Commercial and I-1 Light Industrial. In Liberty Township, there are some B-2 General Business parcels and R-2 One Family Residential. It is not located within the 100-year floodplain.

Parcel History

This site is currently vacant. Historically, the site has served mostly as a truck stop. It was rezoned in 2014 from C-2 General Commercial to I-1 Light Industrial. A landscaping company was the most recent occupant of the site.

Staff Analysis

The applicant has requested to build a new U-Haul Facility. The site will include vehicle and pod rentals, as well as self-storage units. The main building will be three (3) stories tall and feature office space, showroom, and climate-controlled storage units. This building is thirty-nine feet one inch (39'1") at the top of the parapet, which is below the sixty-foot (60') maximum height requirement for I-1. The building footprint is 32,253 square feet. The second building measures 9,267 square feet and will house moving containers. It will have a height of fifty feet one inch (50'1") at the top of the parapet. On the south end of the site is three (3) self-storage unit buildings measuring 5,750 sf, 5,750 sf, and 4,600 sf respectively. They are spaced thirty feet (30') apart to meet the building separation requirement.

They have provided ten (10) parking spaces for the site to accommodate the parking requirements for I-1, which is (1.1) space per employee on the largest shift.

In terms of landscaping, they have provided twenty-six (26) trees along the interstate. Staff would recommend that additional landscaping be added along Emma Street to further enhance the site.

Staff Recommendation

Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-23-2022 filed by CEC, Inc to construct a 96,759 sq. ft self-storage building, a 9,268 sq. ft storage building, and several mini-storage buildings measuring 7,000 sq. ft at 325 Emma Street with the following conditions:**

- **Add additional landscaping along Emma Street**

ENGINEERING

Access –The site will be reworking the drives into the property and will only be utilizing two drives into the site. All of the old curb drops will need to be replaced with full height curb and gutter and the new drives will need to have curb and gutter placed through the driveway. The City of Findlay does not allow rolled curb on the roadway so the rolled curb will need to stay within the property.

Water Service – The site is proposing a waterline service to come of the existing water main that is located on Emma Street. The plans only show a domestic line going into each of the building, but if the buildings are needing to be suppressed a separate fire line tap will need to be made. Prior to obtaining taps the domestic line size will need to be identified.

Sanitary Service – The site is proposing to run a new 6-inch lateral to each of the buildings. Right now the plans are showing the laterals are blind taps, but since there are manholes that are located pretty close to the tap location it is suggested to relocate the taps to the manhole. Having

the taps at the manhole will give the property owner better access to the lateral for cleaning and jetting purposes.

Stormwater Management – The stormwater calculations that were submitted as part of the application, complies with the City of Findlay Standards. The stormwater will be directed to a new detention pond located on the north corner of the property.

MS4 Requirements – The site will disturb more than one (1) acre so the applicant will 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:

- Water Service Tap x4
 - Fire Line Tap x 2 (if needed)
 - Domestic WL x2
- Sanitary Sewer Tap Permit x2
 - 6-inch Lateral for each tap
- Storm Sewer Tap Permit x1
 - 24-inch line into MH
- Curb Cut x 6
 - Accounts for new curb cuts and the replacement of the curb at the old drives
- SWPPP Permit x1

FIRE PREVENTION

- Be sure to pull proper permits from Wood County

RECOMMENDATION

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-23-2022 filed by CEC, Inc to construct a 96,759 sq. ft self-storage building, a 9,268 sq. ft storage building, and several mini-storage buildings measuring 7,000 sq. ft at 325 Emma Street with the following conditions:

- Add additional landscaping along Emma Street

DISCUSSION

Fernando Camargo, Civil & Environmental Consultants, Inc., stated that he had no issue with the comments.

Dan DeArment stated that he knows they meet the standard required for employee parking in the I-1 district, but he had concerns about client parking. Mr. Camargo stated that there is room for more parking, if needed. Cory Hall, representative of U-Haul, stated that they typically do not

have a lot of traffic on the site. He estimated 5 to 10 customers a day on average. Matt Cordonnier responded that parking becomes an issue if it begins to cause traffic to encroach in a public street, etc. In this case, the applicant has ample space to put a couple hundred cars on site. We are comfortable with what they have proposed and it should not cause any problems.

Dan Clinger commented that there are large open parking storage areas shown and asked what would be parked there. Mr. Hall replied that it will be rental trucks. Mr. Clinger asked for clarification of what the “drive in storage” means. Mr. Hall replied that that is where the client can drive in to the building, out of the weather and load/unload. There is room for two trucks at a time. These would be box trucks, cargo vans, etc. There is an elevator in the building to take goods up to second or third level if needed.

Mayor Muryn stated that she felt the plans looked good and are very thorough. It will certainly be an improvement to the location.

Dan Clinger said he didn’t see any fencing shown and asked if there would be any. Mr. Hall replied no. Each unit actually has its own alarm. Mr. Clinger commented that this is a good “rehab” of the site. It has been an eyesore for a long time.

MOTION

Dan Clinger motioned to **approve APPLICATION FOR SITE PLAN REVIEW #SP-23-2022 filed by CEC, Inc, to construct a 96,759 sq. ft. self-storage building, a 9,268 sq. ft. storage building, and several mini-storage buildings measuring 7,000 sq. ft at 325 Emma Street with the following conditions:**

- **Add additional landscaping along Emma Street**

2nd: Dan DeArment

VOTE: Yay (5) Nay () Abstain (0)

- 3. APPLICATION FOR SITE PLAN REVIEW #SP-24-2022 filed by Metro Fibernet LLC to construct a 322 sq. ft communication shelter/HUT at 342 N. Main Street Apt. R.**

CPC STAFF

General Information

This request is located on the alley behind 342 N. Main Street. It is zoned C-2 General Commercial. North of the railroad tracks is C-2 General Commercial and R-3 Small Lot Residential. It is zoned C-3 Downtown Commercial to the south of the railroad tracks. It is not located within the 100-year floodplain. The Findlay Land Use Plan designates the area as PMUD.

Parcel History

This site is currently a residential home.

Staff Analysis

The applicant has requested to demolish the existing home and replace it with a communication shelter. The applicant is to install a fiber network throughout the entire city. The structure would house all fiber optic network equipment connected to the main fiber leaving the HUT to serve fiber to their customers. The hut would measure 322 square feet in size. The hut will be an unmanned facility.

The applicant noted they were intending to utilize a gravel driveway that would lead to an unimproved surface. This would allow two (2) vehicles to be parked at the facility to deal with any maintenance issues. Staff recommends that the driveway and parking area be paved.

The site will be fenced on all sides by a vinyl fencing and barbed wire at the top. The barbed wire was requested by the applicant to provide an additional level of securing the site. Given the site is for housing a utility, staff is supportive of the request.

Staff Recommendation

Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-24-2022 filed by Metro Fibernet LLC to construct a 322 sq. ft communication shelter/HUT at 342 N. Main Street Apt. R subject to following condition:**

- **The driveway and parking area be paved**

ENGINEERING

Access –Site will be accessed from a new curb cut on the N-S Alley. The proposed drive will need to be a hard surface within the Right of Way.

Recommendations: Approval of the Site Plan

The following permits may be required prior to construction:

- Curb Cut x 1

FIRE PREVENTION

- Be sure to pull any necessary permits from Wood County

RECOMMENDATION

Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-24-2022 filed by Metro Fibernet LLC to construct a 322 sq. ft communication shelter/HUT at 342 N. Main Street Apt. R subject to the following condition:**

- **The driveway and parking area be paved**

DISCUSSION

Mayor Muryn stated her only concern was the barb wire. Tony McAfee stated that the barb wire is just for additional security. Christina Muryn stated that she thinks she would rather have an 8' fence with no wire. Mr. McAfee replied that that is fine with him.

Dan DeArment asked what goes on in the building. Mr. McAfee replied that this is a communication hub with all the necessary equipment. It is all fiber optic, no high voltage. Mr. DeArment asked if there are any heat concerns. Mr. McAfee replied no. Everything is climate controlled. There will be on and off site monitoring of the function.

Dan Clinger asked how often the generator will be tested. Mr. McAfee stated that it will probably be monthly. Mr. Clinger asked if he knew how many decibels it would reach. Chris Bowser stated that is in the plans. It's a standard v-8 engine and has mufflers on it. Should not be louder than a school bus. Very similar to a home generator.

Mr. Clinger asked for clarification on where the pavement we are requesting will go. Matt Cordonnier stated that they were requesting that the apron up to the gate be paved. Within the facility they can have gravel.

MOTION

Mayor Muryn motioned to approve **APPLICATION FOR SITE PLAN REVIEW #SP-24-2022 filed by Metro Fibernet LLC to construct a 322 sq. ft communication shelter/HUT at 342 N. Main Street Apt. R with the following condition:**

- Driveway be paved
- 8 foot high fence without barbed wire

2nd: Rob Martin

VOTE: Yay (5) Nay (0) Abstain (0)

- 4. APPLICATION FOR SITE PLAN REVIEW #SP-25-2022 filed by Metzger Brecheisen Company LLC, 1700 Fostoria Avenue Suite 1200, to construct a parking lot expansion at 331 N. Main Street.**

CPC STAFF

General Information

This request is located on the east side of N. Main Street, between Center Street and the railroad tracks. It is zoned C-3 Downtown Commercial. To the south and west, it is zoned C-3 Downtown Commercial. To the north, it is zoned C-2 General Commercial. To the east, it is

zoned R-3 Small Lot Residential. It is not located within the 100-year floodplain. The City of Findlay Land Use Plan designates the area as Downtown.

Parcel History

This site has formerly served as a bar/restaurant.

Staff Analysis

The applicant has requested to expand the parking lot in the rear of the site. This would allow for them to accommodate parking for the reopening of the building. The applicant, Metzger Brecheisen will occupy one of the office spaces on the first floor of the building. The second and third floor will accommodate ten (10) apartment units. Metzger Brecheisen intend on using some of the parking spaces for their business vehicles as well.

One concern staff had was with the location of the third aisle of parking at the east end of the site. On the east side, there are two rows of parking with the furthest east aisle backing out directly into the alley. For 90-degree parking stalls, there should be a minimum 24-foot aisle to back into. Parking aisles should be contained on site. Even if they utilized the alley, the alley is only 20 feet wide, which would not be sufficient turn radius. Staff discussed with the Engineer that they could rework the layout for a better maneuverability.

Staff Recommendation

Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-25-2022 filed by Metzger Brecheisen Company LLC, 1700 Fostoria Avenue Suite 1200, to construct a parking lot expansion at 331 N. Main Street subject to the following condition:**

- **Work with the Engineer on reworking the parking lot stalls**

ENGINEERING

Access –Site will be access by an updated asphalt parking lot. The parking lot has been there for a number of years and the site developer will be placing new asphalt to accommodate for the required parking. The Engineering Department has a concern with the east row of parking stalls utilizing the alley for maneuvers in and out of those stalls. It appears all of the east parking stalls can be shifted to the west and still allow for a 24 FT drive lane between rows.

Water Service – No proposed water.

Sanitary Service – No proposed sanitary

Stormwater Management – The site has been a hard packed stone lot for over 30 years, and the lot currently has weeds growing over top of it to appear as a grass lot. Since the asphalt parking lot is going the same size or smaller than the previous imperious area, detention is not required.

MS4 Requirements – The site will disturb more than one (1) acre so the applicant will need to comply with the City of Findlay’s Erosion & Sediment Control Ordinance.

Recommendations:

Approval of the Site Plan

Developer to work with Engineering Department to rework the parking lot stalls.

The following permits may be required prior to construction:

- Storm Sewer Tap Permit x1
- Curb Cut x 2

FIRE PREVENTION

- No Comment

RECOMMENDATION

CPC Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-25-2022 filed by Metzger Brecheisen Company LLC, 1700 Fostoria Avenue Suite 1200, to construct a parking lot expansion at 331 N. Main Street subject to the following condition:

- **Work with the Engineer on reworking the parking lot stalls**

DISCUSSION

Scott Metzger was present on behalf of the application. He noted that they already met with the surveyor to shift the parking over. They have also looked at putting them on an angle to fit it better on the site. Jeremy Kalb said that is something he envisioned as well, and that they could work it out.

Dan Clinger asked for clarification on the parking requirement for the site. Matt Cordonnier said they exceed the parking requirement, which is traditionally two spots per unit, and a certain number for the office space. This is zoned C-3, which does not have a parking requirement. Mr. Clinger asked if there would be any on site lighting in the parking lot. Mr. Metzger said that he thought they would utilize pack lighting on the building and remove the lighting from the parking lot. Mr. Clinger just added for them to be aware of the lighting standards too.

Dan DeArment asked what the north side of the building would look like when it is finished. Mr. Metzger said that they would be updating the wall on that side and installing new railings and decking for the units. The balconies were added to help reinforce the exterior wall after a fire burned the previous building that abutted this to the north.

Mayor Muryn said she appreciated the applicant's willingness to work with the City and meet with staff to work through issues regarding the site.

MOTION

Dan Clinger motioned to **APPLICATION FOR SITE PLAN REVIEW #SP-25-2022 filed by Metzger Brecheisen Company LLC, 1700 Fostoria Avenue Suite 1200, to construct a parking lot expansion at 331 N. Main Street subject to the following condition:**

- **Work with the Engineer on reworking the parking lot stalls**

2nd: Jackie Schroeder

VOTE: Yay (5) Nay (0) Abstain (0)

5. APPLICATION FOR CONDITIONAL USE #CU-07-2022 filed by Wyatt Morris, 1314 Shady Lane to establish a duplex at 1314 Shady Lane.

CPC STAFF

General Information

This request is located on the north side of Shady Lane. It is zoned R-3 Large Lot Residential. It is surrounded by R-1 Large Lot Residential. It is not located within the 100-year floodplain. The City of Findlay Land Use Plan designates the area as Single-Family Large Lot.

Staff Analysis

The house built a mother-in-law suite in 1996. They got a permit for the construction of the addition, but did not get a permit to operate as a duplex from the Zoning Department. The unit is located behind the garage with a dedicated walk around the garage to the unit. This property has changed ownership a number of times since the addition of the unit. The current owners purchased the home in April 2022.

In 2013, Todd Richard, the previous head of the zoning department, sent a notice to the owners that the house was listed for sale with an illegal second unit. The owner at the time, Hugh McClintock, indicated it was not being rented out and still functioned as a single family home. In 2019, current head of the zoning department, Erik Adkins, saw a listing for the second unit online. He sent a letter to the owner, Jessica Mills, stating they did not have the required permits to rent the unit. When the current owners purchased the property, Erik Adkins reached out again, stating they would need a conditional use to allow the unit to be rented out.

Parking on the site is limited. There is only a single-car garage for the house and the driveway appears to only be fifteen (15) feet in width. This would not accommodate the required four (4) parking spots for a duplex.

The surrounding neighborhood is almost completely single-family homes as well. Given all these factors, staff does not believe that allowing a duplex would fit the character of the neighborhood.

Staff Recommendation

Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-07-2022** filed by **Wyatt Morris, 1314 Shady Lane** to establish a duplex at 1314 Shady Lane.

ENGINEERING

- No comment

FIRE PREVENTION

- No comment

RECOMMENDATION

Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-07-2022** filed by **Wyatt Morris, 1314 Shady Lane** to establish a duplex at 1314 Shady Lane.

DISCUSSION

The applicant was not present for the discussion. Mayor Muryn noted that since they were absent and the recommendation was for denial, she was comfortable making a motion to deny.

MOTION

Mayor Muryn motioned to **deny APPLICATION FOR CONDITIONAL USE #CU-07-2022** filed by **Wyatt Morris, 1314 Shady Lane** to establish a duplex at 1314 Shady Lane.

2nd: Dan DeArment

VOTE: Yay (5) Nay (0) Abstain (0)

- 6. PETITION FOR ZONING AMENDMENT #ZA-04-2022** filed by **Epic Collaborations LLC, 119 W McPherson Ave, Findlay** to rezone 119 W McPherson form **R-2 Single Family Medium Density Residential** to **C-1 Local Commercial**.

CPC STAFF

General Information

This request is located on the south side of W. McPherson just west of S. Main Street. It is zoned R-2 Medium Lot Residential. To the east, it is zoned C-1 Local Commercial. To the north and west, it is zoned R-2 Medium Lot Residential. It is not located within the 100-year floodplain. The City of Findlay Land Use Plan designates the area as Residential.

Parcel History

This site has been a single-family home since 1920.

Staff Analysis

The applicant has requested to rezone the property so that they can combine it with 1412 S. Main Street. 1412 S. Main Street is the former site of Fifth Third Bank, which has been vacant for several years.

The applicant has indicated the proposed end use is a McDonalds Restaurant/Drive-Thru. The City of Findlay Code does allow for restaurants in the C-1 District, however, this would be the first fast food restaurant with a drive-thru located in the C-1 District. The intent of the C-1 district is to provide for the establishment of smaller stores serving a localized area.

The Findlay Land Use Plan designates this site as residential. The request therefore goes against the Land Use Plan as adopted by the City of Findlay. Although the Findlay Land Use Plan is only one of our guiding criteria, deviation from the Plan is generally done under unique circumstances. In the case of this request, there are a variety of other concerns that suggest that deviation would not benefit the surrounding community. These concerns include: increased traffic, pedestrian safety, architectural compatibility, an increase in use intensity, proximity to the historic district, and extending commercial westward into the neighborhood.

Staff Recommendation

Staff recommends denial of **PETITION FOR ZONING AMENDMENT #ZA-04-2022** filed by **Epic Collaborations LLC, 119 W McPherson Ave, Findlay** to rezone **119 W McPherson** from **R-2 Single Family Medium Density Residential** to **C-1 Local Commercial**.

DISCUSSION

Tony Coyne, Mansour Gavin LLC, spoke on behalf of the applicant. He specializes in land use issues on behalf of McDonalds. He asked if they should consider the alley vacation in tandem with the rezoning request. Mayor Muryn said that it would be best to give an overview of the project, but that they would consider each request individually.

Mr. Coyne introduced the team of representatives on behalf of the request. Tom Gattosi was present as legal representation of the applicant. Sharon Sils is the area construction manager for McDonalds. Scott Ball will be the franchise operator locally in Findlay. Mr. Coyne's colleague, Diane Calta, was present for the meeting. Mr. Coyne was excited to present the project to the public for the first time. He understands that there are concerns from staff and residents, but that they would like to talk this through and have a transparent discussion about the project. They would like to visit some discussions between staff and their offices and present some of those ideas. This is the first real opportunity they have had to openly discuss the project. Mr. Coyne said he would like to give Mr. Gattosi an opportunity to speak on behalf of his client. They have owned the property for several years. The bank has been closed for several years. There were three drive thru lanes on the bank. Mr. Coyne stated that the drive thru is a conditional use, not specifically permitted, but can be permitted. Mr. Coyne commented that the property in question to rezone was a residential home which has been vacant for quite some time. The current owner bought it in foreclosure proceedings to protect their investment in the medical office property.

Tom Gatossi came forward as representative of Epic Collaborations. Dr. Bateson has been a long-time practicing dentist in the City. She owns the adjacent office building at the corner of W

McPherson and S Main. She acquired 119 W McPherson and then the former 5/3 Bank building after it had closed. Again, she wanted to protect her investment and have some control over who her neighbor might be. The local McDonald's franchisee would be running this property. This is someone she knows and knows the reputation of in the community. The property rezoned is to have the intent of not encroaching on the residential properties along McPherson, but help buffer them.

Tony Coyne returned to the podium. He reiterated that they are there for the rezoning of a small parcel. The bank building is zoned C-1 and a restaurant is permitted in C-1. As you go west of the site there are a few homes, then you get to the Cooper Tire facility. This restaurant would serve a good part of the City. McDonald's restaurants are typically run and considered local businesses. It is a chain, but the local operator has a great deal to say in how it is run. They are not here today for the issue of a drive thru. That will come during site plan review. Mr. Coyne called on Sharon Sils to walk through the site plan and explain how the site would operate.

Sharon Sils stated that the site will not operate 24 hours a day. The plans are very early and generic right now. She pointed out the buffering they have shown. They could certainly do a fence, but historically they have found something like arborvitae as shown on the plan provide a lot of sound and sight buffering as well as still catching some paper trash that a patron may drop. The site lighting would comply 100% with the requirements in the code. They require "turn down" lighting" which would mean all lighting would comply with the foot candle stipulations. Ms. Sils stated that she has driven the area several times. The existing curb cut from the bank has a left in and left and right out lane. They are open for all discussions on traffic flow.

Ms. Sils noted the curb cut at McPherson that includes the vacation of the alley. McDonald's is always looking for the most efficient way to get cars on and off the site. They are proposing a right in and right out on Lake Cascades, and the new cut on McPherson to still allow Dr Bateson to have autonomy of her dental practice at the rear. Ms. Sils stated that they have met with AEP regarding four poles on the site. They could place a new transmission line on Lake Cascades and these transformers would be rehung on that pole. Ms. Sils commented that during Covid, dining rooms were closed, drive thrus opened back up and there were a lot of extra stacking issues in drive thrus. Due to some other restaurants closing completely it contributed to extra traffic on these sites also. She pointed out the point of ordering and commented that 13 cars can be stacked to that point which is not typical for many existing locations. They can handle 24 cars at a time in the drive thru, minimizing the impact of any stacking not on their site.

Ms. Sils went back to the landscaping and stated how the plant selection is up to a landscaper hired by the owner. There would not just be arborvitae, but other species harmonious with this part of the country. Arborists would recommend the selection of trees. She stated that the Ball family is known to take pride in the maintenance of their properties. McDonald's is a big name, but locally run. There are standards by which the owner-operators are measured and there are routine inspections.

Tony Coyne came forward again to state that they are prepared to answer questions. The plans they have are of course very preliminary, but he and the other representatives present will try to answer any and all. Mayor Muryn replied that she has a couple of questions herself, but would like to give the citizens that signed up to speak the first opportunity. She asked Matt Cordonnier to call on the first speaker. Mr. Cordonnier called for Larry Ball.

Mr. Ball stated that his family has been involved with the McDonald's company for over 50 years here in Findlay. He said that he feels they have always been a good neighbor. He thinks that his proposal would be a good opportunity for the City to take a vacant site and put something productive there.

Mayor Muryn commented that one her main concerns is the drive thru. She has seen a variety of types of McDonald's in her travels. She asked if it is an option to do a restaurant in this location without a drive thru. The Mayor noted that this is really not a part of today's discussion, but would come with the site plan as a conditional use. Tony Coye replied that the drive thru is an integral part of the business now. It has become an even more important element since Covid. It is a very substantial part of the business according to data. At the same time, they could come back with some more engineered traffic data. Mr. Coyne noted that Ms. Sils comments were directed toward keeping traffic on site so it is safer and operates efficiently. The double drive-thrus are very efficient so you don't have stacking problems as older McDonald's had. Dan Clinger asked what portion of the busy they think is drive-thru. Mr. Coyne replied that it is somewhat proprietary but is also very substantial. Safe to say it is more than half.

Dan Romick, 1009 S Main Street, spoke next. He is a delegate of the S Main Street Neighborhood Association. They are an informal group that has fun, but is also serious with quarterly meetings. The groups mission is to preserve and enhance the appeal of the S Main Neighborhood as a desirable place to live. They consider their "area" as Lima Street to 6th Street. While Main Street is a main thoroughfare it is still a neighborhood. He stated he would even consider S Main as Findlay's Neighborhood. They traditionally host and embrace a lot of community happenings such as parades, tours, cruises, Christmas luminaries, and up to 1500 kids for Trick or Treat night.

This group opposes the zoning change for reasons including the intersection is already dangerous and this will encourage more local traffic as well as non-local traffic. He stated that he is not a zoning expert but feels that C-1 is there to support local use and not bringing more people into the area. At certain peak times, like the drop off line for Donnell School in the morning can be backed up to the intersection sometimes. Mr. Romick stated that they see kids walking to Donnell, Jefferson or even Chamberlain Hill Schools in the morning. Often times it is dark and it could be more dangerous for those kids as well. Kids are not often paying attention, looking at their cell phones. He pointed to some of the comments already made such as overflow backing into the main thoroughfares. This can be an issue for traffic safety, pedestrian safety. Often as Hanco comes out of 6th Street it is difficult to navigate this busy corner and will present even more challenges to them. Mr. Romick stated that he has observed that a lot of folks are actually coming down to S Main area, perhaps parking at St. Mark's Church just to enjoy a stroll down there. They

have seen an increase in speeds and traffic that is not necessarily at a given time. If this creates overflow going down. There is not much to stop people from Lima Street to 6th Street. There is the light at Baldwin that is usually always green for Main Street. Mr. Romick commented that allowing this zoning change could allow for more like it. They are trying to maintain what is for the public good for the area. He stated that they would be interested in what infrastructure might be put in place to create a safer intersection that they already have an issue with. In concluding, he said that the S Main Neighborhood Association which he would consider "Findlay's Neighborhood" requests denial of this application.

The next speaker is Alana Langlois. Ms. Langlois stated that she and her husband have been raising their family at 1130 S Main for the past 9 years. She is here today to ask for denial of the rezoning of 119 W McPherson. She commented that life on S Main is different than in other areas of Findlay. They consider themselves caretakers and conscious owners of their homes. They have unique experiences in their homes. For example, they have hosted tours for the Hancock Historical Museum, host parades, they hand out candy to 1200 Trick or Treaters every year and every school day they watch the Donnell School pick up line as it winds past their house. She also watches the Donnell middle schoolers trudge past her home in the morning and gleefully head home in the afternoon. She stated that she feels very connected to Findlay for their location. This makes the idea of a large, heavy traffic business moving into the neighborhood frightening. Let's talk about the intersection itself, she said. She stated that she walks and runs through here daily. She considers it to easily be the most dangerous in town. As a pedestrian she has had near misses with drivers not paying attention at this intersection more than any other from N Main at Archie's to a block south of Blue Bonnett. Ms. Langlois stated that she believes the addition of a drive-thru restaurant will only increase the likelihood of tragedies. The good news is that this can all be prevented by simply denying the request to rezone the home at 119 W McPherson. The neighbors that regularly walk this area are aware of the dangers of this intersection but others that visit here infrequently are not as aware of the surroundings. The Donnell Students have a large presence when school is released. Middle Schoolers are not generally characterized as paying attention to their surroundings. We see a lot of families walking S Main pushing little ones in strollers or with children on bikes or scooters. Attentive parents work hard at keeping their children safe, but children are children and don't practice self-control or awareness of their surroundings. Ms. Langlois said she can see repurposing this vacant site, but feels that containing any development to the parameters of the current site will help with the traffic and safety issues. She asked that the committee deny the request to rezone the home at 119 W McPherson.

Bill Schedel, 1708 S Main Street, introduced himself to the Commission. Mr. Schedel stated that he had represented the south end of Findlay on City Council for nearly a decade. It was a challenging period with the flood, the Argyle and many other things. Cindy Cleary approached him one day and asked if he would come forward and talk about this project. He said that his 12 year old grandson was there that day and he asked him what he thought about McDonald's since he is a big fan of chicken nuggets. He said his grandson replied that it's a dumb location. Mr. Schedel stated that his part of town does not have an association like Mr. Romick does. They would like to apply to his association because this problem is not going to go away and he believes

there has to be a better solution. Mr. Schedel said he saw two great proposals today, one for the U-Haul facility and the other for renovation of the historic building. These are things that if you are patient, you can come up with a good fit. For him, this proposal is not a good fit. Mr. Schedel referred to why he wore his gym shoes which glow with his suit. He stated that they don't match this outfit. He responded that McDonald's doesn't match that site. He thanked the Commission and asked that they vote against the project.

Jack Raymond, 1330 S Main St, spoke next. Mr. Raymond stated that all the discussion so far has been about the traffic and safety issues. He said there is the whole matter of what happens to a neighborhood as zoning changes. Across the street from this project is a gas station which also required a zoning change. This was a residential property. The house was torn down for the development. Two other homes abutting the gas station were purchased also. Those two homes have been vacant most of the time and are in bad repair. The utilities are turned off. He stated that if you change the zoning classification, you destroy a good neighborhood within a 250' area of this. If you ever come upon a McDonald's anywhere, you can see it for blocks. A bigger issue for our residents lately is the traffic. You can't make a left turn on McPherson. We've heard comments on people in the drive-thru and where they will go when leaving. If they can only turn right on Main, they may go out on McPherson and go up the alley to get to the next street to try to go out on Main there. He is also concerned with the trash. Speedway has created a lot of trash issues since they came to be. McDonald's will cause more trash if they move in. The property was a bank and is now an ATM only. The traffic is very minimal and also light for Dr. Bateson's office. Her working day ends at 5. This will add several 100 cars and lights. McDonald's will open early in the morning and close late. It will add several more hours of commercial activity and a high rate on exchange in cars. Mr. Raymond stated that if you change one lot on a street, you change the street. He asks that you deny the petition.

Cathy Weygandt, 204 Greenlawn Avenue, came to the podium next. Ms. Weygandt is a registered nurse and looks at this proposal in a whole different light. A study was funded by the Health Department, Blanchard Valley Hospital, the Community Foundation, the United Way and others in 2021. There is a 70% obesity issue in our County. This can also affect the number of people being insured. The quality of life in a community can be affected in many ways. This includes its health status, and having a healthier population which leads to a better quality of life for all. Because of the obesity and overweight issues there are more people diagnosed with cardiac risk factors that include high cholesterol, blood pressure issues, diabetes, heart attacks and strokes. There is also a correlation between this obesity and Covid issues. The report cited the CDC and said the obesity is a complex disease with many contributing factors. Neighborhood design, access to healthy affordable foods and access to safe and convenient places for physical activity can impact obesity. She encouraged everyone to look at the fact that there is conditional use in C-1. She talked about the alley that runs toward Lake Cascades. She questioned who owns that strip where the alley stops. It is designed with trees and landscaping. She pointed to where the trash area is shown on the site. The truck will back up here and block traffic on Lake Cascades? Where are the green trees in front of that fenced area, how tall is that fence? She wanted to know how tall those arborvitae they talked about will be? Will there be arborvitae and trees along Lake

Cascades? She commented that there are no trees along the Main Street area now. Ms. Weygandt stated that the home that Dr. Bateson had purchased to protect her property has been vacant ever since she bought it. There is a housing shortage here in Findlay. Affordable first-time homebuyer could buy that property. Habitat could be a part of that and fix it up. Once you start putting these kinds of ideas to turn commercial it can continue. They can push down to Cooper Tire eventually. McDonald's provided 17,000 meals in Florida after the hurricane? 17,000 fast food meals are not healthy. Ms. Weygandt stated that she knows she shouldn't be imposing her personal standards on what people should be eating, but we really need to look at that Health Assessment. She asked that they not vacate that alley. C-1 is not for commercial, it is for small neighborhood.

Tasha Dimling thanked the Planning Commission for their service to the community and the opportunity to express her concerns today about the alley vacation and zoning amendment. Her home is within 250' of the petitioned property. She pointed to her home on the map. They purchased the home in February, 2018. There were quiet businesses on the west side of the street that produced an acceptable level of traffic. With the zoning at the time, she felt confident in purchasing the property and having a future positive value of the home. She stated that if these petitions pass her husband, their dog and she will be forced to move from this home. Placing a McDonald's with brash lighting and significant traffic next to a beautiful, historic neighborhood will demolish the property values of the homes within 250' of and farther. 1332 S Main Street is where her husband proposed, where they had their wedding reception, and they even made wine labels called "Chateau 1332". 1332 S Main Street is where they adopted their first dog together, celebrated Christmases as a family, mourned the loss of her parents, and hosted any backyard cookout. Many of their friends live on S Main Street. She and her husband enjoy handing out 1000 pieces of candy at Halloween and delight in the tradition of lighting the luminaries on Christmas Eve for the community to enjoy. Ms. Dimling stated that her family would be acutely, negatively impacted since they live within 250' of the petitioned property. She commented that her story is representative of all the families who have created treasured memories living on S Main Street. She implored the Commission to please vote against the petitions and allow her to remain in the home where they have created many memories.

Lee Weygandt, 204 Greenlawn Avenue, spoke next. This is a side street off Main just two streets north of the proposal. There is a great deal of pedestrian traffic on Main and he commented on the fact that there are no cross walks between Baldwin Avenue and 6th street. He said there will be a large number of kids coming out of Greenlawn, McPherson, 3rd Street wanting to cross Main Street to get to this McDonald's. He stated that McDonald's is incompatible with this neighborhood. It would be a blight on S Main Street. It would destroy property values in that neighborhood. The gentleman stated that he picked up trash from the Speedway around the vacant house. Once you allow one of these there will be one after another wanting to fit in the neighborhood. Mr. Weygandt said he would encourage McDonald's to look at something out by the highway, or out Lake Cascades and Western Avenue. There is vacant land and it is near the highway and would be compatible with traffic and have less opposition from the neighbors. Lee said we are given an opportunity to learn from the mistakes of others. The waterfront of Savannah had not changed for 200 years. In the late 70's Hyatt built a monstrosity of a hotel right over River Street. It is

something that the community has regretted ever since and he hopes we can learn from that zoning error.

The next speaker was Jason Plesec. He lives on Eagle Street, much farther away than the other speakers. He grew up in Findlay on W Hobart Street. He commented that he sees this traffic every day. He referred to the preliminary site drawing and said it looks like they will close the southernmost driveway which is good. He commented that it is extremely difficult to make a left out of McPherson and even more difficult if tried out of the site onto Main Street. If you are on McPherson and try to turn left, you have to pull into the crosswalk to see past cars parked on the northwest corner of Main and McPherson. Blocking the crosswalk, children walking up and down Main Street, as it is now is difficult. Now you will increase traffic. If you come out you may go up the alley, as someone suggested, or down to Hurd or Summit and increase traffic there to get around. People will find alternative ways to get out to head north. He expounded on other side streets that have backed up traffic for School's in the area regularly. He stated that that will all increase with a restaurant here. People will be coming in from the southeast side of town, from around the reservoir, etc. It will increase traffic all over this region. He even thinks traffic from 15 and 75 will be pulled in if they can locate a McDonald's here on their GPS. Mr. Raymond went back to Ms. Weygandt's comments on the poor nutritional value of the food. With kids coming home from school every day by here, and everyone talking about childhood obesity, they will be going to eat subpar food. Mr. Plesec said the only benefit to anyone is the individuals wanting to create the development. It will not benefit the local community or the surroundings. He urged the commission to vote against it.

Timothy McGee introduced himself. He lives at 130 Sherman Drive. He sent an email which he understands was distributed to the members. He doesn't want to reiterate much of what was already said. The back of his house faces Lake Cascades Pkwy. If he goes out his back sliding doors he will see the golden arches. He stated that he feels the Hanco EMS issue is understated. It is obviously important for them to be able to get to where they need to be efficiently and quickly. There were issues in the past with flooding and the only way for Hanco to get to the west side was down Lake Cascades Pkwy. Mr. McGee said that another issue he thought of since he wrote his letter which included a petition. He had contacted National Lime and Stone and they were upset that they did not get notification. Mr. McGee pointed to the south side of Lake Cascades and noted that it is owned by National Lime and Stone. It is kept very nice. They should have received a formal notice. He hopes the Commission will deny this petition. Mayor Muryn replied that she did hear from National Lime and Stone.

Amanda Sprague stated that she sent a letter on October 4 to her local councilman. She had listed seven reasons why she thought this project should not go forward. Many people here have touched on those issues except for one. She turned to Mr. Ball and said that she knows he stated that he is a local business owner. Ms. Sprague said that she is also a local business owner. She questioned what having a huge international food chain would do to the little man. Ms. Sprague commented that McDonald's offers some of the same fare as some local establishments do. We can get our hamburgers and french fries from Wilson's who have invested in our community for decades. We

have ice cream at Dietsch's. These places are what make Findlay unique. When her family visits from North Carolina, we don't go to McDonald's, we go Wilson's and Dietsch's for the pretzels and ice cream. We walk downtown to Main Street Deli. Our out of town visitor's want to stroll down S Main Street. They want to take photos of the historic homes. She's afraid the little man is going to get hurt. She has concerns about the lighting and trash. One of her son's had a detention back at St. Michael's years ago and for punishment she gave him a garbage bag and she walked up and down Main Street picking up garbage. She found little Caesar napkins, pizza boxes, Speedway Big Gulp cups. She stated that she is a local business owner and someone that has invested in properties on Main Street, and also a resident of S Main Street who has a vested interest in the area. She is strongly opposed to this proposal.

Mayor Muryn called on the applicant to give some comments. Mr. Coyne stated that this is major investment for McDonald's and the Ball family. It will create 65 jobs. It is a small 40' wide lot and we are aware of the condition and think this is an improvement. Most of the improvements on that property will be landscaping. McDonald's wants to be a good neighbor. Most of the issues raised were about traffic. He stated that they did not have time to do a traffic study once they had received comments back from staff. They want to consult with their traffic consultant about comments that were made and see if they can address those. They are eliminating one curb cut onto Main Street and they can look at the other curb cut and traffic issues and address them. A lot of questions were raised and they feel they can address them. But it would be appreciated to be given the time to do so in a very timely manner. Some questions were general, some were pretty specific especially about the traffic. Mr. Coyne requested that they be allowed to bring the matter back and asked that the item be tabled so they can get some data to the Commission.

Mayor Muryn said she appreciated the comments. She stated that when they are looking at the planning process and the steps they go through. Today they are looking at two separate items that may affect a plan. We are not looking at a specific site plan. We are determining whether to rezone the property in question as well as vacating an alley. Ms. Muryn stated that after having the staff report and hearing from the community she is inclined to vote against the zoning application. She responded that when you look at the current commercial property, that you can get creative. If the applicant wishes to continue to evaluate that, that is their prerogative. She feels that continuing to have that buffer and protect the neighborhood as much as possible is what they are looking at today. Given that it is not consistent with the land use plan as well further supports that process.

Rob Martin stated that at what point do we continue to change zoning as we continue to migrate into a neighborhood. That is his concern with accepting this petition. Jackie Schroeder said that the migration into the residential area is definitely a concern and she thinks the gentleman that talked about the Speedway across the street and that situation kind of proves the point of not being in favor of expanding the commercial here.

Mayor Muryn added that as we look at the neighborhood that she doesn't think a drive-thru makes sense in this area. There are other properties within that region that might be an option on the

south end. Dan Clinger said that you can do traffic studies but the site itself is going to be very difficult to access. All the traffic is going around the drive-thru and all the parking there, he cannot see anyone going around the building to use that exit. He think 90% of the traffic will be using one exit. He doesn't feel that a traffic study is going to give him any tools to say that it is okay.

Mr. Coyne replied that the site plan is very preliminary. They want to be a good neighbor. They want to look at it very carefully and thoughtfully. They want to be sure this is a good fit for Findlay. Your master plan is 15 years old. It isn't unusual to look at a 40' wide parcel adjacent to a C-1 zoning. They could try to shoehorn it in so there is no zoning issue. They want to make it a site that everyone can be proud of at the end of the day. McDonald's spends a lot of time looking at things like this. They would appreciate time to address the issues. This is the first opportunity we have had to meet the neighbors, the staff, etc.

Dan DeArment said it goes beyond the traffic issues. You can study it but you are still going to have creep into the residential neighborhood. That is not going to change. You'll still have intensity of use. You're going to have more traffic. You might be able to maneuver around the site better, but you're still going to have more traffic there. Mr. Coyne asked if there are not businesses west of the site before you get to Cooper Tire. There are some vacant lots, there's the transfer station. To say that it is creep going that way, he's not sure. We want to put a buffer there instead of putting a building on it and make that an endpoint for this particular use of property. He doesn't look at it as going farther, but that they are trying to protect that line.

Mr. DeArment commented that we'll have additional noise, additional litter, safety issues with the increased traffic. He just doesn't think we want to develop our historic Main Street and commercialize it. He knows we can study traffic and other issues, but there is so much more to it. Mr. Coyne replied that the zoning allows restaurants, bakeries, convenience stores, book stores, coffee shops, dry cleaners. You can put a Dollar General there you can put other convenience stores there, you can put a restaurant without a drive-thru. These are all uses already designated for the property. What he is asking for is a chance to present more information and maybe the community will think it is too problematic. This is our first opportunity to meet with all of you. Rather than guessing, this is a great business model that the Ball family has put together. Some of the comments that were made were very subjective. All he wants is an opportunity, given the comments that they just received in the last week, to address this. You can always say no.

Matt Cordonnier noted that for a rezoning request, we don't require a site plan. There are two ways to look at it. One, you are being upfront about this and he appreciates what they are doing. At the same time, the question at hand is not if we should build a McDonald's, it is should we rezone this parcel and move commercial one lot over. Mr. Cordonnier stated that he does have sympathy for the residents that are very involved with this, and to table it for another month is very concerning for some of them. Most rezonings we don't have a site plan. It's more a discussion of the overall things. Does it meet the land use plan and he often cautions the Commission to think of what the worst thing that might be able to go there would be. You can't put a condition on a rezoning. You can't say it is zoned, but you can only build this.

MOTION

Christina Muryn motioned to **deny PETITION FOR ZONING AMENDMENT #ZA-04-2022 filed by Epic Collaborations LLC, 119 W McPherson Ave, Findlay to rezone 119 W McPherson form R-2 Single Family Medium Density Residential to C-1 Local Commercial.**

2nd: Dan DeArment

Mayor Muryn stated that her reason is that anything that is proposed for the former bank site should be able to fit on the current footprint and be as least intensive as possible. She stated that she is following with what Matt said, that we are not looking at a site plan. Since you did provide it, she is playing the scenario forward. She has significant concerns with the drive-thru. That is a Conditional Use and it is not something that she would be supportive of except in a very strange situation. She just thinks that if a McDonald's will go here it has to be a creative, more low intensity, neighborhood facility. She stated that she recognizes and appreciates trying to make an investment but she feels their responsibility is to protect the community overall. We are happy to meet with you to discuss that, but at this time I'm not in favor of the rezoning.

VOTE: Yay (5) Nay (0) Abstain (0)

- 7. ALLEY/STREET VACATION PETITION #AV-07-2022 filed by Epic Collaborations LLC, 119 W McPherson Ave, Findlay to vacate the 15' wide right-of-way of the first N/S alley running south from W McPherson Ave to Lake Cascades Pkwy.**

CPC STAFF

General Information

This request is located between 119 W. McPherson Avenue, 1400 S. Main Street, and 1412 S. Main Street. The alley was platted, but does not provide access from W. McPherson to Lake Cascades Drive.

Staff Analysis

The applicant has requested vacation of the alley. They are the owners of all three (3) properties that abut the alley. This alley provides access only to the garage at 119 W. McPherson Street. The Engineer indicated that there are no utilities in the alley, nor are there any plans to improve the alley. Staff is supportive moving forward with the vacation as requested.

Staff Recommendation

Staff recommends approval of **ALLEY/STREET VACATION PETITION #AV-07-2022 filed by Epic Collaborations LLC, 119 W McPherson Ave, Findlay to vacate the 15' wide right-of-way of the first N/S alley running south from W McPherson Ave to Lake Cascades Pkwy.**

ENGINEERING

- No comment

FIRE PREVENTION

- No comment

RECOMMENDATION

Staff recommends approval of ALLEY/STREET VACATION PETITION #AV-07-2022 filed by Epic Collaborations LLC, 119 W McPherson Ave, Findlay to vacate the 15' wide right-of-way of the first N/S alley running south from W McPherson Ave to Lake Cascades Pkwy.

DISCUSSION

Tony Coyne stated that they do wish to pursue the vacation of the alley. It is not improved and has not been used for decades.

Mayor Muryn stated that in her perspective she is okay with the alley vacation. She feels if added to the other property it helps with providing additional buffer space. Matt Cordonnier commented that when we vacate alleys the first thing we look at is if all the adjacent properties owners have signed the petition. This is essentially owned by one entity. The next thing we look at is if vacating the alley will impede access for someone nearby. This being an unimproved alley that dead ends into Lake Cascades, the City has no intention of improving the alley, it will not create a hardship for anyone else and therefore we recommend approval to vacate. Normally once vacated that auditor will split in half and attach half of the right of way to each parcel abutting it.

Jason Plesec asked who owns the land to the south of the end of the alley along Lake Cascades. Mr. Cordonnier replied that the City does. It is City right of way. Mr. Plesec asked if USA maintains it. Mayor Muryn replied that like on residential streets where the adjacent owners maintain that part of right of way abutting their lots, it is the same here. She understands that National Lime may be taking care of it. But they do not own it. Mr. Plesec commented that it would have been old railroad right of way.

Cathy Weygandt asked where exactly the vacation stops. Mr. Cordonnier stated that it would at the intersection with Lake Cascades right of way. Ms. Weygandt said that C-1 requires landscaping between it and residential. So when this is split and becomes C-1 wouldn't landscaping be required. Mayor Muryn replied that landscaping is only required for development. There is no development being done at this time.

Jack Raymond said he understands vacating the alley. Looking at the drawing for McDonald's, if they get 15 more feet, they can make it fit. Mr. Cordonnier noted that this would be vacated for anyone with a similar situation, it has nothing to do with what may or may not develop at some point. Mr. Raymond commented that it brings them back to the reason they all came here today. He would hope that after this action is taken, that the considerations given to you by the residents would still be taken into consideration if McDonald's moves forward. Mr. Cordonnier noted that these are recommendations to City Council. They make the final decision on both the zoning and the alley vacation.

Mayor Muryn reminded him that they have to come back for a site plan review and the drive-thru is a conditional use. It would be considered separately and it is revocable.

Lee Weygandt asked if it is possible to vacate that alley and add all of it to the residential property. Mr. Cordonnier replied that that is not the process that occurs.

MOTION

Christina Muryn motioned to approve **ALLEY/STREET VACATION PETITION #AV-07-2022 filed by Epic Collaborations LLC, 119 W McPherson Ave, Findlay to vacate the 15' wide right-of-way of the first N/S alley running south from W McPherson Ave to Lake Cascades Pkwy.**

2nd: Rob Martin

Mr. Cordonnier suggested that an addition be made to maintain a utility easement for the power company. Mayor Muryn said she would amend her motion to include that.

VOTE: Yay (5) Nay (0) Abstain (0)

- 8. ZONING AMENDMENT #ZA-05-2022 filed by HRPC for an amendment to the City of Findlay Zoning Ordinance. The proposed amendment would address Small Box Retail and Games of Skill businesses.**

CPC STAFF

General Information

Hancock Regional Planning respectfully requests two text amendments to the City of Findlay Zoning Code.

The first text amendment addresses the location and density of small box retail stores also known as dollar / thrift stores. The amendment will only allow small box retail stores to be located in the C-2 commercial district. Additionally, it will require them to be spaced a minimum of one mile apart and will limit the number of stores. It will allow one store for every 10,000 residents of the

City of Findlay. Currently the City has eight (8) small box retail stores, several of which are located in the C-1 district.

The second text amendment addresses the location and density of skill businesses. The amendment will only allow games of skill to be located in the I-1 light industrial district. It will require them to be 500 feet from residential zoned property and will allow one business for every 10,000 Findlay residents. Currently the City of Findlay has six (6) games of skill businesses, all located in the C-2 District.

DISCUSSION

Matt Cordonnier explained that small box retail is permitted in both C-1 and C-2 zoning. This language would add then as a Conditional Use in C-2 and not in C-1. They also recommend adding stipulations that they are not allowed within 1 mile of any other small box retail store and the number is capped at not to exceed one for every 10,000 in population. Mr. Cordonnier said he thinks the percentage of population has rubbed some people the wrong way. He thinks that is the least important part of this. He feels the most important part is not allowing them in C-1 zoning. We currently have eight dollar type stores in Findlay. They are welcome in the community, he just thinks there is a difference in the density that that industry wishes to have versus what is beneficial to the City of Findlay. He believes it was either Time or the Wall Street Journal that reported that in 2021, 44% of the retail stores built in the US were dollar/thrift stores. The potential McDonald's project was one of the factors that brought this to light when he thought if not a McDonald's, what could this site be. He doesn't think a Game of Skill or Dollar Store would be a better alternative.

He compared several other cities codes on this and this proposal is very similar to what other Cities have put in place. Mayor Muryn asked if other communities delineated between a franchise and locally owned. Mr. Cordonnier replied that he thinks it is dangerous when you get into the type of ownership. That strays into other categories outside of land use. We discuss density, distance and location. The type of ownership to him is a bit too far. Ms. Muryn said she knows it was a concern from the standpoint of are we limiting a local small business owner. Matt stated that there is always some degree of interpretation with a definition. Mr. Cordonnier said he is not too worried that we're going to have consequences of capturing the wrong type of business with our definition. Jackie Schroeder stated her only question is that our definition might affect a non-profit. She would assume something like the Salvation Army or Goodwill would not fall under this. Mr. Cordonnier stated that the part about continuously offering merchandise for \$10 or under is a factor. All parts of the definition are important. Mayor Muryn said maybe we need to have some definition of a thrift store/second hand store. Mr. Cordonnier believes that a thrift store is a resale/used items situation. These are often non-profits.

Matt Cordonnier asked if there are any issues with the density of one for every 10,000 in population. This is used in several communities.

Ms. Muryn asked if a Dollar General was going to change to a Dollar Tree. Does that affect them or is it grandfathered in? Matt stated that he thinks it would be permitted to change. If they stopped operating for two years we would not have to permit a new one.

Cathy Weygandt stated that this is so easy to add additional items to this ordinance. Perhaps put a differentiation between fast food and other types of restaurants in the C-1. She thinks the fast food could be excluded as not a neighborhood type restaurant. Mayor Muryn stated that we might be getting into the type of ownership issue with that also. We are looking to amend our zoning ordinance and there will be revisions coming.

The next part of the ordinance is for Games of Skill. Mr. Cordonnier noted that these are currently permitted in C-1, C-2 and C-3. They are not explicitly permitted but fall in a category. In this ordinance we are specifically listing Games of Skill as permitted in the I-1 Light Industrial district. There are currently six of these in the City. That changes on a monthly basis. They are very transient businesses that sometimes come and go quickly. The Ohio Gaming Commission allows them. The ones we have in town have games that have some tiny portion of skill involved in them and that is how they can cross the line between gambling and this. You can't win any more than \$10 on any one play. You receive vouchers or gift cards. The Findlay Police and FBI did raid one of these facilities in the recent past for money laundering out of Chicago. We need to think carefully as we try to shape the perception of our City. Cities that we aspire to be like don't have Games of Skill everywhere. So, we have moved them to the I-1 district. We could put a density limitation on them and even not being located within 500 feet of a residential property. We refer to the ORC definition of Skill Game.

Dan DeArment asked where I-1 zoning is located. Mr. Cordonnier replied that the northside of town around CR 99, Tall Timbers. There is quite a bit of I-1 spread throughout the City. Our latest map update reduced this by around 500 parcels. There are industrial areas on the west side of town also. He would liken this to how we and other cities address adult entertainment. You can't just ban it from the City, but you can permit it in what you hope would be the area of least impact on residents.

Christina Muryn said her only concern is that they can go just outside the City limits particularly in an unzoned township. Mr. Cordonnier said that in our area he has not seen this type of business actually invest in the area and build a new building. The ones we've had have been very transient to the point that if you Google them you only come up with two because they come up and leave just as quickly. He doesn't see them investing in building because they generally aren't around that long.

MOTION

Christina Muryn motioned to **make a recommendation to Findlay City Council to amend the City of Findlay Zoning Ordinance to address small box retail and games of skill business.**

2nd: Dan Clinger

VOTE: Yay (5) Nay (0) Abstain (0)

9. APPLICATION FOR SPECIAL REVIEW #SR-02-2022 filed by HRPC for a proposed moratorium on Small Box Retail and Games of Skill businesses.

CPC STAFF

General Information

Hancock Regional Planning Commission respectfully requests a six-month moratorium on the establishment of any new small box retail stores and skill-based amusement businesses.

Hancock Regional Planning Commission is working to update the Findlay Zoning Code. The proposed changes to the zoning code will affect small box retail stores and games of skill businesses. The moratorium will allow time for the City of Findlay to consider the proposed changes.

Definitions:

- Small Box Retail - A retail sales use with a floor area less than fifteen thousand (15,000) square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than ten dollars (\$10.00).
- Skill-based amusement – as defined by O.R.C. Section 2915.01(UU)(1)

DISCUSSION

Matt Cordonnier stated that his reasoning for this moratorium was to have some time to work on these amendments and not have this type of business hurry up and establish anything new because this has been made public. The moratorium will gain us about a month if the process gets started now and moves quickly. Dan DeArment asked if there are any potential applications or any conversations with anyone happening now. Mr. Cordonnier replied that Erik Adkins received a call about a vacant bank that they were interested in converting to a Game of Skill business. We see things ebb and flow and we are definitely seeing an increase in the number of calls discussing Games of Skill. They usually ask if there are any regulations against them. We reply no and they say thanks and hang up. Less calls on dollar stores, but maybe once a month someone may inquire about a location. This is the first time Mr. Cordonnier has asked for a moratorium.

Dan DeArment asked how fast the moratorium can go in place. Council had this proposal before them at their last meeting and they wanted feedback from CPC and the Planning and Zoning Committee before they move forward. They can waive the three readings if they wish and pass as an emergency.

Mr. Muryn noted that the City has done a moratorium before with the marijuana dispensary issue. Rob Martin said he likes the moratorium idea so we can just pause and have time for thorough conversations and get it right.

City Councilman, 1st ward, Holly Frische came forward to speak. She stated she has had quite a few phone calls. The biggest concern is with defining small box retail clearly. There was talk about a Hallmark store versus a dollar store versus the folks that buy pallets of goods and resell them. There was some discussion at the last Council meeting and it did not pass on emergency. Ms. Frische stated that she does see negative impacts with the games of skill. She would still like to see discussion on the small box retail. People like the convenience of going to some of these stores for a quick gallon of milk. She sells insurance and some plans are using things like Dollar Generals in their plans to get items.

Mr. Cordonnier noted that the moratorium will not affect any existing small box retailers. Sometimes the dollar stores do move in to existing facilities. That happened at the old Family Video on S Blanchard Street. Most often they do build and a site plan takes time. The chance of a new small box coming in in the next few weeks or months is much less than the game of skill.

Mayor Muryn asked if it might make sense to do two separate moratoriums. If Council wanted to move forward next week with the skill games that would allow us a couple additional weeks to evaluate the language for small box retail. Mr. Cordonnier said yes, Council could split them up.

MOTION

Christina Muryn motioned to **make a recommendation to Findlay City Council to propose a moratorium on small box retail and games of skill with the suggestion to split these into two separate pieces of legislation.**

2nd: Rob Martin

VOTE: Yay (5) Nay (0) Abstain (0)

After the vote, Mayor Muryn adjourned the meeting at 11:45.