

# City of Findlay City Planning Commission

Thursday, March 8, 2018 - 9:00 AM

## Minutes

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

**MEMBERS PRESENT:** Jackie Schroeder  
Dan Clinger  
Brian Thomas

**STAFF ATTENDING:** Judy Scrimshaw, Development Planner  
Todd Richard, Zoning Inspector  
Jeremy Kalb, Engineering Project Manager  
Matt Cordonnier, HRPC Director  
Don Rasmussen, Law Director

**GUESTS:** Dan Stone, Leah Wilson, Jodi Mathias, Erik Adkins,  
Kristie Fox, Tony Scanlon, Tom Shindeldecker, David  
Wright, Julie Wright, Roger Best, Marilyn Young, Bill  
Moser, Scott Matthews

### CALL TO ORDER

### ROLL CALL

The following members were present:

Jackie Schroeder  
Dan Clinger  
Brian Thomas

### SWEARING IN

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

### APPROVAL OF MINUTES

Dan Clinger made a motion to approve the minutes of February 8, 2018. Jackie Schroeder seconded. Motion carried 3-0-0.

### ITEMS TABLED AT THE FEBRUARY 8, 2017 MEETING

**APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.**

**NEW ITEMS**

**1. ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH.**

**General Information**

This request is on the south side of South Street. The area is zoned R-3 Single Family Small Lot. It is located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Single Family High Density.

**Parcel History**

Existing residential neighborhood.

**Staff Analysis**

The applicant is proposing to vacate the right-of-way of an alley between two (2) residences south to the first east/west alley.

Both applicants have access to their respective garages from this portion of alleyway. Both parties have signed the petition. Access for other properties in the vicinity is still possible via the east/west alley or the south half of this alley running north from E. Lincoln Street.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH.

**ENGINEERING**

No Comment

**FIRE PREVENTION**

This alley appears to be well maintained and could be beneficial for vehicles during an emergency. If allowed to vacate, maintain access for emergency vehicles.

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH subject to:

- Maintaining access for emergency vehicles (FIRE)

**DISCUSSION**

Dan Clinger mentioned that in past alley vacations, he thought alleys had to be blocked and asked if that was the case. Judy Scrimshaw said that was not the case.

Mr. Clinger said there is a major power line that runs along the alley and stated that if the city wanted to maintain access for emergency purposes, he doesn't see a benefit to approve this vacation. He also would not want to approve this vacation without an easement between the properties to maintain access. Jackie Schroeder said she agreed and felt it was necessary to put something in place to maintain access for the emergency vehicles. She said it was unusual for fire prevention to comment on alley vacations and wondered if they have had to make use of alleys in this neighborhood previously. Ms. Schroeder stated she was unsure of the property owner's intentions with this vacation, as to whether they would be closing it or putting up a fence.

Bill Moser, the property owner, stated that he went to the engineer's office and was told that if the alley is vacated, he would need to put up a rail to prevent access to that alley. He said if he did that, he doesn't understand why there would need to be access for emergency vehicles. Ms. Schroeder explained that two different departments were looking at this from different points of view. Mr. Moser stated he was looking for clarification on what he needed to do for the alley vacation. If he is required to block the end of the alley with a guardrail, there will be no access or egress to the alley. He said there would still be a driveway there and that access needs to be open for them to get in and out. Matt Cordonnier stated that there was likely some miscommunication and that there is no requirement to block off access to an alleyway with a vacation. Once vacated, traditionally the applicant decides then whether to block off access. Mr. Moser asked if he could block off the access. He said his main issue is the amount of traffic that comes in and out of there with Wilson, Morse, Lincoln, and South Street for access around the block. Any development put in by the city now do not have alleys right beside someone's house and the city has to maintain it and cover the cost of that. Mr. Moser stated if this vacation is approved, this would be his responsibility to maintain it and he doesn't see how this would affect fire prevention for his house. As far as the power lines, he said that the power company could still come in and work on the lines and would still be accessible for them. He said he ultimately just wants to cut down on the traffic. Mr. Cordonnier stated that traditionally when an alley is vacated, it becomes the applicant's property and they have the right to block it off if desired. He stated that the fire department has commented on issues like this before and has stated that they would still like to maintain access but at the same time he does acknowledge that alleys are not built on modern subdivisions and would still have the same level of access as any new subdivision would. Ms. Schroeder pointed out that new developments also do not have garages in the rear that need fire protection.

Mr. Clinger asked if the intention was to block off the alley. Mr. Moser stated he wanted to block off the south end. There is an alley running from Morse Street to Wilson and from Lincoln Street at the back of the lot, he wants to put up a guardrail to prevent people from driving in and post a private drive sign up the street.

Mr. Clinger asked if there was a power pole at the front and rear of the alley. Mr. Moser stated that there was one beside his neighbor's house and one in the back corner of the lot. He said he was not going to block that part of the alley off as they still need access and egress to their garages. He stated that when work needs to be done on those poles, they use the east and west alley to access them. Mr. Clinger asked if they were intending to remove the asphalt toward the back of the lot. Mr. Moser said they wanted to, but said that if that's a deal breaker, he would not

remove it but he doesn't see a reason to keep it. Mr. Clinger asked if there was a legal easement for the power or if it would need to be put into place. Don Rasmussen said that it was statutory and was put in all agreements.

### **MOTION**

Jackie Schroeder made a motion to **recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2018 filed to vacate an alley running south from South Street between 615 and 619 South Street, Findlay, OH subject to the following conditions:**

- **There is a legal agreement between property owners that there is shared access there.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

**2. ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.**

### **HRPC**

#### **General Information**

This request is located off the south side of S. Main Street. The area is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Single Family High Density.

#### **Parcel History**

Existing residential neighborhood.

#### **Staff Analysis**

The applicant is requesting to vacate 7.5' of road right-of-way of Elm Street. They indicated that the existing chimney on the north side of their home currently encroaches into that right-of-way.

There is an existing fence and hedgerow on this side also. They would like to replace that fence and because of its location, they would have to move it south to keep it out of the right-of-way.

Todd Richard stated that he doesn't know how long the fence and hedgerow have been encroaching into the right-of-way. It could be well before zoning.

#### **Staff Recommendation**

HRPC Staff recommends **that Findlay City Planning Commission recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.**

## **ENGINEERING**

Two (2) feet behind the sidewalk will need to remain in the right-of-way for any future resurfacing projects.

## **FIRE PREVENTION**

No Comment

## **STAFF RECOMMENDATION**

Staff recommends that Findlay City Planning Commission recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate a portion off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street subject to the following:

- A minimum of two (2) feet must remain in the right of way behind the sidewalk (ENG)

## **DISCUSSION**

Mr. Clinger asked engineering if the two feet for the right of way reduces the seven feet the applicant is requesting. Jeremy Kalb said he wasn't sure yet if it would reduce it but the last time they went in to do resurfacing; they needed at least one and a half to two feet to get in behind the sidewalk. That way, there is no issue to access to the property or getting permission to do the work. Ms. Scrimshaw suggested a survey may need to be done to show where this actually would be. Mr. Clinger asked if the right of way would typically be about a foot behind the sidewalk. Mr. Kalb said he was correct. Ms. Scrimshaw stated the sidewalk is right up against the curb.

David Wright, one of the property owners, pointed out where the hedgerow is and stated the fence that is being replaced is inside the hedgerow. He said there should be enough clearance for engineering to do work when necessary. He mentioned that the sidewalk is fairly new and is right up against the curb right up to the hedgerow. He said it should not infringe upon any kind of maintenance. Mr. Wright stated that he would maintain the hedgerow in the seven feet in request that is currently designated on the city side. Mr. Clinger stated that they have issues like this before and doesn't see why they should give up street right of way for a fence and doesn't see any value gained by the city by doing so. He asked if the fireplace on the house was an addition. Mr. Wright said that it was not and had been there since 1903. He also stated that the current fence was likely there prior to zoning so it would be replacing an existing situation and is not infringing on the street at all. Mr. Clinger asked if they intended to keep the hedgerow in place. Mr. Wright said currently, yes. Mr. Clinger asked if the fence would go inside the hedgerow. Mr. Wright said yes. Mr. Clinger asked if there was much of a fence left there now. Mr. Wright said there is, but it's dilapidated and needs replaced.

Julie Wright, the other property owner, stated that they would be replacing a fence that had been there for quite some time outside of their property lines. Mr. Clinger asked if that could be done without going into a right-of-way release. Todd Richard stated that they could not because fences are not allowed in the right-of-way and mentioned he has no clue as to how long that fence has been there. Mr. Clinger asked if the fence would have been grandfathered in. Mr. Richard said no

because it wasn't legal to begin with. He stated he does not know the circumstances of how the fence came to be and there wasn't any history on that available in the files.

Ms. Schroeder asked Engineering if the utilities that go down Elm Street are located within the pavement – storm, sewer, and water. Mr. Kalb said they were. Ms. Schroeder asked where those utilities would need to go if replaced and if they were certain that they wouldn't need additional right-of-way. She stated that the right-of-way is there for a reason. She said that it could be confusing for construction if the right-of-way is bouncing around and the contractors have to keep track of that and the utilities do get affected as far as their layout when being replaced. Mr. Kalb said if they did get into that situation, it would create a chokepoint on that side. For example, if the sanitary is on the north side and a water line has to go in on the south side that would create a chokepoint. Mr. Kalb said he wasn't sure exactly when those utilities would need replacing. He said the sewers had been camera-d in the past few years and it didn't appear they needed replaced. With many of the sewers, they are using cured-in place lining to avoid excavating. Mr. Kalb said the biggest issue with this would be if a water line would need to be replaced and he couldn't reach the north side, he would have to go to the south side. He said he isn't sure when this would need to be done, if ever. Ms. Schroeder said she understood and said if the right-of-way is vacated, that option is gone forever unless they were to buy it back. Ms. Schroeder asked if there were any other legal ways to allow the chimney to remain there and the fence to be replaced. Mr. Rasmussen stated they had discussed a right-of-way encroachment agreement permit, similar to that of the hotel downtown and Marathon's way finding signs. The right-of-way there was not vacated but instead had a permit to be in the right-of-way. That way, the right-of-way is maintained if it is needed but you allow them to encroach into it. Mr. Rasmussen said, in their case, if the fence is encroaching into the right-of-way, it can be moved temporarily to work on the utilities. Ms. Schroeder said she was nervous about setting the precedent of vacating the right-of-way on a road not an alley for something like this. She said she is interested in the right-of-way encroachment permit idea versus a permanent vacation.

Mr. Clinger stated he appreciated the applicants' concerns in what they want to do but didn't see a good reason to give up the right-of-way for a fence that may eventually interfere with utilities. **He stated he would make a motion to deny the request. Ms. Schroeder seconded the motion.**

Mr. Wright said they would be willing to entertain the idea of a permit. The way it is currently marked, they would lose a part of the property and currently, it belongs to the city and that's why they are here. That would create a compact area and would infringe on the beautification what they are trying to do. Mr. and Ms. Wright both stated they were willing to go forward with a permit to allow them to replace the fence. Ms. Wright said her main concern was just how bad the fence looked and that she wants to protect her animals from the traffic on South Main St. She said she would entertain any idea that would allow her to put up a wrought iron fence there. Mr. Wright said the fence would not be a privacy fence.

Mr. Clinger asked Mr. Rasmussen if they would go through him to receive a permit for the fence. He said for Marathon, they just went through his office and the administration handled it. It's a short, one-page outline of the property and what's allowed to be in there. Mr. Clinger stated he felt that this seems like a more reasonable solution to this issue. Mr. Rasmussen said it just

allows the encroachment. Mr. Richard stated it would also be revocable. Mr. Wright asked if it was just a permit. Mr. Rasmussen said yes, and it's just an agreement signed with the property owner. He stated that this would appease both parties and if it was necessary to work with the utilities, they could remove the fence, do the work, and then put it back. Mr. Wright stated his main priority is making sure utilities are maintained for the area and wouldn't limit the city coming in to maintain them. Ms. Wright stated they were told the only way to do this is through a vacation and if that's not the case, they are willing to consider this option.

### **MOTION**

Dan Clinger made a motion to **recommend to City council to deny ALLEY/STREET VACATION PETITION #AV-02-2018 filed to vacate 7.5' off the south side of Elm Street along Lot 1377 of Barnd's First Addition also known as 916 S. Main Street.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

### **3. PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**

#### **HRPC**

##### **General Information**

This request is located at the end of a cul-de-sac on Keith Parkway. It is zoned C-2 General Commercial. Land to the south is also zoned C-2. To the east is zoned I-1 Light Industrial and C-2. To the north is I-1 Light Industrial in the City of Findlay and to the west is M-1 Restricted Industrial in Marion Township. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

##### **Parcel History**

This is currently a vacant lot.

##### **Staff Analysis**

The applicant is requesting to change a 5.299 acre lot from C-2 General Commercial to I-1 Light Industrial. It is located at the end of the cul-de-sac on Keith Parkway. Much of the surrounding area is already zoned I-1.

##### **Staff Recommendation**

HRPC Staff recommends that **FCPC recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**

#### **ENGINEERING**

No Comment

## **FIRE PREVENTION**

No Comment

## **STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.

## **DISCUSSION**

Mr. Clinger asked if anyone was there to represent this item. Ms. Scrimshaw said there was not. Mr. Clinger said we don't know what the light industrial use is, but going to industrial use generally creates heavier truck traffic. He stated he would be in favor of rezoning this but would want to see the major access for trucking hit the new roadway that's being built past the Nissan Brake Facility. Mr. Clinger asked if that could be a stipulation for the rezoning. Brian Thomas said a stipulation cannot be put on a rezoning, and Ms. Scrimshaw agreed. Mr. Thomas said the site plan would have to come to the commission. Ms. Scrimshaw stated that she recently saw the plans for splitting land in the area. There were apartments approved to go in on E Melrose on the west half of one lot abutting Crystal Glen Apartments. The applicant is getting the deeds ready to take care of that and split the lot. The large lot to the north of this is industrial. There is a strip running north along the east side of that lot which actually is a part of the lot down on Melrose. The plan is to add that piece to the lot in the rezoning request.

Ms. Scrimshaw stated that her concern was using Romick Pkwy. as access since it was built as a commercial type lot. She said that there's no difference in the type of pavement even if it's an industrial park according to Mr. Kalb, so that concern is no longer an issue. Ms. Scrimshaw stated that Dan Stone still needed to file a dedication of right-of-way plat for the extension of Production Drive that will serve Auto-Liv. So she is not sure exactly where that will come in relation to this lot and having access to that road. Dan Stone replied that the latest plan will have that street accessible to this lot. He stated it will be a heavy duty public roadway.

Mr. Clinger asked Ms. Scrimshaw if the land owner was selling the 80 foot wide strip there to the property. Ms. Scrimshaw stated that he already owns it and was going to attach it to the property. Mr. Stone said the intent is to take that strip and attach it to the piece being rezoned so it can be a developable property because due to the width and setback performance, nothing can be built on it currently. Mr. Clinger asked if that would have to come back later for a rezoning. Mr. Stone said it was being annexed. Ms. Scrimshaw stated that it is in the process of being annexed. Mr. Stone said they would request rezoning when they return to have the land annexed. Ms. Scrimshaw stated that the strip is currently zoned industrial in the township.

Mr. Cordonnier stated that due to the size of the lot, he doesn't expect there to be heavy semi-traffic coming through daily. Ms. Scrimshaw stated that there was maybe six acres when complete. Mr. Clinger mentioned that the traffic on Melrose gets pretty congested at times and the traffic would come out at a light onto Bright Road if they use Production Drive.



## **MOTION**

Dan Clinger made a motion to **recommend approval to Findlay City council of PETITION FOR ZONING AMENDMENT #ZA-01-2018 filed to rezone Lot 7 in the East Melrose Business Park on Keith Parkway from C-2 General Commercial to I-1 Light Industrial.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

**4. REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay, OH. The applicant wishes to conduct wholesale sales of heating/air conditioning/cooling equipment to contractors out of the existing buildings.**

## **HRPC**

### **General Information**

This request is located on the south side of E. Sandusky Street just east of Williams Road. It is zoned R-2 Single Family Medium Density. Land to the west is also zoned R-2. To the east is zoned O-1 Institutions and Offices. To the north and south is R-1 Single Family Low Density. The very southwest corner is within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Office.

### **Parcel History**

The only recent use of the property that we are aware of is a dental lab that was approved in 2006.

### **Staff Analysis**

We attached a copy of the property history as traced by zoning records on file for the commission.

The potential buyer wishes to operate a wholesale business for heating/air conditioning/cooling equipment on the site. The property had been used for such a business many years ago.

It appears that this land was annexed into the City as an Agricultural business (Hancock Hybrids) in 1947. It was zoned B Residential when zoning was adopted in 1955. This created the original non-conforming use. The surrounding areas to the south and east were all rural at the time. The property has been zoned some form of residential for as long as it has been in the City. Therefore, all the uses since the 50's have been non-conforming.

The applicant is requesting to re-establish a use for the property that has not existed since the year 2000. This type of use is normally only permitted in an Industrial zoned area. A property loses its non-conforming status after 2 years of being dormant and the only way to get that status back is to appeal to Findlay City Council.

The site is in poor condition from years of neglect. Drive and parking surfaces are technically paved with asphalt but are generally deteriorated. The buildings as well are run down.

There is an odd situation related to a home directly west of the site (1201 E Sandusky). It appears that the house only has access through 1205 E. Sandusky to get to their garage. If this situation is to remain the same, we hope there is a valid easement of access recorded for the continuation with a new owner. Courthouse records show that the current owner of 1205 E Sandusky, Addison Acquisitions Enterprises, LLC recently sold 1201 E Sandusky to its current owner.

If Council would grant this request, staff would recommend that restoration of the buildings and grounds be a condition of approval. Screening should also be put in place around most of the site. There are new homes under construction directly south of the site in the Hunter's Creek subdivision. There are some trees along that property line but they do not go all the way to the west. Screening should also be placed around the home at 1201 E Sandusky Street. We realize that the situation has existed for many years in the current state, but feel that this request gives the City an opportunity to correct the situation to bring it up to today's standards.

#### **Staff Recommendation**

HRPC Staff recommends that **FCPC recommend approval to Findlay City Council of REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay for wholesale sales of heating/air conditioning/cooling equipment subject to the following:**

- **Proof of recorded easement of access between 1205 and 1201 E Sandusky Street (HRPC)**
- **Screening plan be approved by HRPC. (HRPC)**
- **General clean up, maintenance/repair of the site conditions.**

#### **ENGINEERING**

No Comment

#### **FIRE PREVENTION**

No Comment

#### **STAFF RECOMMENDATION**

Staff recommends that **FCPC recommend approval to Findlay City Council of REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay for wholesale sales of heating/air conditioning/cooling equipment subject to the following:**

- **Proof of recorded easement of access between 1205 and 1201 E Sandusky Street (HRPC)**
- **Screening plan be approved by HRPC. (HRPC)**
- **General clean up, maintenance/repair of the site conditions.**

#### **DISCUSSION**

Mr. Clinger asked the applicant what the existing facility is being used for, what the intent is for applicant's use, and if all buildings are being utilized. Scott Matthews stated that one of the buildings is currently being used as a dental lab, but isn't sure about the use of the rest of the

buildings. He stated that they intend on using one building as a store for HVAC, and the rest of the buildings would be used for storage. Mr. Clinger asked if he was referring to the building on the east side of the property. The applicant said yes. Mr. Clinger asked if that is the dental lab. The applicant stated that it is. He said that he intends to remodel that building and create a store. Mr. Clinger asked if the existing building is currently empty or if it's being used for storage. The applicant stated that there is currently some storage in there along with some vehicles. Mr. Clinger asked if the HVAC store would need to utilize more storage other than the one building. The applicant stated that they would be using some of the storage in the other buildings down the line as the business grows. Mr. Clinger asked if he had any plans for restoration of the site and facilities. The applicant said that they want to dress the front of the property up and paint the buildings and change the signs to make it look better from the street. There is no intention to do a total renovation on all the buildings right away. Mr. Clinger asked if he was just painting the east building. The applicant stated that he would be painting and putting signs up on the large building that says "Thermal Transmission" and everything in the front area. He also intends to put in parking space in front of the east building along with some shrubs to make it look nicer. But he does not intend to tear up the buildings and remodel immediately.

Mr. Thomas brought up the recommendations from Ms. Scrimshaw and stated that he didn't see a way to require anyone to give someone else an easement. If there's not an easement between the two lots, he doesn't see a way to force them to be accountable and make them give them an easement. Mr. Thomas mentioned that it's hard to enforce specific cleanup and repair standards as a city.

Mr. Clinger asked the applicant if he foresaw any outside storage. The applicant said the outdoor storage would be minimal and possibly none at all. He brought up that they own several properties in Findlay and always maintain them and keep them in good shape, and intend to do the same with this building. He mentioned that the buildings on this property are rundown with trees growing out of them and he intends to clean that up, but doesn't want to put up any fencing as there is none currently. He feels that anything done there now would be a great improvement. Mr. Clinger mentioned that there is required screening for the property. The applicant stated that if screening is required, that may be a deal-breaker. They want to put the money into their business and into the store and don't want to spend thousands of dollars screening the property.

Marilyn Young, a neighbor of the property living on Williams St., asked if they would be paving the drive behind the building on the east side since it is currently gravel. The applicant said that he was not planning to do so at the current time. Ms. Young mentioned that there is a semi-truck that parks there from time to time. She asked how the entrance and exit would work since people do drive through there. She stated that the pavement on Williams St. is 16 feet wide and two vehicles cannot pass with that width. She mentioned that she has had people driving into both her and her neighbor's yard along with the other side of the road. Ms. Young stated that her main concern is the traffic, how much truck traffic, how large the trucks would be, and how often they would be coming through since there is an issue there currently. The applicant said he was guessing that they would only have four or five semi deliveries a year. He said most of the traffic would be vans, pickup trucks and vehicles like that. He said while he isn't exactly sure which driveway they would use, he imagined most of the traffic would be coming in off of Sandusky St. He noted that Williams St. is a mess as far as the stones and he does intend on

cleaning that area up and put in a good stone driveway and possibly consider paving it down the line.

Mr. Clinger asked the commission if rezoning the parcel would be a better option than a nonconforming use. Mr. Cordonnier said that it was discussed and their recommendation, if that were proposed, they would recommend denial. Because there is neighboring office and residential uses, it doesn't fit the area despite the lot being very small. If they want to do something else with light industrial use, they'd have to come back to the board. Mr. Clinger stated that he thought something in their use is more likely to fall in the C-2 General Commercial category than light industrial. Mr. Cordonnier and Ms. Scrimshaw both stated that it wouldn't be. I-1 fits what they are doing – wholesale warehousing. Ms. Scrimshaw said she thinks they tried to rezone to C-2 previously but the request was denied. Mr. Clinger asked if a nonconforming use was allowed here, would it be for perpetuity or just for this particular ownership. Mr. Cordonnier said it would have to go dormant for two years. It has been dormant for light industrial use since 2000, but has been used as a lab.

Mr. Thomas asked if the screening would be all the way around the property or just along the west side. Ms. Scrimshaw pointed out where the screening needed to be placed. The rear of the lot (south) has some trees but they need to be filled in to the west. There are new homes under construction now in Hunters Creek behind this. We also recommend along the house to the west. Mr. Clinger asked if the screening on the south side was put in by the development. Ms. Scrimshaw stated that she was unsure. Ms. Young said the trees have been there at least 19 years, since they moved to that property.

Mr. Thomas stated that he didn't see a way to force the easement or general cleanup. Mr. Thomas said his recommendation would be to **recommend approval with the condition of working out the screening plan with HRPC. Jackie Schroeder seconded.**

Mr. Clinger said that he was concerned not having an easement, since the property owner is changing at this time, for access to the residential property. Mr. Cordonnier suggested that it may be more of a civil issue. Mr. Thomas said he didn't see a way to force a property owner to give this property owner an easement. Mr. Rasmussen said that we couldn't force them but the residential unit would likely have some prescriptive rights, but we cannot force them to enter into an agreement. Separate access may be an option as well.

Kristie Fox, the realtor for the property, stated that she spoke with the owners and they knew the other property was for sale at the time and that in the past, there had been a driveway going to Williams St. They were made aware that depending on who bought the property, they might need to do something with their driveway and possibly just have that driveway going back to Williams St. Mr. Clinger asked if the new property owner of the residence is aware of that. Ms. Fox stated that they were. She said both properties were for sale at the same time. So, when the owners bought the home, they were aware that the other property was for sale and there was potential, depending on who purchased, for them to keep that driveway in place or to move it back to Williams St as it was in previous years.

Ms. Young stated that the couple that lives in that home would have to go to and from the

property to get to their driveway. Ms. Fox said they could extend the driveway to Williams and then come onto Williams to access their driveway. Ms. Young stated that the property does go onto Williams St. She asked if this would be at the owner's expense to extend their driveway. Ms. Scrimshaw said it would be. Ms. Young stated she felt like that was penalizing the couple. Ms. Fox stated that the couple was aware when they purchased the property. She said she was not their realtor but had met with once and discussed that.

### **MOTION**

Brian Thomas made a motion to **approve REQUEST TO RE-ESTABLISH A NON-CONFORMING USE NCU-01-2018 at 1205 E. Sandusky Street, Findlay, OH. The applicant wishes to conduct wholesale sales of heating/air conditioning/cooling equipment to contractors out of the existing buildings subject to the following conditions:**

- **Screening plan approved by HRPC**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

### **5. PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1<sup>st</sup> Addition.**

#### **HRPC**

##### **General Information**

This request is located off the west side of CR 140 north of CR 95 in Liberty Township. It is zoned R-1 One Family Residential in the Township. Parcels to the south and east are also zoned R-1. To the west is zoned Agriculture in Liberty township. Parcels to the north are zoned Agriculture in Portage Township. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

##### **Parcel History**

The Glenmar Subdivision was originally started in 2006. The last Preliminary Plat was reviewed and approved in 2016. A Final Plat for Glenmar Subdivision Second Addition-Plat 1 was approved in April, 2016.

##### **Staff Analysis**

This plat is the same as the one approved in 2013 for the southern part with Andrew Jackson Lane and the 2016 version that covered the area west of the ditch at the north end.

The west half of Andrew Jackson Lane was final platted so this preliminary covers the east half. There appears to be the exact same layout as in the previous plat with 15 lots.

In the northwest corner, the 2016 Preliminary plat had a short cul-de-sac and a total of 10 lots. The new version has reduced the lots to 8 and the cul-de-sac has been replaced with an

“eyebrow” configuration.

**Staff Recommendation**

HRPC Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1<sup>st</sup> Addition.**

**ENGINEERING**

No Comment

**FIRE PREVENTION**

No Comment

**STAFF RECOMMENDATION**

Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1<sup>st</sup> Addition.**

**DISCUSSION**

Mr. Clinger asked if they had seen this application previously. Ms. Scrimshaw said they had. Mr. Thomas asked if the reason the preliminary plat was being resubmitted was because it had been over a year. Ms. Scrimshaw said that was the case and they did make a change in one of the corners, and the old preliminary plat had expired so it needed to be resubmitted before moving onto the final plat.

**MOTION**

Brian Thomas made a motion to **approve PRELIMINARY PLAT APPLICATION #PP-02-2018 for Glenmar Subdivision 1<sup>st</sup> Addition.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

**6. FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1<sup>st</sup> Addition Plat 2.**

**HRPC**

**General Information**

This request is located off the west side of CR 140 north of CR 95 in Liberty Township. It is zoned R-1 One Family Residential in the Township. Parcels to the south and east are also zoned R-1. To the west is zoned Agriculture in Liberty township. Parcels to the north are zoned Agriculture in Portage Township. It is not located within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

**Parcel History**

The preliminary plat for this subdivision was reviewed in the previous item.

**Staff Analysis**

This portion of the subdivision is a continuation of Andrew Jackson Lane to the east and curving north to eventually connect it with Glenmar Parkway.

The lots and common areas are the same as in a plat that was approved in 2013.

**Staff Recommendation**

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1<sup>st</sup> Addition Plat 2.**

**ENGINEERING**

Engineering has some minor comments on the construction drawings and will be working with the consultant to get those addressed

**FIRE PREVENTION**

No Comment

**STAFF RECOMMENDATION**

Staff recommends **approval of FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1<sup>st</sup> Addition Plat 2 subject to the following:**

- **Modifications to the construction drawings to the satisfaction of the Engineering Department. (ENG)**

**DISCUSSION**

Mr. Clinger asked Mr. Kalb if when working with the applicant on the fire hydrants if they would need to meet the Liberty Township standards. Mr. Kalb said it would and engineering would just be giving suggestions of what they think but the township would still have to approve.

**MOTION**

Dan Clinger made a motion to **approve FINAL PLAT APPLICATION #FP-03-2018 for Glenmar Subdivision 1<sup>st</sup> Addition Plat 2.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

**7. PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition.**

**HRPC**

**General Information**

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

### **Parcel History**

This is currently farmland which was once proposed as a part of the Liberty Dold Subdivision. The last phase of that subdivision was done in 2001.

### **Staff Analysis**

This plat will fill out the southern portion of the area that had been proposed to be a part of the Liberty Dold Subdivision.

The street layout appears to be the same as the original proposal for the area. There are 47 new residential lots and a lot for the detention area at the south end.

The Liberty Township zoning resolution requires 75' of frontage and 10,000 square feet in the R-2 district. Lot 220 on Shaffer Street is only 9,857 square feet. The developer will need to confirm with the Township if this will need a variance in order to be buildable.

The street names have been carried over from the prior subdivision, as most of them are continuations of prior streets. The name of the north/south street on the east side connecting Moulton Drive and Early Drive was changed to Eagles Edge Drive. The stub street going east from Eagles Edge Drive to the vacant land is labelled Eagle's Talon. These will have to be changed. We are trying to get away from repetitive forms of the same names as it often creates confusion particularly for emergency response. We currently have Eagle Street, Eagle Drive, Eagle Ridge Drive, Golden Eagle Drive and Eagle Hill Ct. in the County.

### **Staff Recommendation**

HRPC Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to:**

- **New unique names for Eagles Edge Drive and Eagle's Talon. (HRPC)**

### **ENGINEERING**

No Comment

### **FIRE PREVENTION**

No Comment

### **STAFF RECOMMENDATION**

Staff recommends **approval of PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to:**

- **New unique names for Eagles Edge Drive and Eagle's Talon. (HRPC)**

### **DISCUSSION**

Mr. Clinger asked if the detention area to the south is for the entire corner development. Mr. Stone said it is for the entire Dold Subdivision, from County Road 88 over to CR 9 and has been redesigned a few times. Mr. Clinger asked if Gateway dumps into that. Mr. Stone said a portion of it does. He stated that they worked with the county and the homeowners association a few years ago and they doubled the size of the pond so that it would have plenty of capacity to meet the standards. He said the pond was designed with a zero-outlet to hold 100-year elevation



without overtopping the pond. Mr. Stone said they looked at it several ways to make sure it works because of the previous history of the subdivision and the ditch backing up. He said it still needed to go back through the County for their review as well.

Mr. Clinger asked if the corner is developed near CR 12 and CR 9, would the pond be for that area as well. Mr. Stone said as long as it stays as single family residential and the impervious area doesn't increase too much, then yes it is. Mr. Clinger asked if development continues to the east if a new system would need to be installed. Mr. Stone said a separate system would need to be put in with a separate outlet.

Mr. Clinger stated he noticed the one lot was small with no way in. Mr. Stone said the only way to take care of that is by putting in an S curve and reverse curves in roadways. He said he already spoke with the township and zoning doesn't have an issue with it. He said they're just working with what's left and are going through the process of review and approval right now.

### **MOTION**

Dan Clinger made a motion to **approve PRELIMINARY PLAT APPLICATION #PP-03-2018 filed for Best Liberty Addition subject to the following conditions:**

- **New unique names for Eagles Edge Drive and Eagle's Talon**

**2<sup>nd</sup>:** Brian Thomas

**VOTE:** Yay (3) Nay (0) Abstain (0)

### **8. FINAL PLAT APPLICATION #FP-04-2018 filed for Best Liberty Addition.**

#### **HRPC**

##### **General Information**

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

##### **Parcel History**

The preliminary plat for this subdivision was reviewed in the previous item.

##### **Staff Analysis**

This phase of the subdivision will extend Shaffer Street and Colonel Drive south to connect with the extension of Early Drive. It will create 24 new residential building lots and the detention lot at the south end.

The lots are laid out as shown in the Preliminary Plat.

##### **Staff Recommendation**

HRPC Staff recommends **approval of FINAL PLAT APPLICATION #FP-04-2018 for BEST LIBERTY ADDITION** subject to:

- **Submission of a revised Preliminary Plat (HRPC)**

### **ENGINEERING**

Engineering has some minor comments on the construction drawings and will be working with the consultant to get those comment addressed

### **FIRE PREVENTION**

No Comment

### **STAFF RECOMMENDATION**

Staff recommends **approval of FINAL PLAT APPLICATION #FP-04-2018 for BEST LIBERTY ADDITION** subject to:

- **Submission of a revised Preliminary Plat (HRPC)**
- **Modifications to the construction drawings to the satisfaction of the Engineering Department. (ENG)**

### **DISCUSSION**

None.

### **MOTION**

Brian Thomas made a motion to **approve FINAL PLAT APPLICATION #FP-04-2018 filed for Best Liberty Addition** subject to the following conditions:

- **New unique names for Eagles Edge Drive and Eagle's Talon**
- **Construction drawings modified to the satisfaction of Engineering**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

Brian Thomas made a motion to **lift APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling from the table.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

Dan Stone requested that **APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive be removed from the table.**

**Brian Thomas made a motion to remove Application #CU-01-2018 from the table. Seconded by Dan Clinger. Motion approved 3-0-0.**

**APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.**

## HRPC

### **General Information**

This request is located on the west side of Canterbury Drive just south of the intersection with Tiffin Avenue. It is zoned O-1 Institutions and Offices. Property to the north and west is also zoned O-1. To the south and east is zoned R-1 Single Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Office.

### **Parcel History**

This is currently a vacant single family home.

### **Staff Analysis**

The applicant has submitted drawings from Van Horn, Hoover with the driveway layout. There are also seven parking spaces shown on the site in the plan.

The privacy fence is shown in the back yard and the HVAC/trash area is enclosed.

A handicapped ramp will be constructed across the front of the building for access to the entry.

Staff feels that the applicant has addressed the concerns of the Commission with this submittal and recommends approval.

## DISCUSSION

Mr. Stone said that they went out and located everything and came up with a parking and maneuverability plan. They will be putting in shrubs around the parking area to meet landscaping requirements. He said they wanted to make sure there was an ADA ramp because there is about eighteen inches of elevation difference from the first floor down to the grade. Therefore, the porch is going to be redone so it is flush with the ramp. Mr. Clinger said that the ramp might need to be a five feet wide ramp rather than just four feet wide. Mr. Stone said he understood and said that would still give them nineteen and a half feet for the driveway and fourteen feet is what is required for angled parking. He said that Ms. Poling has an architect working on the building modifications as well. Mr. Clinger said because more steps are being added to the north of the stoop, he suggests that more pavement be added to the north side of the parking area so that the cars can be shifted away from the steps another five feet. Mr. Stone said that they will work with the architect on reconfiguring the front so that it all works. He said there is enough room to work it all out for both steps and the ADA ramp.

Mr. Clinger stated that he felt this was a good solution to this property and asked if the two curb cuts would be an issue for the property. Ms. Scrimshaw said Mr. Thomas would have to approve. Mr. Thomas stated he wouldn't have to as long as it isn't fifty-one feet on the north

entrance, and said he thinks it was mislabeled and should be forty-eight feet. He said with the traffic volume on that street and the one-way in and one-way out, there shouldn't be an issue.

**MOTION**

Dan Clinger made a motion to **approve APPLICATION FOR CHANGE OF USE #CU-01-2018 filed by Toni Poling, 1329 Woodworth Drive, Findlay to operate a child care facility at 800 Canterbury Drive.**

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

**VOTE:** Yay (3) Nay (0) Abstain (0)

**ADJOURNMENT**

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Lydia L. Mihalik  
Mayor

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