

City of Findlay City Planning Commission

Thursday, May 10, 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
Dan DeArment

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

GUESTS: Dan Stone, Erik Adkins, Tom Shindeldecker, Dennis Heldman, Todd Jenkins, Lou Wilin, James Rizzo, Jason Dufour, Amy Follrod, J. Jeanne Wasbro, Jackie Rothenbuhler, Kathy Carte, Carol J. Reed-Tarney, Barbara Lee, Patti Brinkman, Terry Shank, Angie Shaferly, Trudy LeMire, Jennifer Bates, Matt Dysinger, Margaret Flemion, Tim Arnold, Jodi Mathias, Precia Stuby, Jacob Mercer, John Kissh, Blake Nichols, Mathias Leguire

CALL TO ORDER

ROLL CALL

The following members were present:

Jackie Schroeder
Dan Clinger
Brian Thomas
Dan DeArment

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 April 12, 2018. Brian Thomas seconded. Motion carried 4-0-0.

At this time Acting Chairman, Brian Thomas, stated that there appears to be a large group in the audience that he believes is here for Item #4, the Conditional Use on Manor Hill. He would like to move Item #4 to the bottom of the agenda to allow the other applicants to leave if they so wish before that discussion.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-04-2018 filed to rezone 118 Center St, Findlay from R-3 Single Family High Density to R-4 Duplex/Triplex.

General Information

This request is located on the north side of Center Street just east of N. Main Street. It is zoned R-3 Single Family High Density. To the west is zoned C-2 General Commercial. To the east is zoned M-1 Multiple Family and to the north and south is R-3 Single Family High 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

This parcel is the site of a three unit residential structure.

Staff Analysis

The applicant is proposing to rezone this parcel to R-4 Duplex/Triplex in order to sell the property as a legal use.

Prior to the zoning code changes in 2012, this area was zoned C-Residential. This district would allow for anything single through multiple family. City Zoning records show the structure as a legal duplex existing prior to zoning in 1955. In 1989, the owner participated in the CRA (Community Reinvestment Area) program and checked “dwelling not containing more than 2 family units” on the application. Sometime after that a third unit must have been added and there is no record of the change to a triplex.

Staff is favorable of the change for this parcel to R-4. If the commission agrees to allow the structure to become a legal triplex, then a change of use permit will have to be obtained from the zoning office. If not, the building would have to convert back to a duplex.

Staff Recommendation

HRPC Staff recommends **that FCPC recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-04-2018 filed to rezone 118 Center Street from R-3 Single Family High Density to R-4 Duplex/Triplex subject to:**

- **CPC approval to allow a triplex**
- **Owner obtains change of use permit from zoning**

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-04-2018 filed to rezone 118 Center Street from R-3 Single Family High Density to R-4 Duplex/Triplex.

- CPC approval to allow a triplex
- Owner obtains change of use permit from zoning

DISCUSSION

Dan Clinger asked Judy Scrimshaw why the adjacent property had been made M2. Ms. Scrimshaw stated that that was all that the city had at the time prior to the updated zoning. Dan DeArment asked if the staff had some concern with parking and noted that there appeared to only be five spaces available. Ms. Scrimshaw stated that the property does not meet the requirement for parking. Matt Cordonnier said that when the applicant files the change of use they will have to show that they can meet the parking requirements for a triplex. If those requirements are not met, the applicant would have to go to the BZA for a variance.

MOTION

Jackie Schroeder made a motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-04-2018 filed to rezone 118 Center St, Findlay from R-3 Single Family High Density to R-4 Duplex/Triplex subject to:

- Owner obtains change of use permit from zoning department

2nd: Dan Clinger

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

2. ALLEY/STREET VACATION PETITION #AV-03-2018 filed to vacate a portion of Carroll Street on the south side of 825, 831 and 841 Hawthorne Road, Findlay.

HRPC

General Information

This request is located off the south of Hawthorne Road. The area is zoned R-1 Single Family Low Density. It is located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Single Family Large Lot.

Parcel History

None

Staff Analysis

The applicant is requesting to vacate a portion of a 50' wide unimproved right of way of Carroll Street. The street exists only on paper.

The portion to be vacated is just east of another unimproved portion of a street (Benton Street) which runs south from Hawthorne Road. It runs east from Benton Street across the rear of 825, 831 and 841 Hawthorne Road. The rest of Benton Street which was platted continuing south, was vacated long ago and the east half is now a part of the property owned by the Leguires' to the south and the west half belongs to the City of Findlay.

The property owners on Hawthorne Road have signed the petition but the owner of 830 E. Sandusky Street, Matthias Leguire, who abuts the south side, has not. The vacation process can still move forward, but the applicants must pay for advertising (six consecutive weeks) and a public hearing if all abutting owners have not signed.

Staff Recommendation

HRPC Staff recommends **that Findlay City Planning Commission recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2018 filed to vacate a portion of Carroll Street on the south side of 825, 831 and 841 Hawthorne Road, Findlay.**

- **Provided all property owners are in agreement with the vacation.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **that Findlay City Planning Commission recommends approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2018 filed to vacate a portion of Carroll Street on the south side of 825, 831 and 841 Hawthorne Road, Findlay.**

- **Provided all property owners are in agreement with the vacation.**

DISCUSSION

Mr. Clinger asked about the previous time this issue came up if the alleys were the only things vacated. Ms. Scrimshaw stated that she believed they did vacate the alleys and Benton St. north and south. She said the right-of-way street is vacated now along with the alleys in between. Ms. Scrimshaw noted that it doesn't look like this all shows on the Auditor's site when we did the photos.

Mr. Clinger asked if Benton St. had been vacated from Carroll St. south. Ms. Scrimshaw stated she could not remember for sure. Ms. Scrimshaw asked Don Rasmussen if he could recall. Mr. Rasmussen said he thinks it was.

Mr. DeArment asked if Matthias Leguire refused or wasn't available to sign. Mr. Cordonnier stated that he had a letter from Mr. Leguire that he was asked to read. Mr. Leguire's letter stated that he, his wife, and their six children object to the vacation. He stated that when they purchased the house, they liked the aerial view of the property due to the unimproved right-of-way roads of Benton St., Carrol St., and Decker Ave. He said they requested a vacation of the roads that they had no use for and didn't include Carroll St. because they didn't want to lose access and the opportunity to build using that street as their home address. Mr. Leguire stated that while he was uncertain of the time frame, he was certain that he wanted to construct a future residence on the northeast corner of the property with a Carroll St. address. He stated that he thought this may take a while before construction can commence. Mr. Leguire stated that they required that none of Carroll St. ever be vacated that borders the property. He said that they were prepared to divide up the back portion of the property amongst themselves and their children if necessary for a majority vote regarding Carroll St. never being vacated. Carroll St. is an unimproved public right-of-way off of Benton St. accessed by Hawthorne Ave. Mr. Leguire stated that they regularly use this access to north end of their property. He said that after they refused to sell some of their property to Christopher Neely and Greg Mohr at 841 Hawthorne Ave., they have dealt with the Findlay Police Department being called on them for driving through their own yard in addition to calling the N.E.A.T Police for not living up to their landscaping standards. Mr. Leguire suggested that both Neely and Mohr have connections to the local government that have given them more power and influence over decisions made – particularly Phil Rooney, who is the chairman of the variance board. He stated that Rooney voted against his variance request due to a letter read from Greg Mohr and ultimately voted against the variance request in favor of his friend's request. Mr. Leguire stated that his family will never move from this location and that their will states that the property will always remain within their family. He asked that the Planning Commission vote against the vacation.

Mr. Clinger asked what would drive the city to develop those streets in the first place. Mr. Cordonnier said that the city would not develop the streets, but a private entity could and then would construct the street and have them dedicated and turned into public right-of-ways at their cost. Mr. DeArment asked if they currently have a house. Ms. Scrimshaw said the house is on Sandusky Street.

Mr. Cordonnier requested the Planning Commission speak into the microphones as it is a public meeting. Mr. Clinger made a motion to table this item until there is ownership consensus. Ms. Scrimshaw asked Mr. Rasmussen if that's something that can be done. She stated that there is a process even without the signature. Mr. Rasmussen said they should just go through the alley vacation process. Mr. Cordonnier said that if there is a dissenting property owner, those requesting the vacation must have six advertisements in the local newspaper over a six week period and then the issue is ultimately decided on by City Council. Mr. Clinger asked what the advertisements would do. Mr. Rasmussen said that it would put all the abutting property owners on notice so they have a right to come to the meeting. It will get three readings at Council and then the final reading would be the vote from Council to approve or deny. Mr. Clinger moved to rescind his previous motion.

MOTION

Dan DeArment made a motion to recommend **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2018 filed to vacate a portion of Carroll Street on the south side of 825, 831 and 841 Hawthorne Road, Findlay.**

2nd: Dan Clinger

Mathias Leguire came up and asked if he were a big business and wanted to put homes back there if they would vote it down. Mr. Clinger said that he would need a final plat in order to do that. Mr. Leguire said they haven't done that yet as they have only lived there two years but he does intend to build. He said that he doesn't understand why this is happening if he is opposed to this and he is a majority owner since he owns more property. Ms. Scrimshaw stated that it goes by frontage and he has the exact same amount as the others do. Mr. Leguire asked if this went to Council and he served as one vote and there are three in total if that seemed to make sense. Brian Thomas said he did not get a vote. Mr. Leguire explained ownership of the properties on the north side. Mr. Leguire pointed out that no one else neighboring is at this current meeting and that should be taken into consideration when making a decision. Mr. Thomas stated that this is only a recommendation to Council and nothing more. He said this is to recommend either approval or denial and then it's up to Council to decide. Mr. Leguire said that Planning Commission now gets a vote too. Mr. Thomas stated that that was correct but regardless it still must go through Council for review. Mr. Leguire asked what Mr. Thomas' vote was. Mr. Thomas said the current motion was to approve the vacation. Mr. Leguire asked for the reasons of each Planning Commission member to approve the vacation when he is here saying please do not. Mr. DeArment said they are letting the process play out. Mr. Leguire asked if there was still a process with denying the vacation. He asked for the reasons for approval from each member, again. Mr. Clinger said that there is no proposed subdivision plat for that area and there's nothing to indicate that the streets are to be developed. Mr. Leguire stated that Mr. Cordonnier just read a letter from him stating he intends to develop. He asked again for the reasons for approval if anyone was in favor. Jackie Schroeder said it has not yet been voted on and they wanted to let this play out in a larger forum. Mr. Leguire said no one had answered his question. Mr. Thomas stated that a vote had not yet been taken and that he doesn't yet know the vote. Mr. Leguire asked Mr. Thomas to tell him how he would be voting because this is his chance to ask some questions. Mr. Thomas said he is not in favor of the vacation and if he would let him vote, he would vote no. Mr. Leguire said he's not there to prevent anyone from voting but he wants some answers as to why someone would vote in favor of the vacation. Mr. Thomas said based on his past experiences, they vote to approve when all the adjoining property owners sign it and that is not the case currently.

Ms. Schroeder asked if the property owners on Hawthorne could take this through the same process if this is voted down. Mr. Rasmussen asked for clarification. Mr. Thomas said that he believed the question is if the process was the same if this is voted down. Mr. Rasmussen said it would be.

Mr. Clinger said it has been indicated that the property is within the hundred year flood plain. He asked Todd Richard how much of the area is within the flood plain. Mr. Richard stated he believed almost all of the area is in the flood plain but said one could still build within the flood plain. Mr. Rasmussen said that if the vacation does go through, each property owner picks up twenty-five feet. It doesn't just close the north/south right-of-way. Mr. Leguire said it would still close Carroll St. which is the address they would use when they develop. He said he knew he was putting the road in at his own expense but he didn't really think it would get to a point where he would have to get this done right now. He said he just got the letter in the mail which stated that the vacation was being voted on. Mr. Leguire said he still does not intend to build this year but still needs that access point available for that development. He said his property is land locked except for that access point. Ms. Scrimshaw asked if Mr. Leguire requested the vacation from Benton St. Mr. Leguire said he had along with Decker and the alleys. He said he had everything vacated that he had no intent of using. He said he didn't sign on the vacation because he still intends to use Carroll St. He said that northwest portion of his property has the highest elevation and is the farthest away from Lye Creek so it makes sense to develop that portion of the property.

Mr. Clinger asked if the property to the south of Carroll St. and to the west of Bentley was owned by the City. Ms. Scrimshaw said to the west, yes. Mr. Cordonnier asked Ms. Scrimshaw if the applicants provided any reasons for the vacation. Ms. Scrimshaw said they did not.

Mr. DeArment asked if Mr. Leguire would be landlocked if this vacation were approved. Mr. Leguire said he would not be able to use Carroll St. as their residence.

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

3. ALLEY/STREET VACATION PETITION #AV-04-2018 filed to vacate a portion of E Lincoln Street west of Fishlock Avenue to the Hancock County Fairgrounds.

HRPC

General Information

This request is located off the west side of Fishlock Avenue. The area is zoned R-2 Single Family Medium Density and Parks. It is located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Medium Lot.

Parcel History

None

Staff Analysis

The applicants are requesting to vacate E. Lincoln Street running west from Fishlock Avenue to the County Fairgrounds.

All abutting owners have signed the petition. This portion is used for access to structures owned by both parties. Each will obtain 30' of the right-of-way which is more than enough for either to use as access.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2018 filed to vacate a portion of E Lincoln Street west of Fishlock Avenue to the Hancock County Fairgrounds.

- Provided all property owners are in agreement with the vacation.

ENGINEERING

There is a 6-inch Waterline running on the north side of E. Lincoln St. An easement will be needed for the waterline.

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2018 filed to vacate a portion of E Lincoln Street west of Fishlock Avenue to the Hancock County Fairgrounds.

DISCUSSION

Mr. Cordonnier said that if the alley is vacated, the parcel on the north side that abuts the fairgrounds would not have any frontage. One of the recommendations for approval is that these two lots are combined. The same person owns both. That way, the property is not landlocked if it is ever sold.

MOTION

Dan Clinger made a motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2018 filed to vacate a portion of E Lincoln Street west of Fishlock Avenue to the Hancock County Fairgrounds subject to the following conditions:

- Property owners are in agreement on vacation
- Lots are combined

2nd: Jackie Schroeder

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

5. APPLICATION FOR FINAL PLAT #FP-05-2018 for a Replat of Lot 1 of DeHaven’s Subdivision.

HRPC

General Information

This project is located on the north side of US 224 east of CR 236. It is zoned C-2 General Commercial. To the north, south and east is also zoned C-2. To the south is zoned PUD (Planned Unit Development) 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 lot is currently the site of Family Farm and Home and an office business.

Staff Analysis

The applicant proposes to split off the eastern vacant portion of Lot 1 into a separate parcel.

White the lot will have road frontage, the detention pond for the subdivision takes up most of that. ODOT would not permit a separate curb cut here and there is already a shared access, cross access agreements and shared parking agreements recorded for the original subdivision.

The proposal meets the general criteria for subdividing the land.

Staff Recommendation

HRPC Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-05-2018 for a Replat of Lot 1 of DeHaven's Subdivision.**

ENGINEERING

An access easement is needed to use the existing drive on Tiffin Ave

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-05-2018 for a Replat of Lot 1 of DeHaven's Subdivision.**

- **An access easement is recorded to allow access to Tiffin Ave.**

DISCUSSION

Mr. DeArment asked if both lots could still share the storm water retention pond. Ms. Scrimshaw said the pond was designed for the whole lot so there shouldn't be any issues. Mr. Cordonnier said if and when they submit a site plan that would be one of the issues they would have to address.

MOTION

Dan DeArment made a motion to **approve APPLICATION FOR FINAL PLAT #FP-05-2018 for a Replat of Lot 1 of DeHaven's Subdivision.**

2nd: Jackie Schroeder

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

6. APPLICATION FOR SITE PLAN REVIEW #SP-08-2018 filed by MITEC Powertrain, 4000 Fostoria Avenue, Findlay for a 54,180 square foot addition to the existing facility.

HRPC

General Information

This project is located on the north side of Fostoria Avenue. It is zoned I-1 Light Industrial. Properties to the east and west are zoned I-1 Light Industrial. Properties to the south are zoned C-2 General Commercial and MH Mobile Home. The City of Findlay Land Use Plan designates the project property as I-1 Light Industrial.

Staff Analysis

MITEC proposes to construct a 54,180 square foot addition to the existing facility.

The proposed addition meets the building setback regulations. Staff was unable to determine if the proposed addition meets the height standards, please submit building elevations.

No additional parking is proposed because they will exceed parking standards.

No additional landscaping or screening is required because the adjacent properties are also zoned I-1.

The project is not located within a floodplain. They are not requesting any new or additional curb cuts onto Fostoria Avenue.

Staff Recommendation

HRPC Staff recommends approval of the APPLICATION FOR SITE PLAN REVIEW #SP-08-2018 for a building addition at 4000 Fostoria Ave, Findlay subject to:

- **Providing building elevation showing the proposed height.**

ENGINEERING

Access – Will be using the existing access from Fostoria Ave.

Sanitary Sewer – The proposed sanitary service will connect into the existing sanitary sewer on the north side of the Fostoria Ave. Due to the high levels of Hydrogen Sulfide in the existing sanitary sewer, the City advises the developer to use some kind of manhole lining, such as SpectraShield, to protect against deterioration.

The existing Sanitary Sewer is a concrete sewer that has been previously lined. Due to the condition of the pipe there may not be a good point to tie into with the Manhole Kor-n-Boots. The City will allow to use a doghouse manhole to make the tie in, but a manhole liner must be used.

Waterline – No Proposed Waterline.

Stormwater Management – Detention for the development will be provided by the existing regional retention pond

MS4 Requirements –

Since the site is located within the City of Findlay corp. limits, the site must comply with the City of Findlay’s MS4 requirements.

General

- Look at using a manhole liner to protect the manholes from H2S.
- A doghouse manhole can be used with conjunction of a manhole lining.

Recommendations:

Conditional approval of the site plan subject to the following conditions:

- City will need to know how the sanitary sewer is going to be tied into the existing line.

The following permits may be required prior to construction:

- Sanitary Tap Permit

FIRE PREVENTION

If setbacks allow, provide a 25 foot access drive around the proposed addition.

Eliminate the parking spaces in front of the access drive at the northeast corner.

If a fence is installed, allow access for emergency purposes.

DISCUSSION

Judy Scrimshaw noted that she does have the elevations for the site. She was on vacation and Mr. Cordonnier wrote up the review. She must have failed to give him that sheet.

Ms. Schroeder asked Dan Stone where the drainage for the site goes. Mr. Stone said there is a large ditch that drains west to a regional retention facility that goes to storm sewer along TR 12.

Mr. Clinger asked Mr. Stone if there is truck access on the east side of the addition. Mr. Stone said there is not and the only truck access would be over on the west side. There are currently some overhead doors here. He said they worked with the owners on their truck turns. Mr. Clinger asked if the trucks would have to go around the building to gain access. Mr. Stone said they would not.

MOTION

Dan DeArment made a motion to approve **APPLICATION FOR SITE PLAN REVIEW #SP-08-2018** filed by **MITEC Powertrain, 4000 Fostoria Avenue, Findlay** for a **54,180 square foot addition to the existing facility subject to the following conditions:**

- **City will need to know how the sanitary sewer is going to be tied into the existing line. (ENG)**
- **If setbacks allow, provide a 25 foot access drive around the proposed addition. (FIRE)**
- **Eliminate the parking spaces in front of the access drive at the northeast corner. (FIRE)**
- **If a fence is installed, allow access for emergency purposes. (FIRE)**

2nd: Jackie Schroeder

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

7. APPLICATION FOR SITE PLAN REVIEW #SP-09-2018 filed by Allen Township Trustees, PO Box 247, 12829 SR 613, Van Buren, OH for a Fire Department building and pavement to be located at 3944 CR 220, Findlay.

HRPC

General Information

The project is located in Allen Township on the east side of County Road 220 near the intersection of CR 220 and CR 216. The parcel and surrounding parcels are unzoned. The project is being review by the Findlay City Planning Commission because the project will utilize City Water and Sewer.

Staff Analysis

The project is being reviewed as if it were located in the City of Findlay and utilizes the Findlay Standards for a site plan.

The proposed fire station meets the setbacks and height standards.

The applicant should work with the County Engineer to work with any issues with the curb cuts on the property.

Staff Recommendation

HRPC Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-09-2018 filed by Allen Township Trustees, PO Box 247, 12829 SR 613, Van Buren, OH for a Fire Department building and pavement to be located at 3944 CR 220, Findlay.

ENGINEERING

Access – Will be using the existing access from County Road 220.

Sanitary Sewer – The proposed sanitary service will connect into the existing sanitary sewer service on the east side of the side. That service has not been used in several years, it is advised to camera the lateral to ensure it is in working condition before using it for an active lateral.

Waterline – The plans propose a new 1-inch waterline service to come of the existing 16-inch water main that is running on the west side of CR 220.

Stormwater Management – The site is not located within the City of Findlay so the any approval would need to come from Hancock County.

MS4 Requirements – The site is not located in the City of Findlay, so the project will not be required to comply with the City of Findlay’s Erosion and Sediment Control Ordinance.

Recommendations:

Approval of the site plan.

The following permits may be required prior to construction:

- Sanitary Reconnect Permit
- Storm Tap Permit
- Waterline Tap Permit

FIRE PREVENTION

No Comment

DISCUSSION

Mr. Clinger asked if a site development plan would be submitted later and if they would need more than a one-inch water line for filling tankers. Mr. Stone said there is only a single bay and they want to get firetrucks south of the tracks so they can access the southern part of Allen Township. He said if they need more water, there are hydrants right there. The waterline will strictly be for the restroom in the building. Mr. Clinger said that if they needed to fill a tanker, the hydrant is available. Mr. Stone said that is correct.

Mr. DeArment asked if the ten feet setback from the property line met the setback requirements. Mr. Stone said the reason it is where it is now is ideally to improve truck maneuverability and to keep that off the road to prevent blocking traffic. Mr. DeArment asked what the setback requirement would be if this project were occurring in Findlay. Ms. Scrimshaw said it would probably be 30 feet. Mr. DeArment said that the statement suggesting the proposed fire department meets setback requirements is incorrect. Mr. Cordonnier said he thinks a fire station can be located in many different districts. Mr. DeArment stated that he is okay with the fire station not meeting the setback requirement, but just wants to point out that it does not meet the requirement. Mr. Cordonnier said that situations where it is not in the City of Findlay may make a difference in the setback. Mr. DeArment said that he was fine with it.

MOTION

Dan Clinger made a motion to approve **APPLICATION FOR SITE PLAN REVIEW #SP-09-2018 filed by Allen Township Trustees, PO Box 247, 12829 SR 613, Van Buren, OH for a Fire Department building and pavement to be located at 3944 CR 220, Findlay.**

2nd: Dan DeArment

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

4. APPLICATION FOR CONDITIONAL USE #CU-03-2018 filed by James Rizzo & Justin Dufour, 15170 North Haven Road, Unit 4, Scottsdale, AZ to operate a Residential Treatment Center at 1800 Manor Hill Road, Findlay.

HRPC

General Information

This request is located on the west side of Manor Hill Road south of Silverstone Drive and north of Bluestone Drive. It is zoned M-2 Multiple Family. Parcels to the north and south are zoned c-2 General Commercial. To the west is zoned MH Mobile Home District and to the east is zoned CD Condominium District. It is not located within the 100 year flood plain. The City Land Use Plan designates the site as Regional Commercial

Parcel History

This building was originally constructed as a restaurant. Most recently it was rezoned Multi-Family and approved by Planning Commission to be converted to an Assisted Living Facility in 2009. The facility was remodeled, but never opened.

Staff Analysis

The applicants wish to purchase this property and change the use to a licensed and accredited Residential Treatment Center.

The M-2 District lists Nursing and Convalescence Homes as a Conditional Use. A Convalescence Home is defined as a place where persons are housed or lodged and furnished with meals, and medical care. Staff interprets this definition to fit the use requested.

All Conditional Uses require Planning Commission approval.

The applicants are not proposing any structural changes to the property. There is more than ample parking available on the site.

Staff Recommendation

HRPC Staff recommends tabling the APPLICATION FOR CONDITIONAL USE #CU-03-2018 filed by James Rizzo & Justin Dufour, 15170 North Haven Road, Unit 4, Scottsdale, AZ to operate a Residential Treatment Center at 1800 Manor Hill Road, Findlay.

ENGINEERING

No Comment

FIRE PREVENTION

If the Conditional Use is approved, apply for a change of use with Wood County Building Department.

STAFF RECOMENDATION

HRPC Staff recommends tabling the APPLICATION FOR CONDITIONAL USE #CU-03-2018 filed by James Rizzo & Justin Dufour, 15170 North Haven Road, Unit 4, Scottsdale, AZ to operate a Residential Treatment Center at 1800 Manor Hill Road, Findlay.

- **Applicant applies for Occupancy Permit though Wood County**

DISCUSSION

Mr. Clinger asked if there would be a presentation to explain how the treatment center would function. The applicants stated they did prepare a PowerPoint to present.

Justin Dufour said that he and his partner, James Rizzo, own Desert Cove Recovery, in Scottsdale, AZ. They are in the treatment industry for addiction – chemical dependency, substance abuse, basically any chemical, alcohol, drugs. They established Desert Cove five years ago and have thirty-five years of experience combined in the industry with Mr. Rizzo having around 20-25 years experiences in a variety of different avenues including treatment billing. Mr. Rizzo owns 9-11 treatment facilities around the country that do what they hope the proposed treatment facility will do.

Their mission was to serve their area and providing long-term treatment for drug and alcohol addiction. They also treat co-occurring disorders but do not treat primary co-occurring disorders meaning they do not treat mental health primary patients. They treat people with a chemical dependency as the primary. Their primary demographic is young adults in the 24 to 32 year old range and middle class since they are a private center that takes commercial private insurance and cash pay. They do not accept government contracts or Medicaid contracts. Patients have minimal criminal backgrounds and if they do the crimes are generally related to addiction. It might be theft or burglary. Something they were doing to keep their addiction going.

In Arizona, they are only an out-of-network provider but that isn't necessarily the case here. The levels of care they offer in Arizona include extended care. It is a model that consists of sober living homes, and treating patients at their office in Scottsdale under three levels of care. Partial hospitalization is the most comprehensive and has therapy all day. Intensive outpatient therapy is three hours a day that occurs in documented therapeutic groups – but there are other things including life skills, yoga, meditation, equine therapy, etc. that occur outside the three hours of documented therapy. They are with the clients 24 hours a day, but the actual documented therapy is a portion of their day. Outpatient level, which is less intensive, starts once the patient has undergone 45-60 days of treatment and is focused on reintegration back into the community. That includes going to outside 12-Step meetings, Narcotics Anonymous, Alcoholics Anonymous, and looking for school and jobs, and starting to volunteer. After care happens after the patient has graduated and occurs twice a week at night to keep an eye on their progress.

Their primary team consists of several people. Dr. Michael Carlton is the board certified addictionologist and is their medical director. Dr. Carlton helps to supports, assesses, and monitors patients that come in with depression and anxiety while undergoing treatment and recovery. Jane Mayor is an independently licensed clinical social worker. The primary therapists all have their Master's in therapy and often individuals in recovery too. The core group will have 6-8 clients and a primary therapist. The primary therapist meets in a group setting each day for two hours in addition to conducting individual therapy and informing family with clinical updates. They are licensed by the Arizona Department of Health Services and are also nationally accredited by JACO.

James Rizzo introduced himself as the 50% owner with Mr. Dufour. He has been in this industry since 1997. He ended up in Florida for treatment himself as an alcohol and substance abuser.

He went there in 1996 to get sober. He never had any intention of getting into this business, but after volunteering for a while he kind of felt a calling to this. He later moved to Arizona and opened a facility there in 2004. He eventually opened 11 facilities nationally.

Mr. Rizzo stated that the building on Manor Hill Rd. has been vacant for two years and is ideal for a residential treatment facility because of the layout and the fact that it has a kitchen, bedrooms, the space for group rooms and the parcel can be closed in and confined to keep residents in.

Mr. Rizzo said that this facility would allow them to keep their patients in one area for 24 hours a day for residential care. They intend to place a detox in the facility to monitor patients coming in that require any medically assisted detoxification. Mr. Rizzo stated that neither he nor Mr. Dufour subscribe to any medically assisted treatment platforms – meaning methadone, naltrexone, or suboxone maintenance programs. They believe in complete abstinence and group therapy. Patients coming to the facility would be there between 30 and 60 days. The facility would be treating people in Findlay and in surrounding areas such as Dayton, Toledo, Columbus, and rural areas nearby. They don't believe that anyone would come from out of state.

Jackie Rothenbuhler, the owner of Capitol City Athletics (the neighboring property to the north), which is a minor facility for gymnastics, tumbling, cheerleading. They have daytime open gyms, they do birthday parties on the weekends. She stated that their main concern is that they are a 24/7 full facility with kids and this proposed treatment center would be right next to their facility. Ms. Rothenbuhler said she felt the treatment center is a good idea but their facility is family-oriented and they want to raise the next generation and keep these kids involved in activities to avoid falling prey to the opioid epidemic that the patients are currently facing. She said there is no fence to divide the properties. She asked what kind of barrier there is if they do conduct any sort of outdoor therapy and what kind of safety is going to be put in place to protect the youth of Hancock County. Ms. Rothenbuhler said she was very concerned about the safety of the youth and families. She also mentioned that the bedrooms on that facility have balconies and outdoor exits and asked how they would ensure the safety of the kids. Mr. Dufour said the entire property would be fenced. He stated that the outdoor therapy that occurs in Desert Cove doesn't occur onsite. They generally take trips to neighboring cities or to hike. Mr. Dufour stated that outdoor therapy would not be occurring at that facility. He also mentioned that they were looking to remove the balconies and doors to prevent patients from leaving. He assured Ms. Rothenbuhler that they would be a self-contained facility as the clientele wish to have privacy during this time too.

Mr. DeArment asked if the balconies would be removed. Mr. Dufour said they hadn't gotten that far but they do not want to use those balconies so they are looking at either locking them up or removing them entirely. Mr. DeArment said that was a main concern for him and was reassured by them stating they would remove the balconies. Mr. Dufour said they wanted to also remove the blacktop in the back in favor of a grassy space to take clients out for brief periods of time. They will be putting up the appropriate fencing and privacy structures – and they would do that regardless of the neighbors. Mr. Rizzo said that they toured the facility for the first time yesterday. Tim and Amy (Realtors) have been doing most of the work. They have not yet purchased but John had toured it and felt it was a good fit. He said that they discussed eliminating the balconies yesterday. Mr. Rizzo stated that he has kids and understands Ms. Rothenbuhler's concerns so they were talking about putting up a perimeter fence and eliminating the blacktop in the back to create an area for the residents which would be fenced in as well. There is also a loading dock which they will not need.

Mr. Clinger asked about outpatients. Mr. Rizzo stated that they don't intend to have any outpatients. He said if they were to be doing outpatient, they would not mix the population and would get another office somewhere else for an aftercare component. Mr. Clinger said he thought the presentation suggested there would be outpatient. Mr. Rizzo said that there is a difference between the services provided in Arizona and in the proposed facility. He said there are regulations that would prohibit them from exposing any of the clients in this facility while they are being treated to any former clients.

Mr. DeArment asked if patients would be locked in or how that would work. Mr. Rizzo said they are not locked in but come on their own terms. Mr. Dufour said it is highly structured. He said if they are leaving and walking out of that imaginary fence, they are not complying with the program. So, if they leave the property, it is because they are saying that they are not wanting to stay.

Ms. Rothenbuhler said that is her issue with the proposed facility. No one can ensure the safety of the kids if the patients can leave willingly. She said they could easily walk in their front door or through the garage. She asked if she would need to have the Findlay Police Department on speed dial to ensure the safety of the athletes. Ms. Rothenbuhler stated she also has athletes from the University of Findlay that go there in the evening and early morning and was concerned she'd need to have someone monitoring the parking lot to make sure everyone is safely getting to their vehicles. She said the fact that they cannot restrict their patients from leaving is a major concern. Mr. Rizzo said he was addicted to alcohol, cocaine and heroin for 7 or 8 years and went to treatment in 1996. He went to college, he worked. He knows there is a stigma related to substance abuse. He wasn't that productive or involved with family while he was using. He has been pretty successful since he got sober. He's now married with 3 children in college. The people they are treating come from a similar background that he did. He came from a good Irish/Italian Catholic family with 7 brothers and sisters. No one knew that he was going to be getting loaded at 13 or 14 years old. In his years of doing this, he's never seen anyone harm a child or any other person. They have very, very few incidents where they have had to call the police. He said they've contacted the police on behalf of residents in the neighborhoods of the facilities when there's a concern but he has never known a case of anyone harming a child.

He said they are not dealing with mentally ill clients or sex offenders, but with ordinary addicts that may go out and shoplift to get money to get high. Mr. Rizzo said he can appreciate the concerns and they want to quell those concerns.

Kathy Carte, a resident of Manor Hill Rd., said she and her mother are against the conditional use permit. She said that her neighbors are intellectually disabled. A couple of years ago they noticed that someone else was staying there. A lady would come out every day and light a cigarette and then off she'd go. They asked the neighbors who she was and they said she was a friend. About a week later, they had to get their caregiver to escort her out. She had stayed there and ate up all their food, did as she pleased and took advantage of them.

Ms. Carte said the conditional use permit had to be requested because Manor Hill is not zoned for that type of business nor does she believe it should be. She said that Mr. Rizzo and his group is only concerned with making money. They have no concern or regard for what this business will do to the property values of nearby homes and how it will affect the lives of nearby residents. She said the area is made up of condo associations which house elderly residents, some who live alone, along with intellectually disabled individuals and vision impaired people. She said there are also businesses nearby, including Capitol City Gymnastics, which serves many children. The facility would serve many addicts from different counties and states. She feels that the facility would compromise the safety of people in the area by bringing this epidemic to the doorsteps of vulnerable residents and bringing more crime that comes with drugs. Ms. Carte stated she recognized that Hancock County has a major issue with drugs but feels there are more appropriate sites for this development that are not in residential areas. She asked that no exemptions be made for this development and that zoning remain as it is currently. Ms. Carte said that her elderly mother lives with her and fears for her safety as is and neither she nor her mother feel that this is an appropriate area of this facility. Ms. Carte suggested to go out on CR 140 near the DMV and find a site there.

Angie Shaferly, a neighbor at 1710 Manor Hill Rd., owns and operates Anhedonia, a medication assisted treatment facility. She has been operating in Findlay for over ten years doing opiate treatment specifically but does treat others as well. She said they do outpatient treatment. Mr. DeArment asked if this was the building south of the proposed development. Ms. Shaferly said it was the Rarey office building south of this site. She said she has been located there for a little over a year and has a lease there for two more years. She stated that they do intensive outpatient, counseling, family programming, aftercare programming, faith-based mentoring, etc. She said all of their patients are from within the community but can come from as far as 40 miles away but primarily the local counties. They go home to their families and jobs. Ms. Shaferly said having an outpatient facility and a residential facility side by side is concerning. She stated that there is already a great residential facility in town, Tree Line Recovery Center, but there are not many beds available and there is often a waiting list. That is not a good thing for someone that is in dire need of that service. She said she works with some treatment facilities in the Toledo area that have beds available for when people in our community need treatment. Ms. Shaferly said that it was a concern that the services are being extended beyond Findlay since Findlay is a small town and may not have the infrastructure to handle that whereas Toledo and larger areas have airports and facilities like that. She said she has some questions about where the referral sources would come from.

She said as far as the neighborhood, she is not aware of any issues that have occurred due to her treatment facility thus far. She said they try to remain low-key and quiet. Mr. DeArment asked how many patients she has each day. Ms. Shaferly said anywhere from 20 to 40 outpatient people depending on the day. Mr. Clinger asked Ms. Shaferly if she felt Desert Cove would be a complementary or more competitive business to hers. Ms. Shaferly said it would be complementary in a way that it provides different services than Anhedonia and they tend to work with Medicaid rather than private pay insurances, so competitively it would be different. She said competitively, they both treat addiction but again, the billing source and thus the clientel is different. Ms. Shaferly said that this is a needed service in northwest Ohio. She is 110% for that, but she wanted to make it known that there already is an outpatient facility right next door. Mr. Clinger asked how long she had been at that location. Ms. Shaferly stated she has been there for a little over a year and was previously located on Center St. They were there for a little over 4 years. They keep growing and have moved a lot.

Mr. DeArment asked if Century Health provides the same services that Mr. Rizzo and Mr. Dufour are proposing to offer. John Bindas, the CEO of Century Health, said they do offer the same services – both medically assisted and residential services. Mr. DeArment asked Mr. Bindas if they are at capacity and if the service that Mr. Rizzo and Mr. Dufour are offering is needed. Mr. Bindas stated they are at capacity and all 12 beds are taken. Mr. Clinger asked if they have ever needed police assistance at Tree Line. Mr. Bindas said they have but it hasn't been anything extremely violent but to remove things that aren't permitted onsite. He said if patients do not comply with the rules, they are removed from the program. Mr. Clinger said he believed that the services Mr. Dufour and Mr. Rizzo are offering are slightly different since they are not offering medically assisted treatment. He said it isn't so much of a mental issue here but they do treat both. Mr. Bindas said they do treat co-occurring. Mr. Rizzo said they treat co-occurring as well but not on a high acuity level – specific to schizophrenia or disorders like that. Mr. Bindas said unlike Desert Cove, they do use suboxone to help assist with recovery.

Ms. Shaferly stated that she is a nurse and has been doing opiate-specific treatment for about 14 years. She previously ran a methadone program and then discovered Buprenorphine (trade name of soboxone) which helps to treat the cravings. It hijacks the brain system that puts them in that mode of requiring the drug. Just like we require food, water and housing. The medication reduces the withdrawal systems, reduces the cravings and gives them the stability back to allow their brain chemistry to function and go back to normal use. She said it can be an illicit substance used on the street within diversion but is primarily used for treatment and isn't for abuse. There is usually very little of these drugs in someone's system that overdoses and dies. Ms. Shaferly said the treatment process preliminary is the same. The methodology is to get them off the medication over time but the medication gives them a higher level of stability. They require patients to return to the facility frequently to check the medication and to receive refills.

Carol Reed-Tarney is a resident of East Point Condominium Association and came on behalf of herself, the other residents, and the Association. They are located across the street from Bridgestone. Ms. Reed-Tarney said they have 36 units in the association with approximately 43 people and around 80% of those are over 80 years old. She said they have some concerns about the conditional use. She said they felt they didn't receive notification early enough to prepare themselves, investigate or to make a determination whether they are for or against this.

She said only 2 of the 36 units received a notice and said they all have a vested interest and a stake in this. Ms. Tarney-Reed said they were upset about that and they also knew nothing about the facility proposed. She said they weren't sure if it would be paying or court-ordered patients and said she was concerned for their safety as 12 units are right across the street. She said the residents of East Point Condominium Association cannot back this proposal at this time. Ms. Tarney-Reed asked that they put this on hold, look further into their business and let them know. She stated they have no problems with Anhedonia and would like this proposed facility to be a similar case.

Mr. Clinger asked Mr. Dufour if Desert Cove was just in Arizona or in other states as well. Mr. Dufour said they have two in Arizona, a facility about to open in Virginia and they are looking into Connecticut and D.C. Mr. Rizzo has operated facilities in Boise, Idaho, and Washington but have since sold. Mr. Clinger asked if this development would be in collaboration with the facility in Southern Ohio or just with Arizona. Mr. Dufour said it is a separate entity but John would be involved. John stated he and his partner own a facility in Gallipolis, Ohio that opened a year and a half ago and are a Medicaid provider. John said he worked with Mr. Dufour and Mr. Rizzo in Arizona prior to moving to the area. He said after the first three months, they've been full ever since. They receive many detox units from Columbus. He said there are waiting lists all over the state for three or four weeks at a time. John said these are necessary facilities as they help people get to a better place to become productive citizens again. He said although there aren't high success rates, everyone who comes through the facility has the opportunity to change. John stated that southeastern Ohio is as bad as any place in the state. The numbers just continue to rise.

Mr. DeArment asked if the facility in Gallipolis was owned by the same corporate structure. John said no, he and his partner own that facility. Mr. DeArment asked if it was independent of Mr. Rizzo and Mr. Dufour. John said yes. Mr. DeArment asked how his facility compares in size to the proposed facility. John said it holds 16 overnight patients and they have some outpatients. Mr. Rizzo said they were still working out the numbers but figured they could have around 40 to 45 patients overnight. John said there is a possibility of expanding his facility but there are rules he has to obey with the process of changing. He said the need is there and he has already had to turn down four or five people this week already due to a lack of space.

Trudy LeMire, a neighbor, stated that there is a need for that sort of facility. It is an excellent program and they all have compassion for the need of this kind of treatment. She stated that she has been in this building and there are 20 rooms. The 10 2nd floor units have balconies and the first floor ones have exterior doors. She said with all the doors that would be locked to prevent patients from leaving the proposed facility, she didn't feel that the fire department would allow that. Ms. LeMire said she came to this neighborhood because it felt like a safe place as she is elderly, like many of the other residents. She said she felt this was a needed service but suggested a different location may be better suited for this. She stated that she heard Judson Palmer Home really wants this facility for assisted living for women. Ms. LeMire said she would welcome that assisted living facility and they would be good neighbors. She said she would no longer feel comfortable walking on Manor Hill Rd. if the treatment facility were located there since there is a low recovery rate. She said there must be a better location for the facility.

Jennifer Bates, a resident of the neighborhood and a recovering addict, said that the facility is needed but the issue isn't with the residents but with the people that come around because of the residents. She said that the friends she's had go through treatment facilities have had people slip things through the fence to them and is concerned that might be the case here as well. She stated her concern for the wellbeing of the kids, elderly, and disabled individuals in the neighborhood. Ms. Bates said the facility is not a prison and their friends could easily slip things through the fence to them. She said the clients could decide to leave treatment and go with their friends and that could create a large problem in the neighborhood. She mentioned that she was aware of smash-and-grabs in the neighborhood and said she was concerned this might contribute to that issue. Ms. Bates said she appreciates what Mr. Rizzo and Mr. Dufour are doing but asked them to consider if they would want this facility in their own neighborhood.

Amy Follrod, with HER Realty and the realtor for the property, stated that there wouldn't be change in zoning and the proposed use would fall under a group home. Ms. Follrod also stated a center is already in the neighborhood and there haven't been any issues with it. She said the current fire exit plan for the building doesn't even need the balconies and the building is fully sprinkled. She said in case of fire, there are stairwells to gain access to the second floor to rescue patients if needed. Ms. Follrod mentioned that the building has been vacant for a while now and said that she had been working with the listing agent the entire time of the vacancy. She said there is no one else even remotely interested in developing the property.

A resident of the Manor Hill Rd. neighborhood said he regularly walks his dog at all hours of the night. He said he doesn't want to encounter someone who would rob him while walking his dog. He said the neighborhood doesn't need this facility.

Another man mentioned that the presentation suggested that the facility would work with clients from all over Ohio with commercial insurance and self-pay and asked if they were looking to expand to Medicaid. Mr. Rizzo said they are not considering that at this time. He said most of their facilities attract their patients by offering them a safe haven from the toxic environment they came from. He said most residents are coming from quite a distance to get away from their friends, family, their old haunts and other users. Mr. Rizzo said that they have seen an increase in their facilities of people coming from Ohio or with insurance from Ohio. He said when John contacted them, they thought perhaps coming to Ohio could work. Mr. Rizzo said they have always worked with commercial carriers and are not looking to work with Medicaid.

Mr. Rizzo said around 10% of any given population has an alcohol or drug problem. He stated that he has worked with municipal employees, uniform and non-uniform. He said no matter where anyone goes you will likely encounter someone who is dealing with an addiction. He said that while he is here for his business, he is still fits under that stigma as the guy that might harm someone walking their dog across the street and the only difference is he is abstinent. He said that's not who he is, that's not the person his parents raised. He has not done any of the things the people mentioned earlier. He said he's not experienced that with any of the people he has treated either.

Matt Dysinger, a longtime resident of Findlay and an independent business owner since 1984, said he is an alcoholic in recovery and was an alcoholic for 32 years and has been in recovery for 9 years successfully. He said he checked himself into a facility in Brighton, Michigan and was there for 30 days with 61 other residents there for treatment. Mr. Dysinger said he would like to know more about the facility before coming up with a decision on his feelings about the facility being located here. He said during his stay at the Brighton Hospital there was no crime; break-ins, break-outs, or anything of that nature. He said that people that check themselves into facilities like that have made the decision they don't want to live as they have been any longer and truly want to make changes. Mr. Dysinger stated that just because there is a relatively low recovery rate doesn't mean that there aren't people that do stay sober and get better. He said he regularly attends meetings still and have met hundreds of people going through the same process. He said he serves on the ADAMHS Board and offered to speak with anyone curious about this disease outside privately. Mr. Dysinger also offered to host a Q and A session for the Condominium Association for any questions they might have. He said that he believes that the recovery industry is underserved and with the number of facilities currently operating, he doesn't see how we can turn the epidemic around unless that changes.

Margaret Flemion stated that the demographics of the area are a concern – children and elderly. She stated that the first thing that comes to people's mind when they hear of such a facility is the fear. She said regardless of the comments made earlier, she still does not feel that there is enough assurance of the safety of the community. Ms. Flemion stated that she and her husband moved to that area because they felt it was a safe neighborhood.

Mr. DeArment stated that it was evident that recovery facilities are needed but the issue is with the (NIMBY) "not in my backyard" approach. He said they had to decide if the location was appropriate. He asked Mr. Rizzo and Mr. Dufour if they have a safety and security plan that they could present to the audience. Mr. Dufour said they currently do not have a safety and security plan unless required by the State when going through the licensing process. He said it is not required on paper in Arizona. He stated the people coming in are looking to get help, not be longtime neighbors or have anyone know they are there. He said addicts commit crimes due to the disease they are afflicted with but that doesn't necessarily make them lifelong criminals. He said the harm that happens with addicts tends to be to themselves and loved ones. Self harm is really what the addiction is normally about. Mr. Dufour said it has never been a community safety issue for them because they are so contained and private. It is more an issue of making sure the patients have the necessary privacy to recover and their own safety and security. He said the standards they adhere to are what keep a neighborhood safe. He said they can't guarantee that patients won't leave, but when they do, they generally are picked up by a family member and go back to their home. They just decide they don't want to be in treatment. It happens and no one can force them to do so. Mr. Dufour reiterated that the harm done is generally to the patients by themselves, and not to others or those in the neighborhood. They keep to themselves here. There currently isn't a fence, but there would be, there are balconies, but there won't be. He said they do operate several sober living homes that are located within residential neighborhoods and have been doing so for 5 years. He said most of the time, other residents aren't even aware that a sober living home is in their neighborhood. He said while that is different than what they are proposing that facility is less contained than the facility proposed. Mr. Clinger asked if there would be 24-hour staff. Mr. Dufour stated there would be.

He commented that states are different. In Arizona they are required to have 24 hour nursing if there are any detox services. He would assume that will be the same. Mr. DeArment asked if there would be security cameras in the parking lots. Mr. Dufour said they have done that in the past. Mr. Rizzo said he thought that would likely be a requirement by the State. Mr. Dufour said they stated by proposing this use before going into the licensing with the State to ensure that it was a good fit for the community. He said that they fully intend on complying with the State and then go to become nationally accredited as well. He said they just haven't gotten that far but assured the Commission that they could not operate unless they met those standards.

Mr. Cordonnier asked Mr. Dufour if he was aware that there was a treatment facility next door. Mr. Dufour said he had no idea. Mr. Cordonnier asked Mr. Dufour if that caused him any concern. Mr. Dufour said it did not. He said their model is more enclosed and private than that of the outpatient facility next door.

Kathy Carte said she still did not believe this was the spot for it. Mr. Dufour said the facility is already there. Ms. Carte said it is directly across the street from her and she had an idea of what was going on but has not been bothered by it. Mr. Dufour stated that would be the case for them too. Ms. Carte said there would be people from out of state, out of county, and asked if they decide they are done with treatment would they just live in Findlay. Mr. Dufour said he didn't think that would be the case.

Precia Stuby said the issue for her isn't with "not in my backyard" but more with not having enough information and ensuring that anyone delivering services in the community is of the highest ethical standards. She said the ADAMHS Board isn't saying yes or no, but haven't yet received additional information. She asked how the continuity of care would work if someone runs out of insurance or if someone isn't doing well in treatment. She asked how this organization would relate to our existing organizations in the area and how they would work together. Ms. Stuby mentioned she heard a few remarks on complying with the State of Ohio and regulations. She stated she believed there was no requirement for licensure and certification from the State of Ohio with private pay. Ms. Stuby said for her, it is not about the "not in my backyard" concept but about ensuring the highest quality of care for patients and cooperation with other businesses. Mr. DeArment asked Ms. Stuby if there were formal questions they were waiting on responses for. Ms. Stuby said yes. She said ADAMHS worked with a consultant, Dr. Michael Flaherty, since 2013 to create the services needed in the community to work for those struggling with addiction. She said Dr. Flaherty sent out a formal request but have not yet received a response. The real estate agency contacted Ms. Stuby and offered to set up a conference call for her to ask her questions but that has not yet occurred. Mr. DeArment asked Mr. Rizzo and Mr. Dufour if they received the inquiry. Mr. Dufour said they had but haven't set up the conference call.

Blake Nichols, who runs Desert Cove, said those were the questions the PowerPoint was based upon. He said the presentation was sent to the real estate agent and was supposed to be sent to the consultant too. The PowerPoint was crafted to answer the questions previously asked.

Ms. Schroeder asked if this conditional use is approved for this property if it would flow with the property rather than the owners. She asked if some other entity could come in and avoid this whole process if the use has already been approved but the current entity decides not to purchase and move forward with their plan. Mr. Richard said he figured they'd have to get a permit based upon the Commission's approval after a certain period of time. Ms. Schroeder asked if the conditional use was still good for two years if it isn't used for the intended purpose and then if that's the case if they would need to reapply. Mr. Richard said no, that would be the case for a nonconforming use. He said they'd have a year to get their change of use permit because the City Planning Commission approvals are good for a year. Once the permit is issued, the conditional use is established and can transfer to another entity. Ms. Schroeder stated that there is a certain type of client that they will attract with being cash or private pay. She said if a different entity came in that accepted Medicaid patients or court-ordered referrals, that could make a difference in the type of clients going there. Mr. Richard said you could argue that the decision is being based upon what is being presented today and if there was a variation to that, you would likely have the ability to reconsider because it wouldn't be the same as that presented today. Ms. Schroeder said her question comes down to if the conditional use is approved but it changes slightly or is different than what is being presented today, what can be done. Mr. DeArment asked if the conditional use could be withdrawn. Mr. Rasmussen said the conditional use would continue until it's changed. If someone else comes into the property or a change of use is noticed, then something can be done. But, if the conditional use is granted, it will remain that use until changed either because someone comes in and changes it or because the Board requires it to change or someone turns it into something different. Ms. Schroeder asked if that would be the case even if the property owner changes. Mr. Rasmussen said yes, as long as the use doesn't change. Mr. DeArment asked how the Commission would know if the use changed. Mr. Rasmussen said there isn't a legal answer to that. Mr. Richard said they wouldn't know until they found out about it.

Mr. DeArment asked Matt Pickett if there was a fire safety issue if the balconies were removed. Mr. Pickett said initially that had been approved both through their agency and Wood County Building Department as a particular use group as it sits now. In his comments, he stated that if this were approved they would have to go through the building department to get approved for a different use group. He said it would be very similar to what it is approved now – it is fully sprinkled, fully alarmed, has a full kitchen, and that has already been approved as it currently sits. The changed use group would be very similar to its current use group in terms of the fire code. Mr. Pickett said the removal of the balconies would have to be approved by the building department but he didn't believe there would be an issue with that. He said as far as evacuation routes, it is fully sprinkled, fully alarmed, and everything is interior and nothing would be an exterior egress from the balcony area. Mr. Richard asked if what Mr. Pickett was saying was the balconies were not required by Wood County. Mr. Pickett said they were just something extra they wanted and were not required but the balconies were required to be sprinkled so each balcony has a sidewall sprinkler head.

Mr. Clinger said he appreciated all the comments from today and said that there certainly is a need for the facility. He said he thought many people would be surprised how many of their neighbors had addiction issues. Mr. Clinger said he agreed with what had previously been said about addicts not being violent people just people that made bad decisions. He stated that due to the number of unanswered questions, he feels that it would be best to table this item to address at a later date.

MOTION

Dan Clinger made a motion to table **APPLICATION FOR CONDITIONAL USE #CU-03-2018 filed by James Rizzo & Justin Dufour, 15170 North Haven Road, Unit 4, Scottsdale, AZ to operate a Residential Treatment Center at 1800 Manor Hill Road, Findlay.**

2nd: Dan DeArment

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

ADJOURNMENT

Lydia L. Mihalik
Mayor

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