

# City of Findlay City Planning Commission

Thursday, July 11, 2013 - 9:00 AM  
Municipal Building, Council Chambers

## Minutes

### **MEMBERS PRESENT:**

Mayor Lydia Mihalik  
Director Paul Schmelzer  
Thom Hershey  
Joe Opperman

### **STAFF ATTENDING:**

Judy Scrimshaw, HRPC Staff  
Matt Pickett, FFD  
Steve Wilson, City Engineer  
Matt Cordonnier, HRPC Director

### **GUESTS:**

Dan Stone, Phil Rooney, Dave Moore, Brian Thomas, Dr.  
Mutchler, Harrison Griffith, Bob Williams

### **CALL TO ORDER**

### **ROLL CALL**

The following members were present:

Mayor Lydia Mihalik  
Director Paul Schmelzer  
Thom Hershey  
Joe Opperman

### **SWEARING IN**

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

### **APPROVAL OF MINUTES**

J. Opperman moved to approve the minutes of the June 13, 2013 meeting. T. Hershey seconded.  
Motion to accept carried 4-0.

### **NEW ITEMS**

**1. FINAL PLAT #FP-05-2013** filed by Brookview Homes, Inc., 401 Scarlet Oak Drive, Findlay, OH for **Somerset Park 1<sup>st</sup> Addition.**

**HRPC**

**General Information**

This is a residential subdivision located off the south side of CR 95 in Section 2 of Liberty Township. It is zoned R-1 One Family in the Township. All abutting land is also zoned R-1 One Family in Liberty Township. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Large Lot.

**Parcel History**

A new Preliminary Plat was reviewed and approved by FCPC at the June 13, 2013 meeting.

**Staff Analysis**

This phase of the subdivision contains four (4) lots off the south end of Silver Lake Drive.

The Final Plat is consistent with the Preliminary Plat approved last month.

HRPC Staff recommends approval of the Final Plat of Somerset Park 1<sup>st</sup> Addition.

**ENGINEERING**

**Construction plans are being reviewed.**

**FIRE PREVENTION**

No Comment

**STAFF RECOMMENDATION**

Staff recommends that FCPC **approve the Final Plat of Somerset Park 1<sup>st</sup> Addition.**

**DISCUSSION**

J. Scrimshaw stated she wished to add a condition to the staff report that a temporary turnaround be placed on the end of Silver Lake Drive. S. Wilson commented that the construction plans for the project are ready to go.

D. Stone stated that the turnaround is shown on the construction plans submitted.

**MOTION:**

T. Hershey made a **motion to approve FINAL PLAT #FP-05-2013 for Somerset Park 1<sup>st</sup> Addition** subject to the conditions noted:

2<sup>nd</sup>: J. Opperman

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

**2. FINAL PLAT #FP-06-2013** filed by Brookview Homes, Inc., 401 Scarlet Oak Drive, Findlay, OH for **Somerset Park 2<sup>nd</sup> Addition.**

## **HRPC**

### **General Information**

This is a residential subdivision located off the south side of CR 95 in Section 2 of Liberty Township. It is zoned R-1 One Family in the Township. All abutting land is also zoned R-1 One Family in Liberty Township. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Large Lot.

### **Parcel History**

A new Preliminary Plat was reviewed and approved by FCPC at the June 13, 2013 meeting.

### **Staff Analysis**

This phase of the subdivision consists of nine (9) new lots off the south end of Still Waters Drive.

The Final Plat is consistent with the Preliminary Plat approved last month.

HRPC Staff recommends approval of the Final Plat of Somerset Park 1<sup>st</sup> Addition.

## **ENGINEERING**

**Construction plans are being reviewed.**

## **FIRE PREVENTION**

No Comment

## **STAFF RECOMMENDATION**

Staff recommends that FCPC **approve Final Plat #FP-06-2013 of Somerset Park 2<sup>nd</sup> Addition.**

## **DISCUSSION**

J. Scrimshaw stated that once again she wished to add a condition that a temporary turnaround be placed on the end of Coldwater Creek Drive. S. Wilson stated that the construction plans are fine. D. Stone commented that the temporary turnaround is included on those plans as well.

## **MOTION:**

T. Hershey made a **motion to approve FINAL PLAT #FP-06-2013** of Somerset Park 2<sup>nd</sup> Addition with the addition of the temporary turnaround on the end of Coldwater Creek Drive.

2<sup>nd</sup>: J. Opperman

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

**3. SITE PLAN APPLICATION #SP-13-2013** filed by Stanford 101, LTD, 101 Stanford Pkwy., Findlay for **storage units** at 101 Stanford Pkwy., Findlay, OH.

## **HRPC**

### **General Information**

This parcel in this request is zoned I-1 Light Industrial. It is bounded by other parcels that are also zoned I-1, the Blanchard River and I-75. The City Land Use Plan designates the area as

Industrial. Portions of the parcel are in the 100 year flood plain.

### **Parcel History**

The site is occupied by the Advanced Novelty company and some existing storage unit buildings.

### **Staff Analysis**

The applicant is proposing to add a 65' x 120' storage building along the I-75 side of the lot. The business is currently on two separate parcels. This building crosses a property line at its southwest corner. The two parcels need to be combined or it fails to meet setback requirements. If the parcels are combined, the project will meet the building separation required of 25'. The combination can be done by a simple deed process.

This approval of this site plan does not include the area labeled "future expansion".

An elevation view of the building was submitted. The tallest portion of the building is 18 feet. This is well below the maximum permitted height of 40 feet.

### **Staff Recommendation**

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-13-2013** for **warehousing and mini warehouse units** at 101 Stanford Pkwy. subject to the combination of the two parcels into one parcel.

### **ENGINEERING**

Applicant is only seeking approval for the proposed building. They are aware that a full interior sprinkling system will be required if the future building is constructed as shown.

Access – Current access will not change and is sufficient for the proposed use.

Water & Sanitary Sewer – No extension of these services to the building is proposed.

Stormwater Management – Existing site currently uses an adjacent drainage ditch for detention. Detention capacity is adequate for the proposed building. Applicant shall agree to maintain the ditch by keeping it clean to the planned grades and elevations. A drainage easement to the City shall be recorded giving the City the right to enter the property for maintenance in the event the property owner does not comply with the maintenance agreement in the future.

Sidewalks – Existing sidewalks will remain in place. No new walks are required.

Recommendation: Approval of the plan subject to agreement on ditch maintenance requirement.

The following permits will be needed prior to construction:

- Approved Stormwater Pollution Prevention Plan

### **FIRE PREVENTION**

If structure is determined to fall under the OBC S-1 Use Group (Moderate Hazard Storage), joining the proposed building with a future expansion will require a sprinkler system, unless separated with a firewall. Apply for proper permits with WCBD.

## **STAFF RECOMMENDATION**

**Staff recommends approval of SITE PLAN APPLICATION #SP-13-2013 for warehousing and mini warehouse units** at 101 Stanford Parkway subject to the following conditions:

1. Combination of the two parcels into one (HRPC)
2. Apply for proper permits with Wood County Building Dept. (WCBD). (FIRE)
3. Applicant shall agree to maintain the ditch by keeping it clean to the planned grades and elevations. A drainage easement to the City shall be recorded giving the City the right to enter the property for maintenance in the event the property owner does not comply with the maintenance agreement in the future. (ENG)

## **DISCUSSION**

S. Wilson stated that there had been issues with this ditch previously. The City had removed a small dam put in place in the 1990's. He is working with ODOT on the I-75 widening project. There may be an adjustment in the location of the limited access easement. He does not think it will impact the existing drainage ditch. He also noted that the site is above the 100 year flood plain.

M. Pickett noted that he understands there may be an increase in the proposed size of the building. If the dimensions he has are true, it still will fall under the square footage to require sprinklers.

B. Thomas replied that the applicant hopes to do a 150' building instead of the 120' as shown on the plans. They would be adding to the north side. J. Scrimshaw stated that she had spoken to Brian about this yesterday and had forwarded the potential change on to Matt Pickett and Steve Wilson to let them have a chance to review and make any comment today if needed.

J. Opperman asked if requiring a bond to cover the ditch maintenance would be possible. P. Schmelzer replied that a bond for this situation would be difficult to administer. The maintenance required here is similar to that for a swale. There was never any easement in place giving the City the right to enter and take care of it if necessary. Getting the easement would permit that access and then they City could assess the owner the costs of them doing the maintenance.

P. Schmelzer stated he has no problem with approving the expansion for an additional 30' on the building.

## **MOTION:**

T. Hershey made a **motion to approve SITE PLAN APPLICATION #SP-13-2013 for warehousing and mini warehouse units** at 101 Stanford Parkway with the additional 30' of building subject to the following conditions:

1. Combination of the two parcels into one (HRPC)
2. Apply for proper permits with Wood County Building Dept. (WCBD). (FIRE)
3. Applicant shall agree to maintain the ditch by keeping it clean to the planned grades and elevations. A drainage easement to the City shall be recorded giving the City the right to enter the property for maintenance in the event the property owner does not comply with the maintenance agreement in the future. (ENG)

2<sup>nd</sup>: P. Schmelzer

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

**4. CONDITIONAL USE APPLICATION #CU-02-2013** filed by Amanda Crates, 23535 TR 68, Dunkirk, OH for a Reception facility incidental to Funeral Services at 219 W. Sandusky Street, Findlay, OH.

**HRPC**

**General Information**

This site is located on the south side of W. Sandusky Street east of S. West Street. The property is currently zoned C-2 General Commercial. All surrounding parcels are also zoned C-2. The building is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Downtown.

**Parcel History**

None

**Staff Analysis**

This site was a single family home built in the late 1800's. The residence sat vacant for several years. It has recently gone through a major renovation.

The applicant is proposing to use the building in conjunction with the Coldren Crates Funeral Home. Funeral Service is a conditional use in the C-2 General Commercial district. This will be an expansion of the current conditional use to another building/lot.

The building will be used as reception area for families to use. Currently if there are multiple viewings/services space for relatives to congregate gets tight. This will provide additional space to alleviate that congestion. Only the first floor is available for use. There are kitchen facilities provided also.

Parking will be handled with the existing lots that the funeral home owns.

**Staff Recommendation**

HRPC Staff recommends approval of **CONDITIONAL USE APPLICATION #CU-02-2013** for a Reception facility incidental to Funeral Services at 219 W. Sandusky Street, Findlay, OH.

**ENGINEERING**

No Comment

**FIRE PREVENTION**

Apply for proper permits with WCBD

**STAFF RECOMMENDATION**

Staff recommends approval of **CONDITIONAL USE APPLICATION #CU-02-2013** for a Reception facility incidental to Funeral Services at 219 W. Sandusky Street **subject to the following conditions:**

- Apply for proper permits with WCBD (FIRE)

### **DISCUSSION**

M. Pickett commented that this is currently under building code and fire code violation. They do not have the proper permits in place at this time. Not sure where they are in the process. Dave Moore commented that if the proper permits have not been pulled he felt that the request should be denied.

P. Schmelzer stated that not having the permits could result in occupancy being denied. We are deciding if the use should be approved. He feels that the request makes sense as an extension of the funeral home business.

**MOTION:** P. Schmelzer made a **motion to approve CONDITIONAL USE APPLICATION #CU-02-2013** for a Reception facility incidental to Funeral Services at 219 W. Sandusky Street, Findlay, OH.

**2<sup>nd</sup>:** T. Hershey

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

**5. ALLEY/STREET VACATION PETITION #AV-05-2013** filed by Harrison Griffith, 800 5<sup>th</sup> Street, Findlay to vacate the unimproved right of way of Leiser Avenue north of 5<sup>th</sup> Street.

### **HRPC**

#### **General Information**

This request is located off the north side of 5<sup>th</sup> Street.

#### **Parcel History**

None

#### **Staff Analysis**

The applicant is requesting to vacate an unimproved 60' right of way for Leiser Avenue running north from 5<sup>th</sup> Street. Both owners abutting the right of way have signed the petition.

A portion of the Leiser Street right of way was replatted into a newer subdivision with a cul-de-sac street running south from 3<sup>rd</sup> Street. This newer subdivision ended at the north property lines of the parcels in this request. The remainder of the old right of way falls between 734 and 800 5<sup>th</sup> Street. It appears that there is a driveway being used by Mr. Griffith that is in the right of way and possibly a structure at the north end.

The Auditor will divide the right of way down the center with 30' going to each owner. If the Auditor's mapping is close to accurate the drive may encroach into the 30' that will go to the owner of 734 5<sup>th</sup> Street. It will be the property owners' responsibility to handle that potential issue.

#### **Staff Recommendation**

HRPC Staff recommends approval of the vacation.

## **ENGINEERING**

No objection, however, we recommend language be placed in the Vacation Ordinance adopted by Council that reflects the existence of a 6" waterline within this vacated right of way and that the abutting property owners will accept responsibility for damages to any fences or any other appurtenances caused by maintenance of the waterline.

## **FIRE PREVENTION**

**No Comment**

## **STAFF RECOMMENDATION**

Staff recommends Approval of **ALLEY/STREET VACATION PETITION #AV-05-2013** to vacate the unimproved right of way of Leiser Avenue north of 5<sup>th</sup> Street subject to:

- language being placed in the Vacation Ordinance adopted by Council that reflects the existence of a 6" waterline within this vacated right of way and that the abutting property owners will accept responsibility for damages to any fences or any other appurtenances caused by maintenance of the waterline.

## **DISCUSSION**

T. Hershey asked if the waterline is in the center of the right of way. S. Wilson explained that the waterline was placed here to serve the replatted Leiser Addition north of these lots and it runs at an angle. It may have been placed in that manner to avoid some of the existing obstacles when it was built.

T. Hershey asked why we did not require that subdivision to have a stub street connecting is out to 5<sup>th</sup> Street. J. Scrimshaw explained that it is fine as a cul-de- sac. It meets all the requirements of the subdivision regulations. The land to the south was already platted.

**MOTION:** T. Hershey made a **motion to recommend approval of ALLEY/STREET VACATION PETITION #AV-05-2013** to vacate the unimproved right of way of Leiser Avenue north of 5<sup>th</sup> Street to Findlay City Council.

**2<sup>nd</sup>:** P. Schmelzer

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

**6. PETITION FOR ZONING AMENDMENT #ZA-05-2013** filed by Huntington National Bank to rezone 721 Rockwell Avenue from I-1 Light Industrial to R-3 Single Family Small Lot.

## **HRPC**

### **General Information**

This parcel is located on the south side of Rockwell Avenue between Broad Avenue and Fox Street. It is currently zoned I-1 Light Industrial. Abutting land on the south, east and west of the proposal are also zoned I-1. To the north is zoned C-2 General Commercial. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Industrial.

### **Parcel History**



This lot has been a residential site since the home was built in 1958.

### **Staff Analysis**

The applicant is requesting to change the zoning to R-3 Single Family Small Lot. This has always been a strip of residential uses. It has always been in an Industrial zoning classification as well.

Although the land use map also agrees that it should be industrial, Staff feels this has been a long time error in mapping. We would have no issue with changing all nine (9) of the homes in this stretch to R-3. There are also homes along the east side of Fox Street that need to be changed to a residential classification. Staff does not see this area as having much potential for industrial development.

This will be an area that will undergo a change of mapping when we begin that process. The Land Use Plan map can also be updated at that time.

### **Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council to rezone 721 Rockwell Avenue from I-1 Light Industrial to R-3 Single Family Small Lot.

### **ENGINEERING**

**No Comments**

### **FIRE PREVENTION**

**No Comments**

### **STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-05-2013** to rezone 721 Rockwell Avenue from I-1 Light Industrial to R-3 Single Family Small Lot.

### **DISCUSSION**

J. Scrimshaw stated that this parcel is owned by the Bank and is guessing that the zoning is creating difficulty for the sale of the home.

P. Schmelzer asked P. Rooney if that is the reason for the request. P. Rooney stated that yes, the home has been vacant for quite some time and its legal nonconformity may have expired now. They would have liked to have done the entire strip at once but no one would have paid for the extra work to do that now. There are also some businesses nearby like the Super 8 Motel that are probably zoned industrial as well that need changed.

**MOTION:** P. Schmelzer made a **motion to recommend approval of PETITION FOR ZONING AMENDMENT #ZA-05-2013** to rezone 721 Rockwell Avenue from I-1 Light Industrial to R-3 Single Family Small Lot to Findlay City Council.

**2<sup>nd</sup>:** T. Hershey

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

**7. PETITION FOR ZONING AMENDMENT #ZA-06-2013** filed by Catherine A. Mutchler to rezone 133 Hillcrest Avenue from R-1 Single Family Low Density to O-1 Institutions & Offices.

## **HRPC**

### **General Information**

This request is located on the south side of Hillcrest Avenue. It is zoned R-1 Single Family Large Lot. Abutting land on all sides of the proposal are also zoned R-1. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Medium Lot.

### **Parcel History**

Originally constructed as a duplex in the early 1970's this site is currently a vacant former dental office.

### **Staff Analysis**

The applicant is requesting to change the zoning of this parcel to O-1 Institutions & Offices to legitimize it for a potential new buyer. Staff researched the property history to find out how this use came to be in this residential neighborhood.

This was originally a duplex constructed in 1974 according to building permits in the zoning office. The area was zoned B Residential at the time which did permit 2 family units.

It appears that initially Dr. Warnock resided in half of the duplex and had his offices in the other half. This may have been granted as a home occupation. In August, 1976 he went before the BZA to request that he be able to convert the entire building into his dental practice and move his residence elsewhere.

The BZA granted his "variance". The conditions detailed were:

- The variance is granted as personal to Dr. Warnock. If he moves his dental practice to a different location, the property at 133 would revert to B Residential.
- That the practice be limited to Dr. Warnock and his staff.
- That the application for variance in Case 407 be granted pursuant to the above conditions.

In May, 1986 Dr. Warnock again went to the BZA wishing to sell his building to another dentist, Dr. Mutchler. He requested that the already existing "variance" be given to Dr. Mutchler. He stated that the only change would be in the names, everything else would remain the same. A motion was made to permit one dentist and his staff to operate from the present building as of July 1, 1986. This variance was granted.

Because the dentists have moved their practice to another location the building is now reverted to its residential status.

Staff does not feel that a change in the zoning to O-1 is warranted. It does not follow the land use plan or is it compatible with any zoning in the area. The site cannot meet any of the O-1 setbacks. Zoning to O-1 provides for more use types other than a dentist. This is the sole "commercial" use in the entire neighborhood and we feel that it was done so in error from the beginning. The BZA is not permitted to grant use variances. R-1 is probably not the best zoning

for this area. The Land Use Plan designates it as R-2 which would make more sense based on most of the lot sizes. There are multiple duplexes in the area also because of the prior B Residential zoning. If they can comply with the standards of R-4 Two Family, we will eventually recommend that zoning. Potentially, this lot could also revert to its two-family status.

HRPC Staff recommends that FCPC recommend denial of the request to rezone 133 Hillcrest Avenue from R-1 to O-1 Institutions and Offices.

### **Staff Recommendation**

HRPC Staff recommends that FCPC **recommend denial to Findlay City Council of the request to rezone 133 Hillcrest Avenue from R-1 to O-1 Institutions and Offices.**

### **ENGINEERING**

No Comment

### **FIRE PREVENTION**

No Comment

### **STAFF RECOMMENDATION**

Staff recommends that **FCPC recommend denial of the request to rezone 133 Hillcrest Avenue from R-1 to O-1 Institutions and Offices to Findlay City Council.**

### **DISCUSSION**

P. Rooney explained that this property had been a dental office for nearly 40 years. His opinion is that it has done no harm to anyone by being there. The building has been retrofitted for office and can't be anything but an office. The back yard has been blacktopped and the building would have to be gutted and redone to convert back to a home.

P. Rooney further stated that this could have been an office under the old zoning code. The property is 100 yards off of Main Street, so you can't say it is a completely residential neighborhood. Dr. Mutchler got signatures from neighbors who don't mind having the use in the neighborhood. They stated they don't have a problem with the current use staying. We are asking for economic relief. To put money into turning this back into a home is not feasible with the price of homes in that neighborhood. They will lose money in the deal.

L. Mihalik asked to see the petition that Dr. Mutchler had circulated. J. Scrimshaw asked if they are asking for it to stay a "specific" use only. You are not able to do that. P. Rooney replied that that is why they are requesting the zone change. J. Scrimshaw stated that you cannot specify a type of office if you give it that zoning classification either. P. Rooney replied that he understood that. They just want it to be professional offices. That's why we are asking for that zoning.

L. Mihalik said she had a question relative to off street parking. If the zoning is changed, an office use would be required to have off street parking.

J. Scrimshaw replied that there is off street parking in the rear. There is also some rather illegal parking in the front. Cars pull in from the street and park across the sidewalk. This should never have been there and we would like to see it removed. The rear yard is paved and there is some striping with possibly 6 or 8 spaces. Not sure how they can maneuver if the lot is full.

As far as parking that would be required, there would be a minimum of 4 spaces based on the square footage of the building. Dr. Mutchler stated that there are 8 spaces in the rear yard. J. Scrimshaw stated that with the layout if all spaces were full she is not sure how anyone could get out easily.

T. Hershey spoke next. He stated that he lives near the neighborhood and he doesn't approve of this and knows several neighbors that don't approve as well. This is a small residential street. During daytime hours with quite a bit of traffic it is a dangerous situation with the 4 parking spaces that completely block the sidewalk all day long. This use never should have been allowed to be here. It was stated that BZA is not permitted to grant use variances. At that time they may have been allowed to and this type of situation is one of the reasons the code was changed. He certainly does not support this and thinks it does need to revert to residential which is what the entire area is.

T. Hershey made a motion to deny. J. Opperman seconded.

J. Opperman directed a question to the applicant. The BZA got you into this trouble is there any way they can get you out? P. Rooney said that he is caught in the middle of that one. He is the Chairman of BZA. He can't vote on this one.

P. Schmelzer asked if he understands that the code as it exists today does not have a vehicle for us to grant a specific use. J. Scrimshaw stated that is correct. This is not a conditional use which could be permitted to continue. It is neither a permitted or conditional use in this district.

J. Opperman stated that it should have been done as a conditional use in the beginning. J. Scrimshaw stated that it was zoned B Residential and offices were not a conditional use then either. Offices were not allowed until C Residential.

P. Rooney stated that most of the homes are duplexes near here. J Scrimshaw agreed because B-Residential permitted those. There were a couple of letters HRPC received from neighbors in opposition to the change. Part of the issue is the school is right down the street and the street is very busy at times with parents picking up and dropping off kids. There are already traffic issues and they were worried if something else goes in here it could contribute to that problem.

P. Schmelzer stated that he understands that the BZA should not have done something like this in the past. The issue he has is that they were permitted to do it and did so for nearly 40 years. They've invested in that property. Now because we have a zoning code change and the use hasn't been continued we are going to tell them that they can no longer do that. He tends to agree more with Mr. Rooney's argument.

Lydia said she was wondering if it was possible if this was allowed to be changed, if the new code would provide some relief to the neighbors to improve the condition of the situation that is there. If you're trying to pull out of a drive and can't see because there are three cars parked across the sidewalk or there's some increased traffic that there could be a problem. Is there anything in the code that would help provide some relief to the situation?

P. Rooney stated that the way he looks at it, if a new user goes in, they would have to get a change of use permit and show a site plan that had to meet requirements. Todd Richard does have to issue a change of use permit. Will he look at whether it meets O-1 standards? P.

Schmelzer stated that a person would have purchased the property with the understanding that he could use it.

M. Cordonnier commented that the variances were given to a specific person –“John Smith” - and it could only be used for that purpose for “John Smith”. As he improved and invested in the property he had to understand the risk of doing those improvements was attached only to “John Smith”. Is this an ideal situation or process? No. But at the same time they knew that going in to it.

P. Rooney stated that the new zoning code has tied your hands. In the past he would have come in and said to make it C Residential. It’s still residential but I can have an office too. With the new code rewrite so specific to use and there is no pyramiding anymore you have to spot zone now.

M. Cordonnier said that he viewed the new code as an improvement. We ideally don’t want to place office districts in the middle of a subdivision. He called it a good preventative measure.

P. Rooney said it is hardly in the middle of a subdivision. A couple lots down is a large apartment complex, and then you hit N. Main Street. J. Scrimshaw said yes, but it’s still residential. P. Rooney stated it’s not like it’s buried in the middle of the subdivision. L. Mihalik said, Well it’s not in the middle of Lakeview, but it’s still a residential subdivision.

T. Hershey commented that the property was purchased with a very specific condition on it. The purchaser knew at some point in the future if he vacated the property that it could revert to the residential use. As far as the code changing and not giving an “out”, that was one of the reasons the code was changed. To eliminate situations like this, to correct them. This is a prime case where we can correct a situation by following the code as it is written.

L. Mihalik commented that this is tough because if left alone it may remain vacant.

### **MOTION**

T. Hershey moved to **recommend denial of PETITION FOR ZONING AMENDMENT #ZA-06-2013** to rezone 133 Hillcrest Avenue from R-1 Single Family Low Density to O-1 Institutions & Offices

2<sup>nd</sup>: J. Opperman

**VOTE:** Yay (2) Nay (2) Abstain (0) Tie vote means the request is denied.

**8. APPLICATION FOR EXPANSION OF A CONDITIONAL USE #CU-03-2013** filed by Findlay Entertainers Club, 2511 Oakmont Drive, Findlay for expansion of a building located at 1545 Payne Avenue.

### **HRPC**

#### **General Information**

This project is located on the southeast corner of Payne Avenue and Tappan Street. The land is zoned R-2 Single Family Medium Lot. Parcels to the south, north and west are also zoned R-2.

To the east is zoned C-2 General Commercial. The parcel is not within the 100 year flood plain. The Land Use Plan designates the area as Single Family Small Lot.

**Parcel History**

This building has been the Shriner’s meeting hall and storage facility for many years.

**Staff Analysis**

The applicant is proposing to construct an addition on the south end of the existing building. The zoning office classified this structure as a non-commercial recreational facility. This is a conditional use in the R-2 zoning district.

The new addition will be 14’ x 14’ and will serve to extend the building far enough that they can pull in their long trailer without having to remove it from the truck. The addition will put the rear of the building at 40’ from the property line. The required rear yard is only 30 feet.

**Staff Recommendation**

HRPC Staff recommends approval of the plan.

**ENGINEERING**

No Comment

**FIRE PREVENTION**

No Comment

**STAFF RECOMMENDATION**

Staff recommends approval of **APPLICATION FOR EXPANSION OF A CONDITIONAL USE #CU-03-2013** filed by for expansion of a building located at 1545 Payne Avenue.

**DISCUSSION**

Bob Williams spoke and explained that he is representing the “Clowns”. Findlay Entertainers Club owns the building and was formed so they don’t have to okay everything through the Zenobia office.

P. Schmelzer stated that he had had many conversations with T. Richard regarding this project and certainly supports the Shriners group does and is in support of this project.

**MOTION**

T. Hershey moved to **approve APPLICATION FOR EXPANSION OF A CONDITIONAL USE #CU-03-2013** for expansion of the building located at 1545 Payne Avenue.

**2<sup>nd</sup>:** P. Schmelzer

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

**ADJOURNMENT**

With no further business the meeting was adjourned at 9:53 a.m.

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Lydia L. Mihalik  
Mayor

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Paul E. Schmelzer, P.E., P.S.  
Service-Safety Director