

# City of Findlay City Planning Commission

Thursday, September 12, 2013 - 9:00 AM  
Municipal Building, Council Chambers

## Minutes

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

### **MEMBERS PRESENT:**

Paul Schmelzer  
Joe Opperman  
Dan Clinger

### **STAFF ATTENDING:**

Judy Scrimshaw, HRPC Staff  
Matt Pickett, FFD  
Matt Cordonnier, HRPC Director  
Don Rasmussen

### **GUESTS:**

Dan Stone, Jeanne and Jack Wasbro, James Koehler, Tom Shindeldecker, Todd Richard

### **CALL TO ORDER**

### **ROLL CALL**

The following members were present:

Paul Schmelzer  
Joe Opperman  
Dan Clinger

### **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 August 8, 2013 meeting. Dan Clinger seconded. Motion to accept carried 3-0.

## **NEW ITEMS**

**1. PETITION FOR ZONING AMENDMENT #ZA-08-2013** filed by Betty J Riley and Wasbro Rental Property, LLC to rezone 124-124 ½ Center Street, Findlay from R-3 Single Family Small Lot to M-1 Multiple Family.

## **HRPC**

### **General Information**

This request is located on the north side of Center Street and is the second house east of the alley abutting Rite Aid. It is zoned R-3 Single Family Small Lot. All abutting lots are also zoned R-3. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

### **Parcel History**

The property is currently divided into two (2) dwelling units.

### **Staff Analysis**

The applicants are requesting to change the property to M-1 Multiple Family in order to create a third dwelling unit in the structure.

HRPC Staff visited the site to see that adequate parking would be available for a three (3) unit dwelling. The Zoning code requires 2 off street parking spaces per dwelling unit. There is currently a 2 car garage at the rear of the lot and most of the back yard is paved. We concluded that there is room for 6 or 7 vehicles without anyone blocking in another vehicle on the premises.

This street currently has a single family designation and there are multiple duplex and triplex units existing here. As we analysis the land uses for zoning map amendments, there will probably be many other changes made in this neighborhood.

## **ENGINEERING**

None

## **FIRE PREVENTION**

None

## **STAFF RECOMMENDATION**

Staff recommends that FCPC **recommend approval of PETITION FOR ZONING AMENDMENT #ZA-08-2013 to rezone 124 – 124 ½ Center Street from R-3 Single Family Small Lot to M-1 Multiple Family.**

## **DISCUSSION**

Jeanne Wasbro stated that they were surprised that they had to be here. She assumed that current standards would have been applied.

P. Schmelzer asked if they had already owned the property. Jeanne Wasbro stated that it had been Jack's mothers' at one time. It had been a duplex since the 1940's. On one side is another duplex and on the other is a triplex. They were stunned to find out that it was no longer zoned for multi-family as it had been.

P. Schmelzer replied that this is an instance where when the new map was done, this property was inappropriately mapped.

M. Cordonnier replied that this is an instance where pyramidal zoning in B and C Residential allowed anything from single family to multiple family. The new designations of R-1, R-2, and R-3 are all single family exclusively. If an area was B Residential most of those areas went to R-2 or R-3 by lot size. The majority of old B residential was single family.

**P. Schmelzer made a motion recommend approval of the request to Council. D. Clinger seconded.**

Further discussion followed. J. Opperman stated that he has a problem with this and doesn't know if this is the way we should solve it. Shouldn't we look at rezoning an entire block or street instead of going lot by lot? He doesn't like the idea of taking these one at a time.

P. Schmelzer stated that he looked at it in this manner. When you convert an entire City to a new code there are going to be conflicting issues like this. We know there is still work that needs to be done to rectify the map. Until that is done, a lot of these areas are going to exist where we have an individual who specifically wants to perform an improvement to their property that conflicts with the code. I'm in favor of doing this on a lot by lot basis. We can recommend to Council that they take a broader view if you want to. You're going to get other property owners involved. From my perspective, I know the Wasbros want to do something. I think it complies with the nature of the neighborhood and will comply with ultimately what the zoning map will look like. So, I don't have any objection to getting them going right now.

Mr. Opperman referred to this being a "spot" zoning. Matt Cordonnier replied that he did not consider this "spot" zoning. It is a residential neighborhood and they have a residential use. I would consider it "spot" zoning if it is a residential neighborhood and you try to throw in a commercial designation on a lot in the middle of it.

Mr. Opperman stated that it is a non-conforming use now. I can't go along with it. If there is something to be corrected it should be corrected by Council with a new map.

J. Scrimshaw replied that we hope to do that. That is our goal. We would like to go neighborhood by neighborhood and try to figure out what exists and is legal and if it needs changed. We would like to do as a large map amendment. We would like to have neighborhood meetings so we can find out from those living there what is existing and what is going on. From history that I know, Council has been very hesitant in the past to just go in and do it. I think if we do the process of neighborhood meeting and have everyone knowing what is going on, they will be more on board with going ahead and changing things on a large scale. I can't really speak for present Council as they haven't had much of this come up perhaps, but I know that prior Councils have had issues.

Matt Cordonnier commented that there have been non-conformities forever. If you look at the S. Main Street neighborhood for example which was zoned A Residential and now is R-1. Most of the lots here are too small to meet the standard but they wanted to be A Residential because it did not allow for multi-family. We have over 500 residential parcels that are zoned I-1 Light Industrial from the old map and code. The old map had a lot of issues and when the new map was adopted we didn't really try to change the map and code at the same time. Basically a straight conversion was done on the map.

Joe Opperman replied that his concern is if we do this for one person and won't for another. We "spot" zone for someone. J. Scrimshaw stated that if someone else comes in with a petition and it's legitimate we don't have a problem with recommending approval. We have had other single ones. Last year when we had the free rezoning period most of those were a lot here or there. They went through the process and if they could meet requirements we recommended approval. You would not deny someone else as long as they comply. Mr. Opperman replied that people don't understand what you're talking about sometimes.

P. Schmelzer said that he doesn't think this will be the last one we see like this. Whenever you get rid of pyramidal zoning you're bound to run into this. They are surprised to be here because they had a piece of property that had the right to do this earlier. With the code change they come in to apply for a permit and find out that they can't do it anymore. If the use is still consistent with the neighborhood I think that it is what we are responsible for. We look at the conditions, the requirements and make our recommendation to Council.

J. Opperman replied that what Mr. Schmelzer is saying is that CPC is not a legislative body. He doesn't agree with him. He stated that we can say unilaterally that we take it upon ourselves to expand this. For that reason alone he can't vote for it.

Dan Clinger asked if when the map was changed, if most of this area was multi-family why did we not change it as such.

M. Cordonnier replied that R-1, R-2 and R-3 do not allow for multi-family. R-4 allows duplexes. The issue is going lot by lot and determining the history and legality of each parcel. We did a straight map conversion to the new classifications. We weren't making any judgment calls. If you were B Residential, R-2 is very similar in lot size, setbacks, etc. We were just converting without going parcel by parcel. Currently we are working with GIS mapping and County Auditor data. By lot size alone we probably have 4,000 parcels that could be rezoned. We would like to present some wholesale map changes to Council in time. There are many residences zoned Industrial or Commercial. An area like S. Main Street has had issues from day one with setbacks and not being able to meet requirements of the old A Residential. We would like to get a map as polished as possible and take it to the public. The best way would be to have public meetings around the City so they can have some input. When you work with 25,000 parcels it's hard to not overlook a few.

With no other comments from the Board or applicants, Mr. Schmelzer restated his motion.

**MOTION:**

P. Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-08-2013 to zone 124 – 124 ½ Center Street from R-3 Single Family Small Lot to M-1 Multiple Family.**

2<sup>nd</sup>: C. Clinger

**VOTE:** Yay (2) Nay (1) Abstain (0)

**2. PETITION FOR ZONING AMENDMENT #ZA-09-2013** filed by Habitat for Humanity to rezone Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew's W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew's W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew's W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Bock 15 Thorpe & Andrew's W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

## **HRPC**

### **General Information**

This project is located in the West Park Subdivision. All surrounding parcels are also zoned R-2 Single Family. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

### **Parcel History**

All of the lots are currently vacant.

### **Staff Analysis**

The majority of the lots in the West Park Subdivision were originally platted with a 49.5' lot frontage. This would automatically place them in the R-3 category as far as lot size standards. (R-2 has a minimum of 50' width)

The R-2 district also has a minimum living area of 1300 square feet. As a rule Habitat Homes normally don't exceed 1200 square feet of living area.

This subdivision is one of the areas that will likely be rezoned to R-3 as a whole.

## **ENGINEERING**

No comment

## **FIRE PREVENTION**

No comment

## **STAFF RECOMMENDATION**

Staff recommends that CPC recommend approval of **PETITION FOR ZONING AMENDMENT #ZA-09-2013** filed by Habitat for Humanity to rezone Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew's W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew's W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew's W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Bock 15 Thorpe & Andrew's W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

## **DISCUSSION**

J. Opperman stated that we have the same issue here as before but with more lots.

Dan Clinger asked if all the lots are planned to be used by Habitat. Dan Stone replied that they owned all of them and are ready to go on Lot 24 as soon as this is approved.

D. Clinger inquired about Lot 1 & 2. J. Scrimshaw stated that Lot 1 is a very skinny piece and 2 is a regular lot. She is not sure how this came to be but would guess it may have been a left over right of way piece. Dan Stone replied that he thinks it was from old SR 25 which is not I-75. The west lots along here are all irregular shaped and were most likely left behind pieces.

**MOTION:**

P. Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2013 to rezone** Lot 1 except the W 10 ft. and Lot 2 Block 17 Thorpe & Andrew’s W Park Plat (1849 Payne Avenue), Lot 21 Block 15 Thorpe & Andrew’s W Park Plat (1822 Payne Avenue), Lot 22 Block 15 Thorpe & Andrew’s W Park Plat (1810 Payne Avenue), and Lots 23 & 24 Block 15 Thorpe & Andrew’s W Park Plat (1806 Payne Avenue), from R-2 Single Family Medium Lot to R3 Single Family Small Lot.

2<sup>nd</sup>: D. Clinger

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

**3. FINAL PLAT APPLICATION #FP-08-2013** filed by Country Club Acres, 655 Fox Run Road, Findlay for Woods at Hillcrest 8<sup>th</sup> Addition.

**HRPC**

**General Information**

This is a residential subdivision located in Section 35 of Allen Township. It is off the east side of CR 140 and bounded by existing Woods at Hillcrest on the east and older Hillcrest Additions to the south. Allen Township is not zoned. Land to the north east and west is all in Allen Township and therefore is not zoned. To the south which is Liberty Township, is zoned R-1 One Family and R-2 One Family. The City of Findlay Land Use Plan designates the area as Single Family Large Lot. The property is not located within the 100 year flood plain.

**Parcel History**

The latest Preliminary Plat for this area was approved by FCPC on June 13, 2013.

**Staff Analysis**

The applicant is proposing 39 lots in this phase. Scotch Pine Drive will be extended west to connect out to CR 140.

Because there is no zoning in Allen Township, there is not a minimum lot size or frontage requirement. All the lots appear to be consistent with the previous phases of the development in regard to size. All lots are intended for single family use.

There are potential issues with the choice of street names for each of the cul-de-sacs and the stub street to the north. The City and County have been trying to eliminate confusion with similar or identical street names in newer subdivisions. There is a Hickory Lane in Marion Township off of US 224. There is already a Whitetail Run in another addition of Woods at Hillcrest. There is an Indian Lake Drive in Forest Lake Subdivision. Therefore we want to see the names of Hickory Ridge Lane, Whitetail Court and Indian Trail Court changed to some more unique names.

**Staff Recommendation**

HRPC Staff recommends approval of **FINAL PLAT APPLICATION #FP-08-2013** for The Woods at Hillcrest 8<sup>th</sup> addition subject to approval of construction drawings by the Engineer and changing the names of Hickory Ridge Lane, Whitetail Court and Indian Trail Court.

## ENGINEERING

Recommend approval subject to submission and approval of construction drawings.

## FIRE PREVENTION

The following comments were made during review of the Preliminary Plat in June, 2013.

- Place one additional hydrant on Fall Creek Drive
- Driving surface and hydrants shall be in place prior to construction

## STAFF RECOMMENDATION

**Staff recommends approval of FINAL PLAT APPLICATION #FP-08-2013 for the Woods at Hillcrest 8<sup>th</sup> Addition subject to the following conditions:**

- Change Hickory Ridge Lane, Whitetail Court and Indian Trail Court to more unique names.
- Approval of construction drawings

## DISCUSSION

Matt Pickett asked about hydrant that was discussed in the Preliminary Plat phase. D. Stone stated that that was being looked at.

P. Schmelzer stated that he recalled some concerns of owners abutting the power line area in regard to drainage. He will be looking at the construction drawings to make sure this is addressed. Dan Stone stated that there will be two (2) catch basins installed and these will hopefully address the drainage concerns.

D. Clinger asked about storm water retention. Was this calculated into the original detention? As development continues to happen was all of this done on a percentage of lot coverage? Dan Stone explained that everything east drains to the creek. Everything south of the creek will be designed for the 100 year storm as well as water quality standards per the EPA. EPA makes more stringent rules than the City. There will be a pond for the south side and when the north side develops it will have its own pond. Dan Clinger asked if this should be a part of the plat.

P. Schmelzer replied that we are approving what will be the recorded document of the lots at the Courthouse. The construction plans will address these issues. This does not affect the Final Plat.

## MOTION:

J. Opperman made a **motion to approve FINAL PLAT APPLICATION #FP-08-2013 Woods at Hillcrest 8<sup>th</sup> Addition subject to the following conditions:**

- Change Hickory Ridge Lane, Whitetail Court and Indian Trail Court to more unique names.
- Approval of construction drawings

2<sup>nd</sup>: D. Clinger

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

**4. FINAL PLAT APPLICATION #FP-09-2013** filed by Country Club Acres, 655 Fox Run Road, Findlay for Southridge Estates 3<sup>rd</sup> Addition.

### HRPC

#### **General Information**

This plat is located along the north side of TR 145 and west of Goldenrod Lane. The land is zoned R-1 Single Family Low Density Residential. The properties to the north and east are also zoned R-1. The property to the south is zoned R-3 Single Family High Density. To the west is zoned R-1 One Family in Liberty Township. The City Land Use Plan designates the land as Single Family Large Lot. The site is not located within the 100 year flood plain.

#### **Parcel History**

The latest Preliminary Plat for this subdivision was approved by FCPC on June 13, 2013.

#### **Staff Analysis**

This phase of the subdivision will extend Katarina Court west and add a cul-de-sac (Viburnum Court) going south. It will contain 17 new lots.

When the Preliminary Plat was submitted, Lot 94 did not meet the required frontage width of 65'. This has been corrected on the Final Plat.

### ENGINEERING

Recommend approval subject to submission and approval of construction drawings.

### FIRE PREVENTION

The following comments were made during review of the Preliminary Plat in June, 2013.

- Do existing hydrants coincide with proposed streets on Western Ave./Twp. Rd. 145? (FIRE)
- Move hydrant to corner of Katrina Ln. & Western Ave. (FIRE)
- Move hydrant to the NW corner of Katrina Ln. & Paige Ln. (FIRE)
- Driving surface and hydrants shall be in place prior to construction (FIRE)

### STAFF RECOMMENDATION

Staff recommends **approval of FINAL PLAT APPLICATION #FP-09-2013** for Southridge Estates 3<sup>rd</sup> Addition **subject to approval of construction drawings**.

### DISCUSSION

P. Schmelzer stated that Engineering has construction plans under review.

M. Pickett asked if the hydrants had been located as asked on the preliminary phase. D. Stone replied that they had not verified the locations yet. This phase does not go that far west. When the development expands west they will address the issue.

J. Opperman asked what is immediately west of the site. D. Stone replied that it is all vacant land owned by Country Club Acres.

**MOTION:** J. Opperman made a **motion to approve FINAL PLAT APPLICATION #FP-09-2013** for Southridge Estates 3<sup>rd</sup> Addition.

**2<sup>nd</sup>:** D. Clinger

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



## 5. AMENDMENTS TO THE CITY OF FINDLAY ZONING CODE

HRPC Staff and Zoning Inspector Todd Richard have been reviewing the zoning code over the last several months. We had actually started the process more than a year ago and had submitted a lengthy list of proposed changes nearly a year ago. We are currently proposing a more limited list of changes for your review.

With the prospect of several downtown area buildings coming down in the very near future, one of our main concerns at this time is developing guidelines for the construction of downtown parking lots.

The Electronic Message Centers are beginning to proliferate around town. There was some confusion in the wording that allowed Todd to issue permits for larger signs than we had intended. We are correcting that language in hopes of getting the size control we had envisioned.

Other minor matters that Todd has had recurring issues with in the new code are also included for review.

Included in your Planning Commission packets are the pages with text to be removed struck through and new text in red. The sections on C-3 parking lots are completely new.

### **DISCUSSION**

P. Schmelzer stated that the question here is if the City wants to require something similar to what Marathon did recently to any **parking lot on Main Street**.

Matt Cordonnier explained that currently the C-3 Downtown zoning district does not have any screening or landscaping requirements. Quite a few changes are occurring on Main Street with buildings coming down. It is a concern to have the possibility of old buildings replaced with surface parking lots affecting the streetscape and quality of the Main Street corridor. In order to help protect and enhance the downtown, we crafted this amendment so anyone building a parking lot would be required to do a masonry wall or wall/fence combination. This will help protect the aesthetics of downtown. Surface lots on Main Street without any screening, etc. will only harm the downtown streetscape. One difference from the Marathon lot is the landscaping will be facing the street in front of the wall.

P. Schmelzer asked if we are looking at the content presented in “red”. J. Scrimshaw answered that this is a whole new section being added to the code so all of the content should be in “red”.

Mr. Schmelzer asked what requirements there are for maintenance of the landscaping. He was asking because of issues the City has had before with buffers and plantings that were required adjacent to a right of way.

J. Scrimshaw stated that it should be the property owners’ responsibility since it is on their land.

P. Schmelzer asked what the enforcement mechanism for maintenance is. J. Scrimshaw stated that T. Richard is probably the only enforcement. Perhaps this could fall under part of the Downtown Improvement District’s function.

Mr. Schmelzer asked if HRPC had touched base with them on this. Matt Cordonnier replied that he did present this to the Downtown Main Street Committee recently. Everyone seemed to like the idea very much.

J. Opperman stated that in his opinion from the maintenance standpoint maybe it would be better to have the wall adjacent to the right of way.

P. Schmelzer commented that he could see pros and cons to both. You lose some of the aesthetic value by having the landscaping inside the wall. Marathon is using some of the landscape area inside their wall for drainage control. We are mandating shrubs but we're not mandating what the groundcover looks like. He is pleased that Matt spoke with the downtown committee. They are definitely stakeholders in this. Everyone is interested in maintaining some aesthetic value on Main Street and he thinks that is what the purpose of the ordinance is. Of course, you expect if you plant landscaping that you'll maintain it. Unfortunately we've seen that expectation is not always met. We don't have a mechanism in place to enforce. Is this pretty typical language?

M. Cordonnier replied that we did look at several examples of landscape requirements in Ohio. So this is somewhat typical. As Mr. Schmelzer stated, some people will maintain and some won't just as some people will maintain their homes and others don't. You can try to address it.

J. Opperman stated that he is just concerned that a landscape area becomes a "catch all" for people's trash, etc. Matt Pickett said that a "catch all" was a good point. As a fire department employee he would also have concern about cigarettes and mulch.

P. Schmelzer commented that we are fortunate to have a pretty active maintenance group downtown. If they're willing and have thought about the implications of these, he would at least be comfortable with moving the discussion forward to Council.

J. Scrimshaw stated that we would hope that if one of these does occur that it will be a local owner, not an absentee, and they will care enough to take care of the property.

M. Cordonnier stated that this wall will be a significant investment as Marathon had attested. He also would hope that the investment made would drive them to keep the area maintained.

D. Clinger replied that he could see that landscaping certainly softens up the view but he doesn't see the Downtown Improvement District taking on the maintenance since it's not in the right of way unless they change the description of what they do. He does acknowledge the potential maintenance issues. If say lava rock is used instead of mulch there can be kids picking up and throwing, etc.

Mr. Cordonnier responded that as the three (3) members discussed this he would not be against removing the landscaping requirement due to potential maintenance issues. In a perfect world everyone would take care of it. I think the wall is more important. Those owners that do wish to install landscaping could do so of their own volition. If they care to put it in hopefully they care enough to maintain it. Dan Clinger replied that he could go along with that.

P. Schmelzer stated that he would as well. He asked, "Where do we go now?" He asked if we make changes before we refer to Council.

M. Cordonnier stated that his recommendation would be to refer to Council with the condition that we remove landscaping so we don't slow down the process. Part of this is a timing issue. We would like it to be in place as so many things are changing in downtown right now.

D. Clinger asked if a parking lot would be proposed for the area on N. Main Street where the buildings are being torn down if this would apply.

M. Cordonnier replied that there may be flood issues here that would prevent a wall being built. If the land was purchased with HMGP money, there may be restrictions on its also. We seriously doubt that there will be a parking lot proposed here anyway.

P. Schmelzer asked if someone sets a parking lot back from the street maybe 30 feet do they have to build the wall. People may say how far back do I have to go to put me out of the regulation. It's a lot of money to spend. Another issue may be access.

J. Scrimshaw stated that we are proposing no access to Main Street. They would have to use alleyways or side streets for access. We really don't want curb cuts on Main Street.

Mr. Clinger asked about pedestrian access. M. Cordonnier replied that we do expect a break in a wall for that. With a pedestrian friendly downtown you want as few curb cuts as possible in the middle of sidewalks. We don't want pedestrians to have to play a game of dodge 'em as the walk down the sidewalk. Mr. Schmelzer does bring up a good point with potential developers trying to do a setback to be relieved of the wall.

J. Scrimshaw stated that she really didn't think anyone would want to lose all that space. The lots aren't that deep and you'd lose so much useful parking space. She feels we are saying that parking lots with any frontage on Main Street must comply. Doesn't that cover it? Your lot (or parcel) has frontage on Main Street. It doesn't say that your actual parking lot comes up to it.

P. Schmelzer asked if the code would be restricting access or if that would be a function of CPC. J. Scrimshaw replied that it is stated in the language that curb cuts onto Main Street are prohibited. P. Schmelzer responded that he had major concerns with that.

M. Cordonnier stated that he had debated this one for quite a while. He thinks there are situations where it could be appropriate. P. Schmelzer replied that he would recommend that we say that curb cuts onto Main Street are discouraged. Mr. Cordonnier stated that he would be okay with that.

P. Schmelzer stated that it will put the review of that into a body that can make a determination whether it is logical or not. He doesn't think it should be 100% prohibited by a zoning code.

M. Cordonnier replied that he could agree with that. Prohibited is 100% of the time. We do want to discourage curb cuts and it will give some flexibility to CPC to make a decision.

Mr. Schmelzer inquired about an existing parking lot scenario. The owner wants to do renovation to the lot or an existing lot that had an access point on Main Street. Does this apply to those situations?

Matt presented an example. Let's say Wilson's is torn down and changed to a Taco Bell. This would apply to the new development. If you are restriping, repaving or reworking your site for maintenance reasons it does not. P. Schmelzer replied that that is exactly what I was thinking. If someone comes in and they do a scrape and rebuild they must come to CPC. The way the proposal is written, the curb cut that Wilson's had, we are obligated to close. I don't think we want that.

M. Cordonnier replied that he can agree with that. He thinks when we put that in there we were mainly thinking about a new stand-alone parking lot with no building associated with it. When you bring in the potential building and parking lot it doesn't necessarily make sense.

J. Opperman said he could see permitting an access only from Main Street. You can pull in but you can't exit. Todd Richard stated that that was something we had discussed. He thinks it is a bad idea generally. Traffic can back up on the street waiting for someone to make a left turn. The Huntington Bank has one and another lot on the east side of Main south of Sandusky. They do tie up traffic at times.

M. Cordonnier stated that in the example he used of Wilson's being replaced by a new restaurant, they would be required to put up the wall. The merits of the curb cut on Main would be discussed during CPC review. One could make the argument that the site could function very well using access on Hardin Street. At this moment my thoughts are to cut the landscape requirements in front of the wall and alter that statement that curb cuts on Main Street are prohibited. Change that to read curb cuts are discouraged.

Joe Opperman commented that that language is useless. What does it mean? P. Schmelzer replied that it means it's our obligation as a planning body to analyze each situation. Todd Richard asked if Traffic Commission should ever be involved in looking at these things. P. Schmelzer replied that obviously he has not been here that long, but he did not recall ever looking at an access issue with the Traffic Commission. Historically I don't know what they have done.

Todd Richard stated that when you look at closing access points you often gain parking spots on the street. Wilson's site is a mess with in and out traffic, being so close to a traffic signal, etc. We gained parking when Marathon closed the accesses along Main Street.

M. Cordonnier stated that he recognized what Joe said about what does "discourage" mean. But, as Paul said CPC sees a site plan and they may see good alternatives to a cut on Main Street. I think you can make the case to deny.

T. Richard asked if we could say something about curb cuts on Main Street are only permitted on a case by case basis if there is no alternative but to use Main Street. Is there something that could be put in there like that? Paul Schmelzer commented that everything is case by case for CPC. We are stating the obvious by putting that in.

J. Opperman commented that that way traffic moves on Main Street, he really doesn't want access points in the middle of blocks.

P. Schmelzer commented that he is just looking at this from the standpoint of existing businesses. Like it or not we have them. So if you say you can't have a curb cut unless there is no functional alternative we are doing nothing but changing it to a different discussion point. A guy says I have a fast food restaurant and having the traffic have to turn around and conflict with my drive thru isn't functional for me. He thinks that if we put in the language that they are discouraged, this body that is supposed to use good judgment based on what we see and how it applies to the environment can make a determination. If they don't like it there is an appeal process. Todd noted that drive thrus are not allowed in downtown anyway.

Matt Cordonnier stated the he agreed with Paul. As a body CPC has discretion. If you feel the layout can be better you don't have to approve it as is. You have the power to say no, it's not a good design. As much as he dislikes curb cuts on Main he thinks there may be situations where it needs to be considered.

J. Opperman said he'll go along with "discouraged" just to get away from this issue.

Paul Schmelzer stated that he had another theoretical question. In regard to something like the 1<sup>st</sup> Federal bank at Main and Main Cross: If they want to come in with an addition to their building will they have to put up the wall on the existing parking lot?

M. Cordonnier stated that that is an issue that needs to be clarified. In general, the zoning code needs clarification as to when things kick in. Existing lots are grandfathered to a certain extent. J. Scrimshaw commented that we had discussed the scrape and clean site being made to comply. She did not think a building addition would make it kick in. Matt said he could see maybe using an addition of 50% to kick it in. We don't have that in writing anywhere. Judy stated that perhaps it should just be an increase in the parking lot since that is what we are regulating. P. Schmelzer stated that they are just so many examples.

J. Scrimshaw said that if they bought a building next door to tear down and add parking that front on Main Street, then yes. They should definitely have to comply with the code.

Paul Schmelzer asked what if they buy a building on the side street for additional parking. J. Scrimshaw noted that we have a section for side street parking lots in C-3. Landscaping is required but no wall.

Paul replied to stick with the two (2) modifications to take out landscaping and replace the word prohibited with discouraged. Matt Cordonnier stated that in the meantime we will look at more zoning codes and see if anyone has a good solution.

Paul asked if this item would go to Council next week. He definitely wants the Wasbro rezoning to get on the agenda. Judy Scrimshaw replied that Denise DeVore has all the paperwork for the rezonings to go in Council packets. She will send info from CPC to Planning and Zoning Committee.

The next item to consider was in the section on EMC's (**Electronic Message Centers**). J. Scrimshaw stated that we were changing the word permitted to approved. We have instances where the EMC is larger than the rest of the sign. That was never the intent. If you are permitted 400 square feet of sign face but you aren't using that for the total sign face it doesn't mean that you can have 25% of the 400 as an EMC. Rolling Thunder for example has an EMC at least twice the size of the identification portion of the sign. Whatever you come in and apply for as the total sign area, you can have a maximum of 25% of that as an EMC. There is an illustration on the next page.

P. Schmelzer stated he is not sure this language accomplishes that goal. If a person is allowed multiple signs on a site, they could total it all up and say you owe me 25% of that number in an EMC. Matt Cordonnier replied that he believed the context of the section and what is before this prevents that issue.

T. Richard remarked that are EMC's are limited to certain districts, have a height limitation, etc. He feels the intent is to make the portion of the EMC reduced only.

Mr. Schmelzer asked if it is redundant to add "on the sign on which the message center will be placed". Mr. Cordonnier replied that we can do that.

The next item discussed had to do with issues in the **R-3 Single Family Small Lot district**. J. Scrimshaw explained that T. Richard had come up with some language from an older version of the code for the smaller lots giving leeway on the rear yard depth. The same with an average calculation for the front yards. Many of the older sections of town have homes much closer to the right of way than is normally permitted.

P. Schmelzer asked if the section on overhangs is new. J. Scrimshaw stated yes, there is nothing currently in the code addressing these. There was no other discussion on this item.

P. Schmelzer then asked if the next section in regard to **repair/replacement of non-conforming structures** was all new as well. T. Richard stated that this was something that was in the old code but did not make it into the new one.

J. Scrimshaw explained that there is an entire section addressing non-conformities in the code. This is an added paragraph.

The next item was adding the verbiage "**except residential uses**" in the **C-1 District**. The current language states that all uses permitted in O-1 are permitted in C-1. There is Single Family Residential permitted in O-1. We do not want that to pyramid. It would follow into C-2 as well if left as is. The residential was removed from all Commercial districts several years ago and this would allow it to creep back in.

P. Schmelzer asked if there is much residential in C-1 now. J. Scrimshaw stated that yes, all the commercial districts have had them for years. We hope to correct that in the map process as well. Most of these have existed since day one of zoning.

The next item discussed was the **maximum size for accessory buildings**. T. Richard explained that we are trying to have some control on the accessory buildings. But we want to give some allowance for the person who does not have a garage to begin with by not counting the garage toward the total accessory building area permitted. So a person can have a 2 car garage of up to 576 square feet and then an additional 900 square feet of outbuilding whether in one structure or a combination of structures.

Mr. Schmelzer asked if 900 square feet is based on what he saw people wanting to build. Mr. Richard said he thinks it strikes a happy medium. It is only 800 square feet right now and a garage would be part of that number.

Dan Clinger asked if the maximum lot coverage still would apply. T. Richard replied yes it is still a factor.

P. Schmelzer asked if a person already has a garage can they add to it. M. Cordonnier stated that the credit they get is up to the 576 square feet. If the garage is added to and goes over that amount, they deduct 576 square feet and the rest applies to the maximum 900.

T. Richard stated that he thought the maximum size of any building should cap at 900 square feet. One year he had about 15 buildings go up that were 1200 square feet or more. In most cases the neighbors started to complain. P. Schmelzer stated that that needs to be clarified. T. Richard said we would add a line that states that no single building is to be more than 900 square feet.

Paul Schmelzer asked if we were still working on other sections of the code. He wants to look at a document that both sides have come to a consensus on before he reviews it. He appreciates that fact that we want to address some of the issues immediately, but whenever you agree on everything else, he will look at it.

**ADJOURNMENT**

With no further business the meeting was adjourned at 10:40 a.m.

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Lydia L. Mihalik  
Mayor

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