

City of Findlay City Planning Commission

Thursday, December 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:

Lydia Mihalik
Paul Schmelzer
Joe Opperman

STAFF ATTENDING:

Judy Scrimshaw, HRPC Staff
Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Steve Wilson
Todd Richard

GUESTS:

John Burkhardt, Steve Carr, Nate Meyer

CALL TO ORDER

ROLL CALL

The following members were present:

Lydia Mihalik
Paul Schmelzer
Joe Opperman

SWEARING IN

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

APPROVAL OF MINUTES

Joe Opperman made a motion to approve the minutes of the November 14, 2013 meeting. Paul Schmelzer seconded. Motion to accept carried 3-0.

NEW ITEMS

1. ALLEY VACATION PETITION #AV-07-2013 filed by Bill Johns, 517 3rd Street, Findlay, OH to vacate a north/south alley running south from 3rd Street to a vacated east/west alley.

HRPC

General Information

The alley in this request runs south from 3rd Street through to 4th Street. It is in a residential neighborhood.

Parcel History

None

Staff Analysis

All of the abutting property owners have signed the petition to vacate the portion of the alley as described.

This is an unimproved alleyway that runs between 3rd and 4th Streets. It is the first alley east of Park Street.

The duplex at 517 3rd Street uses the alleyway as its driveway. There is gravel on this portion back to the rear of the home. Beyond that area the alley is grass through to 4th Street.

Staff would recommend vacating the entire alley rather than stopping in the middle in this instance. The east/west alley which had crossed this alley is already vacated. There are power poles running down the right of way and of course the utility will retain an easement of access for maintenance.

ENGINEERING

No objections.

AEP will retain an easement for their poles if the alley is vacated.

FIRE PREVENTION

No comment

STAFF RECOMMENDATION

Staff recommends that FCPC **recommend approval of ALLEY VACATION PETITION #AV-07-2013** to vacate the first north/south alley east of Park Street running south from 3rd Street to a vacated east/west alley. As stated above, AEP will retain easement for their poles.

DISCUSSION

Judy Scrimshaw noted that she had received correspondence from two properties along the west side of the south half of the alley in opposition to closing their half of the alleyway. Both had indicated that they use the right of way to access the rear of their parcels and did not want to lose the right to do so. She noted that in many cases we have advised the abutting owners of properties on vacated alleys to enter into some agreement with all the owners for maintaining access if it is still to be used as such. In this instance, both respondents had stated that they are not likely to get such an agreement with the property owner on the east side of the alley.

Joe Opperman made a motion to recommend vacation of the entire alley between 3rd and 4th

Streets to City Council. Motion died for lack of a second.

Paul Schmelzer commented that since we have some objections from owners on the south half of the alley he would rather have a motion to deny the petition as presented. Mr. Opperman asked if we recommended vacation of the entire alley could Council still only vacate half of it. Judy Scrimshaw stated that the decision rests with Council and they can take this body's recommendation or not if they so choose. She also stated that she had informed both parties to contact their Council representative with their concerns.

P. Schmelzer noted that when vacated the neighbors will need to agree on access and maintenance. Mrs. Meyers replied that they had already discussed this and were in agreement. They had also spoken with the neighbors to the south and they had no issues.

MOTION:

Paul Schmelzer made a **motion to recommend denial to Findlay City Council of ALLEY VACATION PETITION #AV-07-2013** to vacate the north/south alley running south from 3rd Street to the first vacated ease/west alley

2nd: Lydia Mihalik

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

2. SITE PLAN APPLICATION #SP-20-2013 filed by Mike Lammers, 700 Western Avenue, Findlay for a wireless communication structure to be located at the rear of the Lammers property.

HRPC

General Information

This property is located at the rear of 700 Western Avenue. The area is zoned I-2 General Industrial. All abutting land is also zoned I-2. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as PMUD (Planned Mixed Use Development).

Parcel History

None

Staff Analysis

The applicant proposes to construct a wireless communication tower on this location.

According to the plans submitted, the tower will be 120' high with a 10' lightning rod for a total of 130' height. Setbacks for towers are calculated using 80% of the height. In this instance, the setback should be 104'. The plans show only 100' from the property lines. Todd Richard has since received communication from the company that they propose to lower the height of the lightning rod so the total height will now be 125'. 80% of 125 will place the setback at the 100' mark.

They will still need to go before BZA for a variance on the distance from a residence. The requirement is 500' and according to the site plan, three homes on the east side of Western Avenue are only 381', 390', and 429' away from the center point of the tower.

It was noted in the review of this site plan that there are multiple parcels of record on the

Lammers' property with buildings crossing property lines. A vacated alleyway runs through the center and appears to be a stand-alone parcel. HRPC would advise that the owners combine all the parcels into one lot to prevent issues of setbacks if any new construction would ever occur.

Another issue noted while reviewing the site plan, is that this block of Lincoln Street is still public right of way and there is a parking lot located directly off of Western Avenue and a billboard which are both located completely in that right of way. The remainder of the right of way west of the paved area is grass. Perhaps the City should initiate the vacation of this right of way if it serves no purpose to them. Normally the Auditor will divide this equally between abutting owners. Lammers' could negotiate with the owners to the north if they wish to acquire the full 66 feet.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-20-2013** for a wireless communication structure to be located at the rear of the Lammers property subject to obtaining the variance on the distance from the residences from the City BZA.

ENGINEERING

No objections.

FIRE PREVENTION

No comment

STAFF RECOMMENDATION

Staff recommends that FCPC approve **SITE PLAN APPLICATION #SP-20-2013 for a wireless communication structure at 700 Western Avenue** subject to the following conditions:

- Variance for the distance from the residential structures is granted by Findlay BZA (HRPC)

DISCUSSION

J. Scrimshaw commented that the applicants had submitted a new drawing after the comments had gone out that lowered the height of the tower so that it would now comply with the setbacks. The applicant distributed copies to the members and staff.

Todd Richard explained that the distance from the residences was still an issue and the BZA would be meeting tonight to discuss that.

MOTION:

Joe Opperman made a **motion to approve SITE PLAN APPLICATION #SP-20-2013** for a wireless communication structure to be located at the rear of 700 Western Avenue subject to the following condition:

- That BZA grants the variance on the distance from the residential structures (HRPC).

2nd: Paul Schmelzer

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

3. SITE PLAN APPLICATION #SP-21-2013 filed by Darway Ltd./Triple C Development, 1330 Trenton Avenue, Findlay for Zippy's Car Wash to be located at 1301 Trenton Avenue, Findlay.

HRPC

General Information

This site is on the south side of Trenton Avenue and is zoned c-2 General Commercial. Property to the north, east and west is zoned B-2 General Business in Liberty Township. Directly south is zoned C-2 General Commercial in the City of Findlay. The area is not within the 100 year flood plain. The Land Use Plan designates the site as Regional Commercial.

Parcel History

A previous plan for Zippy's Car Wash was reviewed and approved by FCPC on June 14, 2012. At that time the parcel was in Liberty Township. Because the plan was more than a year old and no construction was started, the approval had lapsed. Since the last approval, the land has been annexed to the City of Findlay.

Staff Analysis

The applicant is proposing to construct a 3,989 square foot auto wash building just southeast of the AutoZone store.

Access to the site will be via either the shared drive from Trenton Avenue through the Auto Zone area or through the Wal-Mart site to the east. These areas are labeled as mutual access, utility, and fire lane easements. There are no new access points proposed onto public right of way. Traffic flow on the site will travel south along the west end of the building then move along the south side of the building through the payment canopy to enter the car wash on the east end. Once through the building, the vehicles may either go north and out onto the access easement or can turn into the vacuum area.

There are 15 parking spaces provided as well as room for an additional 14 cars under canopies in the vacuuming areas.

The building placement exceeds all setback requirements.

The plans indicate that a sign will be located on the same pole as the Auto Zone sign along Trenton Avenue. They also propose a sign block to be located on the existing Wal-Mart signage. Approval of the zoning inspector for permitted size will be required for issuance of the permits. There are also two (2) small ground signs at either end of the mutual access drive along the north property line proposed as well. The City of Findlay zoning code does not permit extra identification signage for the site. If these are to be small directional signage, that is permitted. Size and height will have to be approved by the zoning inspector when applying for permits.

Vacuum areas for car washes are a conditional use only permitted in I-2 Light Industrial according to the City Zoning Code. This was probably included due to the fact that many car washes are located in proximity to residential areas and if open 24 hours, noise can be a factor. Because this location is surrounded by commercial uses, we feel it would be appropriate for CPC to waive that condition.

Staff Recommendation

HRPC Staff recommends approval of Site Plan Application #SP-21-2013 for Zippy's Express

Wash subject to the following conditions:

- Waiver of condition prohibiting vacuum areas in the C-2 district
- Approval of the zoning inspector for any additional directional signage

ENGINEERING

Access – Will share an existing access to Trenton Avenue with AutoZone and construct a new access onto the adjacent property near the Murphy Oil gas station. No objections to proposed access.

Water & Sanitary Sewer – Water will extend a 2” service from the existing meter pit that serves AutoZone. Sanitary sewer will connect to an existing 18” sewer at the southwest corner of the parcel.

Stormwater Management – Proposed detention pond meets our requirements.

Sidewalks – Parcel is not adjacent to a through street so sidewalks are not required.

Recommendation: Approval of the plan

The following permits may be required prior to construction:

- Sanitary Sewer permits
- Water permits
- An approved Stormwater Pollution Prevention Plan

FIRE PREVENTION

Provide street address that is visible in conspicuous location with four inch minimum letters. Any Natural Gas or Electrical meters shall have crash protection if located within the driving area.

STAFF RECOMMENDATION

Staff recommends **approval of SITE PLAN APPLICATION #SP-21-2013** for Zippy’s Express

Wash subject to the following conditions:

- Waiver of condition prohibiting vacuum areas in the C-2 district (HRPC)
- Approval of the zoning inspector for any additional directional signage (HRPC)
- Provide street address that is visible in conspicuous location with four inch minimum (FIRE)
- Provide crash protection for any natural gas or electrical meter locate within the driving area (FIRE)

DISCUSSION

Todd Richard discussed the sign issue with John Burkhardt. He offered him the options available in the code and advised him to meet with him to discuss those options.

The Planning Commission was amenable to permitting the vacuums in this instance due to the nature of the surroundings.

MOTION: Paul Schmelzer made a **motion to approve SITE PLAN APPLICATION #SP-21-2013** for Zippy’s Car Wash to be located at 1301 Trenton Avenue, subject to the following conditions:

- Approval of the zoning inspector for any additional directional signage (HRPC)

- Provide street address that is visible in conspicuous location with four inch minimum (FIRE)
- Provide crash protection for any natural gas or electrical meter locate within the driving area (FIRE)

2nd: Lydia Mihalik

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

4. APPLICATION FOR CONDITION USE #CU-04-2013 filed by Fernco Development, Ltd., Lenco Development, Ltd., & Norco Development, Ltd., c/o Philip L. Rooney, 119 E. Crawford St., Findlay for an emergency services garage to be located at 1155 Croy Drive, Findlay, OH.

HRPC

General Information

This site plan is located on the east side of Croy Drive directly north of the Flag City Auto Wash. The land is zoned MH Mobile Home district. The properties to the north and east are also zoned MH. The property to the south and west is zoned C-2 General Commercial. The City Land Use Plan designates the land as Regional Commercial. The site is not located within the 100 year flood plain.

Parcel History

The building is currently used for storage and maintenance for the mobile home park.

Staff Analysis

There are no new buildings being constructed in this request. The applicants wish to convert the existing building into an emergency services garage for an ambulance service. Emergency services are a Conditional Use in the Mobile Home District. The Conditional Use requires CPC approval.

Level 2 screening is required where the property abuts the mobile home park.

There are no details on utility connections, etc. on the small plan enclosed. There are certainly issues that need to be addressed with the Wood County Building Department on the interior requirements of the building. Zoning does not have any jurisdiction on anything other than the footprint and this is not changing.

ENGINEERING

Access – An existing drive on Croy Drive is adequate for the proposed use.

Water & Sanitary Sewer – Water and sewer connections are not shown on the site plan?

Stormwater Management – No change in pervious area is proposed so additional detention will not be required.

Sidewalks – Existing sidewalks will remain in place.

Recommendation: Endorsement of the proposed use subject to change of use and occupancy requirements required by Wood County Building Department.

The following permits may be required prior to construction:

- Sanitary Sewer permits
- Water permits
- An approved Stormwater Pollution Prevention Plan

FIRE PREVENTION

Submit all plan information to Wood County Building Department

STAFF RECOMMENDATION

Staff recommends **approval of CONDITIONAL USE APPLICATION #CU-04-2013** for the conversion of an existing maintenance building into an emergency services garage to be located at 1155 Croy Drive subject to the following conditions:

- Level 2 screening to be provided along north and east sides which abut the mobile home park (HRPC)
- Engineering approval of connection points for water and sewer (ENG)
- Approval of Wood County Building Department (ENG & FIRE)

Phil Rooney, representing the applicant, asked to table this item prior to the meeting.

MOTION: Lydia Mihalik made a **motion to table APPLICATION FOR CONDITIONAL USE #CU-04-2013.**

2nd: Paul Schmelzer

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

ADJOURNMENT

With no further business the meeting was adjourned.

Lydia L. Mihalik
Mayor

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