

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday April 13, 2023 – 9:00 a.m.

Minutes

MEMBERS PRESENT:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder
Dan Clinger

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Jeremy Kalb, City Engineer
Kevin Shenise, Fire Prevention
Erik Adkins, Zoning Administrator & Flood Administrator

GUESTS:

Daniel Maciejewski, Andrew Willford, Allison Willford,
Amanda Sprague, Richard Binner, Gary Waltermire, Dan
Stone, Lou Willin

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Muryn
Rob Martin
Dan DeArment
Dan Clinger

SWEARING IN

All those planning to give testimony were sworn in by Jacob Mercer.

APPROVAL OF MINUTES

Rob Martin motioned to approve the minutes for the March 9, 2023 meeting. Dan DeArment seconded. Motion approved 4-0-0.

1. APPLICATION FOR ZONING AMENDMENT #ZA-01-2023 filed by Daniel Maciejewski to rezone 315 N. Blanchard Street from R-3 Small Lot Residential to C-1 Local Commercial.

CPC STAFF

General Information

This request is located on the east side of N Blanchard Street south of the intersection with Tiffin Avenue. It is zoned R-3 Small Lot Residential. To the north and west, it is zoned C-1 Local Commercial. To the south and east, it is zoned R-3 Small Lot Residential. It is located within the 100-year flood plain. Parcel History The site is currently vacant after a fire destroyed the home on site in October 2022. Staff Analysis The applicant would like to rezone the property to C-1 Local Commercial. This would allow the lot to be combined with the parcel to the north, which is Dan Maciejewski’s State Farm Insurance Agent office. Once rezoned, they will be able to extend the parking lot. Given the small size of the lot, and the proposed parking expansion, staff is supportive of the rezoning.

Staff Recommendation

Staff recommends that FCPC recommend approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2023 filed by Daniel Maciejewski to rezone 315 N. Blanchard Street from R-3 Small Lot Residential to C-1 Local Commercial.

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

CPC Staff recommends that FCPC recommend approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2023 filed by Daniel Maciejewski to rezone 315 N. Blanchard Street from R-3 Small Lot Residential to C-1 Local Commercial.

DISCUSSION

Dan Maciejewski was present on behalf of the application. He noted that he acquired the site after the tragic circumstances of the fire, which claimed the lives of the previous owners. He took care of the site once the structure was demolished. Mr. Maciejewski’s insurance agency is growing and he’d like to expand the parking lot on the site. The expansion would allow for better maneuverability on site. The lot itself is small and would make it difficult to rebuild a residential property on the lot.

Dan Clinger asked if the access points would be changed in the update. Mr. Maciejewski said he planned to potentially put up a fence to prevent people from using the access off the alley. The only site impediment would be to navigate around the power lines in that area.

MOTION

Dan DeArment made motion that **FCPC recommend approval of APPLICATION FOR ZONING AMENDMENT #ZA-01-2023 filed by Daniel Maciejewski to rezone 315 N. Blanchard Street from R-3 Small Lot Residential to C-1 Local Commercial.**

2nd: Dan Clinger

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

2. APPLICATION FOR CONDITIONAL USE #CU-04-2023 filed by Andrew Willford, to establish a duplex at 827 S. Cory Street.

CPC STAFF

General Information

This request is east side of S. Cory Street, just south of the intersection with Lima Avenue. It is zoned R-3 Small Lot Residential. 827 and 829 S. Cory Street are zoned R3, but otherwise the neighborhood is zoned R-2 Medium Lot Residential. Parcel History The site is currently operating as a duplex. Mr. Willford purchased the property in 2015.

Staff Analysis

Mr. Willford is in the process of selling the property. During this process, zoning staff communicated that there was no permit on file for the property to be operated as a duplex. During the zoning map update of 2020, the property was rezoned from R-2 Medium Lot Residential to R-3 Small Lot Residential due to the Auditor Tax Code indicating it was a duplex. When staff reviewed the property, they indicated that there was a lack of off-street parking for the duplex. One of the factors in reviewing whether to grant a conditional use for a duplex is having the required 2 off-street parking spaces per unit. In this case, there are only 2 spots currently when they need 4. The applicant has indicated that they have requested a variance from the BZA regarding the off-street parking requirement. Staff

Recommendation

CPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-04-2023 filed by Andrew Willford, to establish a duplex at 827 S. Cory Street subject to the following condition:

- **Installing the required off-street parking spaces**

ENGINEERING

- **No Comment**

FIRE PREVENTION

- **No Comment**

RECOMMENDATION

Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-04-2023 filed by Andrew Willford, to establish a duplex at 827 S. Cory Street subject to the following condition:

- Installing the required off-street parking spaces

DISCUSSION

Andrew Willford and Allison Willford were present to discuss the case. Andrew Willford is the current owner, while Allison Willford is his realtor. Matt Cordonnier started by reminding the CPC what the process for duplexes was during the zoning map update. There was an effort to bring 700-800 duplexes into conformity. If a duplex was created prior to zoning in 1957, or if they had a permit in the address file, or if it operated as duplex, and had the required parking, they would receive a permit.

Allison Willford said that Andrew Willford was in the process of selling the duplex, but the bank notified them that they could not lend on it because it was an illegal duplex. Mr. Willford bought it in 2017, and was told at the time it was grandfathered back in 2005. Ms. Willford noted that if they are made to put the required parking in, they would have to dig up a large section of their backyard. Given the character of the neighborhood, they thought that having the parking installed would take away from the aesthetic of the site.

Mayor Murn discussed the purpose of bringing duplexes into compliance. More often, lenders have flagged illegal duplexes and will not lend on them until they have the proper permits. She said she was sorry that they felt like this is coming as a surprise, because the City did a number of mailings to property owners back during the update to explain the process. The zoning standards are in place for a reason, so we try our best to apply them across the City. She added that having tenants park in the driveway is not conducive, because it blocks cars in the parking area. She wondered if they could widen their driveway to do angled parking rather than creating a full pad. Mr. Willford thought it might be difficult and was worried that having many vehicles parked on site would be an eye-sore to neighbors. He wondered if off-street parking would be sufficient. The duplex's second unit is only a one bed.

Mr. Clinger disagreed that there is enough room in the driveway to pass if there is a vehicle parked in it. He also disagreed that having one spot was enough for a one-bedroom unit. There is a rule that requires two off-street parking per residential units. Looking at the neighborhood, he wasn't sure if there were other duplexes in the area. Mr. Willford noted that his neighbor was a triplex and there were a number of duplexes in the area. Mr. Willford went out and thought that most of these units also lacked adequate parking. Matt Cordonnier reiterated that the trouble with looking at other houses in the neighborhood is that each property is unique. Some of the duplexes could have been in existence prior to zoning for example.

Allison Willford stated that she had conversations with a staff member that said the property was grandfathered in as a duplex in 2005 or 2007 and because the unit was unoccupied for 3 years, that is what took the grandfathering away. Erik Atkins said that was referring to the use of the property,

after 2 years of inactivity the use can change. Ms. Willford said that when they were purchasing the property originally, they were able to get lending on it, so he asked what changed since then. Mr. Cordonnier stated that it depends on the bank. He said he was sympathetic, but not an uncommon occurrence.

Mayor Muryn asked if staff they could measure the width of the driveway on Google Earth.

While they were measuring, Mr. Willford reiterated that they were working on getting things into compliance. He noted that the lack of parking was not a detriment to the neighborhood or the tenants. He thought that the off-street parking availability was a good option for the tenants. Mayor Muryn reiterated that there may be instances like storm events where cars need to be removed from the public streets and having off-street parking is necessary.

Jeremy Kalb said that the curb cut is 14 feet wide with a 12-foot driveway. This distance would not allow for cars to pass each other without going into the grass. Mr. Clinger noted that once you pull in, you'd have to back out. He noted that generally this property is out-of-compliance and we are trying to allow them to get into compliance. To do that, we would need two additional spots. Mr. Clinger said he would be opposed to a variance in this case, and they just needed to sort out a solution for the two spots. Mr. DeArment agreed and asked if the City Engineer had any ideas of how best to do it.

Mr. Atkins added that potentially they could widen the driveway to get the two additional spots in. These two spots need to be behind the front of the house as stated in the code. Mr. Kalb highlighted an area in the middle of the driveway to do parallel spots to avoid having to expand the pad in the back. Mr. Willford agreed and thought it was best for preserving the backyard.

Amanda Sprague, 830 N. Main Street, spoke as a neighbor. She asked if it was already a duplex. Mayor Muryn said it has operating as a duplex but did not have a permit. Ms. Sprague went on to say that she was worried about the nature of the neighborhood if they kept allowing for duplexes to be converted in single family neighborhoods. She thought the rental units made it hard to create a neighborhood feeling when tenants area in/out.

Mr. DeArment said he appreciated the concern, but did not think that the City had any authority to stop this trend. There are less people buying homes and as long as property owners are meeting the standards in the code, there was not a reason to deny them that ability. Ms. Sprague argued that City Planning Commission could stop rezoning single-family homes into duplexes at the rate they have been doing so. Mayor Muryn said she understands the concern, but from the other viewpoint as a renter, they want to be in good neighborhoods. It can be beneficial for families in rental properties to have the opportunity to be in a good neighborhood too. She would be more concerned if this was a brand new duplex, however, this has been in operation for a long time, and today is more about bringing it into compliance. Mayor Muryn said allowing this duplex will not change the character of the neighborhood. Ms. Sprague argued that one-by-one it does degrade the neighborhood. Mayor Muryn reiterated that she understands her view, and if she would like

to have a bigger picture discussion on zoning, she would be happy to talk more with her. She did mention that in the last zoning code update, they did restrict which zoning districts duplexes were allowed and gave the City Planning Commission more ability to review and regulate them. Dan Clinger asked Ms. Sprague if there were additional duplexes in the area. Mrs. Sprague said that there were a lot in the area.

Matt Cordonnier added that if this was a request for a new duplex, the staff recommendation might have been to deny. Since this is a duplex that has been operating for over 20 years, it's hard to revoke that ability. Mayor Muryn said she has to take into consideration of both the neighborhood and property owner. The best solution is to work to ensure that the duplex is least impactful on the surrounding neighborhood.

Dan DeArment asked Mr. Cordonnier what happens if a house is converted into a duplex without a permit. Mr. Cordonnier said that they have denied requests for converted duplexes when they are inappropriate in a single-family neighborhood. It is a bit of an artform. When a property has operated the same way 30 years, it's hard to take that away from them. If a duplex is turned into a triplex without a permit, and it does not fit the neighborhood, then they would deny.

Allison Willford requested a list of the duplexes that were given a permit by the City during its map update. Matt Cordonnier said that he would provide it, and that he would just add that he was happy the City undertook these steps to make it easier to bring duplexes into compliance. Mayor Muryn added that it also gave the City a better record of where duplexes existed.

Matt Cordonnier added that Mr. Kalb had created a sketch that would have the 2 additional parking spots alongside the driveway.

MOTION

Mayor Muryn made a motion **to approval of APPLICATION FOR CONDITIONAL USE #CU-04-2023 filed by Andrew Willford, to establish a duplex at 827 S. Cory Street subject to the following condition:**

- **Installing the required off-street parking spaces**

2nd: Dan DeArment

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

- 3. APPLICATION FOR CONDITIONAL USE #CU-05-2023 filed by Richard Binner, to establish a duplex at 601McConnell Street.**

CPC STAFF

General Information

This request is located at the southeast corner of the intersection with H Street and McConnell Street. It is zoned R-3 Small Lot Residential. The entire surrounding neighborhood is also zoned R-3 Small Lot Residential.

Parcel History

The site is currently vacant after the previous structure was demolished. Mr. Binner purchased the property in September 2022. Staff Analysis Mr. Binner has submitted a drawing to construct a duplex for 601 McConnell Street. The plan was created with the input of the Findlay Zoning Department staff. The proposed building meets the requirement for the setbacks in R-3. They also indicated that there will be 4 off-street parking spots on the site. Given the character of the neighborhood, and the proposed site plan layout with required off-street parking, staff is supportive of the request.

Staff Recommendation

CPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-05-2023 filed by Richard Binner, to establish a duplex at 601McConnell Street.

ENGINEERING

• No Comment

FIRE PREVENTION

• No Comment

RECOMMENDATION

Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-05-2023 filed by Richard Binner, to establish a duplex at 601McConnell Street.

DISCUSSION

Richard Binner was present on behalf of his application. He is the one who purchased the property and cleaned up the site. He is trying to make the property nicer, and fix the parking issues in the front, which clogged up McConnell Avenue.

Mr. Clinger asked what the dimensions were of the lot. Mr. Binner said it was 40'x120'. Mr. Clinger asked what size of unit he would use. Each unit is 24'x36'. Jacob Mercer confirmed that this met the size requirement for the living space, which is a minimum 800 square feet. These units are two bedrooms, and have 864 square feet per unit.

Mayor Muryn added she liked the updated site plan for the site. She can appreciate having some smaller units throughout the City. Mr. Clinger stated he was concerned that because we have so many R-3 parcels, it was making it easier to convert existing single-family homes on small lots into duplexes. Mr. Cordonnier said that one of the things with making it a conditional use in R-3 is that allows City Planning Commission the ability to add conditions on approvals and makes it easier to deny new duplexes in inappropriate areas. In the R-4 Duplex/Triplex zoning district, it would just be a permitted use, so CPC would not see the plans. He said it is a balance. He wondered if the economics would not work for sites like these if they were not allowed to create a duplex.

He added that he agreed that this was an improvement to what had been currently there. Erik Atkins added that there are multiple duplexes across the street on McConnell Street, and he worked with Mr. Binner on the site plan to meet the standards. Mayor Muryn reiterated that conditional uses are revocable, so if there are issues, the City can revoke the permit.

Mr. Clinger asked if there were any elevations available for the building. Mayor Muryn said without a residential building code, there was not anything to review. Matt Cordonnier said that as it is a conditional use, the CPC could request elevations as part of the review process. Mayor Muryn asked if Mr. Binner had an idea of the aesthetic. Mr. Binner said he was going to use vinyl siding and asphalt shingles. As he is a neighbor, he wants to make it appealing, and what was there for 40 years was definitely not appealing. Mr. DeArment asked if they would update the sidewalk and grass. Mr. Binner confirmed he would be as part of the updates.

Mr. Clinger asked if there was a rear exit to each unit. Mr. Binner confirmed it would and have a stoop off it.

Gary Waltermire said that he owns the house just to the west. He brought up that parking was a major concern for the neighborhood. He has known Mr. Binner for a long time, but he is just concerned about traffic in the area. He noted that his parents bought the house when it was all a single-family neighborhood. He thought that crime in the area had increased since there were duplexes added to the neighborhood. Mr. DeArment asked him if he was okay with the parking plan as presented. He thought that having the parking off-street, that would eliminate that concern. When cars are parked on the street, it can get crowded. Mayor Muryn offered that they would have the street department look at that intersection to see if a “No Parking Past This Sign” would be helpful for the area. Mr. Binner agreed that he also shares his concern about the parking, and hopes his parking situation will address that.

Mr. Clinger asked if the sidewalk would be added along the north side of the property. Mr. Binner said he would continue the sidewalk.

Mr. Cordonnier asked Mr. Kalb if they would shift the parking spots up. Mr. Kalb said that this was the best spot for the parking on the site, for clearance and safety.

Mr. Clinger asked what the setback was on the sideyard. Mr. Binner said it was 6 feet and his plan showed it being 10 feet.

Matt Cordonnier provided some historical context about the old home for the site. It was a manufactured home, which at the time was allowed on lots. This option, however, had since been removed from the code and only allowed in mobile home parks. Erik Atkins added that they technically had a year to replace it if they wanted. Mr. Binner indicated he would not like that as it would not be as aesthetically pleasing.

MOTION

Rob Martin made a motion **to approve APPLICATION FOR CONDITIONAL USE #CU-05-2023 filed by Richard Binner, to establish a duplex at 601McConnell Street.**

2nd: Dan DeArment

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

4. APPLICATION FOR SITE PLAN REVIEW #SP-06-2023 filed by Taco Bell Corp, for a proposed 2657 sf new Taco Bell building at 701 W. Trenton Avenue.

CPC STAFF

General Information

This request is located between W. Trenton Avenue and W. Foulke Avenue along Fox Street. The site is zoned C-2 General Commercial. Along W. Trenton Avenue, it is zoned C-2 General Commercial. The neighborhood to the south and east is zoned a mix of I-1 Light Industrial and R-3 Small Lot Residential. It is not in the 100-year floodplain.

Parcel History

The site has been a Taco Bell restaurant since 2004. In the southwest corner of the site, there is a commercial building, but it has been acquired by G Made Inc for their Taco Bell expansion.

Staff Analysis

The owners of the Taco Bell are requesting a complete tear down and reconstruction of the restaurant. The drive-thru industry has seen a shift toward double-lane drive-thru's, and this would allow them to continue that trend. The new building would shift to the southwest to provide the drive-thru more room along the east side of the site. The parking would shift to be entirely on the west half of site, with the drive-thru stacking starting at the south end of the site. The stacking would allow for 16 cars. The dumpster enclosure would shift to the middle of the site, but is going to be enclosed by a 6-foot-high privacy fence. The only concern staff has is with the landscaping on site. The site plan indicates that they are short on perimeter landscaping, foundation plantings, and trees on site.

Here is a breakdown on these requirements:

- Foundation Plantings: Required:44 shrubs; Provided: 24 shrubs
- Perimeter Landscaping Shrubs: Required: 152 shrubs; Proposed: 29 shrubs + keep existing
- Perimeter Trees: Required: 8 trees on the perimeter, 4 trees in the drive aisle; Provided: 2 trees and 15 shrubs

While the applicant is short on the landscaping, the overall flow of the drive thru and parking plan will improve the site layout.

Staff Recommendation

CPC Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-06-2023 filed by Taco Bell Corp, for a proposed 2657 sf new Taco Bell building at 701 W. Trenton Avenue.

ENGINEERING

Access

– The site will be accessed by the existing curb cuts off of Trenton Avenue, Fox Street, and Foulke Avenue. The curb cut on Foulke Avenue will be reworked to a smaller drive apron that will match the existing curb cut on Trenton Avenue.

Water Service

– The site will be utilizing the existing service line. Sanitary Service – The existing sanitary lateral will be utilized as part of the proposed building.

Stormwater Management

– The site will be incorporating more pervious areas throughout the site. No additional storm water detention will be required for the site.

MS4 Requirements

– The disturbed area is less than 1 acre so the applicant does not need to comply with the City of Findlay’s Erosion & Sediment Control Ordinance.

Recommendations: Approval of the Site

The following permits may be required prior to construction:

- Sidewalk Permit x1
- Drive Permit x1

FIRE PREVENTION

- **Rear exit needs to be a min of 10’ wide**

RECOMMENDATION

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-06- 2023 filed by Taco Bell Corp, for a proposed 2657 sf new Taco Bell building at 701 W. Trenton Avenue subject to the following condition:

Rear exit needs to be a min of 10’ wide (FIRE)

DISCUSSION

Dan Stone was present on behalf of the application. As it was stated in the comment packet, he has had discussions with staff about trying to accommodate additional landscaping on the site. The applicant works with many cities to make an aesthetically pleasing site that meets safety requirements. To address a comment from fire prevention, the drive aisle has a width of 12 feet.

Dan Clinger asked if there was an overhead line on site. Dan Stone noted that it was an AT&T line, and they are working to reroute it. Mr. Clinger asked if they could close the access onto Fox Street. Mr. Stone said they wanted to keep it as it acts as an escape lane. They would add a “Do

Not Enter” sign to make sure cars were not tempted to enter. Mr. Kalb said he did not have concerns leaving it. Mayor Muryn said she personally appreciated an escape lane for customers.

Mr. DeArment asked if they considered keeping the building and just add onto it. Dan Stone said that with these franchises, they dictate what the building layout is like. Shifting the building on the site allows for the longer drive thru and for the parking to be stacked better. Matt Cordonnier added that this will alleviate the cars being backed up towards Tiffin Avenue.

Mr. Clinger asked if the first two parking spots could be removed so that there was not a 3-point conflict point with the entrance and the exit of the drive thru. Dan Stone said they would take it back to corporate but that they would try to accommodate.

Rob Martin asked about signage for the site. Mr. Stone confirmed that they were re-facing the existing pylon sign on site. The problem on this site, the site triangle for clearance would be blocked more if they removed the pylon for a monument sign. Mr. Atkins asked if the parking spots were removed like proposed, could they put a monument sign there instead. Mr. Stone said that he thought with the existing signage next door, it would be blocked from view. Mayor Muryn said she was fine with the pylon for now, but would have preferred a monument sign.

MOTION

Mayor Muryn made a motion **to approval of APPLICATION FOR SITE PLAN REVIEW #SP-06- 2023 filed by Taco Bell Corp, for a proposed 2657 sf new Taco Bell building at 701 W. Trenton Avenue**

2nd: Rob Martin

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

There being no further business, Mayor Muryn adjourned the meeting.