

FINDLAY CITY PLANNING COMMISSION



STAFF REPORT May 11, 2023

CITY PLANNING COMMISSION MEMBERS

Mayor Christina Muryn, Chairman
Rob Martin, Service-Safety Director
Jackie Schroeder
Dan DeArment
Dan Clinger

Matt Cordonnier, HRPC Director
Jacob Mercer, HRPC Staff
Kevin Shenise, Fire Inspector
Jeremy Kalb, P.E., City Engineer
Don Rasmussen, Law Director
Erik Adkins, Flood Plain/Zoning Supervisor

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
May 11th, 2023 – 9:00 AM

AGENDA

CALL TO ORDER

ROLL CALL

SWEARING IN

APPROVAL OF MINUTES

NEW ITEMS

1. **APPLICATION FOR CONDITIONAL USE #CU-06-2023** filed by Kyle Smith, to establish a home business at 506 Monroe Avenue for a mobile car detailing business.
2. **APPLICATION FOR FINAL PLAT #FP-01-2023** filed by Rocky Three Investments LLC, for a replat of Lot 5 of the Findlay Village Mall Subdivision for 2 outlots.
3. **APPLICATION FOR SITE PLAN REVIEW #SP-10-2023** filed by Get Go Operating LLC/Giant Eagle Inc for a new GetGo gas station on what is currently Lot 5 of the Findlay Village Mall.
4. **APPLICATION FOR SITE PLAN REVIEW #SP-11-2023** filed by Olio Development for a new Raising Cane's drive-thru restaurant on what is currently Lot 5 of the Findlay Village Mall.
5. **APPLICATION FOR ZONING AMENDMENT #ZA-02-2023**; a request to repeal the existing City of Findlay Zoning Code and replace it with an updated version.

ADMINISTRATIVE APPROVALS

ADJOURNMENT

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday, May 11th, 2023– 9:00 a.m.

COMMENTS

1. **APPLICATION FOR CONDITIONAL USE #CU-06-2023 filed by Kyle Smith, to establish a home business at 506 Monroe Avenue for a mobile car detailing business.**

CPC STAFF

General Information

This request is located on the north side of Monroe Avenue between Bolton Street and Morey Avenue. It is zoned R-3 Small Lot Residential. The neighborhood is mostly zoned R-3 Small Lot Residential, but there is a MH - mobile home park to the southeast near the intersection with Morey Avenue. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Small Lot Residential.

Parcel History

The site is a single family home, which the Smith's have lived at since 2019.

Staff Analysis

The applicant, Kyle Smith, has applied to use his home address as his business address. The business is a mobile car detailing business, which typically goes to the client's location to do the work. His work involves washing, vacuuming, and detailing the cars. Sometimes, Mr. Smith does use his own driveway to perform his work.

Staff would add that Conditional Use permits are revocable if there are any issues with this use in the future.

Staff Recommendation

CPC Staff recommends approval of **APPLICATION FOR CONDITIONAL USE #CU-06-2023 filed by Kyle Smith, to establish a home business at 506 Monroe Avenue for a mobile car detailing business.**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment




RECOMMENDATION

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-06-2023 filed by Kyle Smith, to establish a home business at 506 Monroe Avenue for a mobile car detailing business.**

CU-06-2023

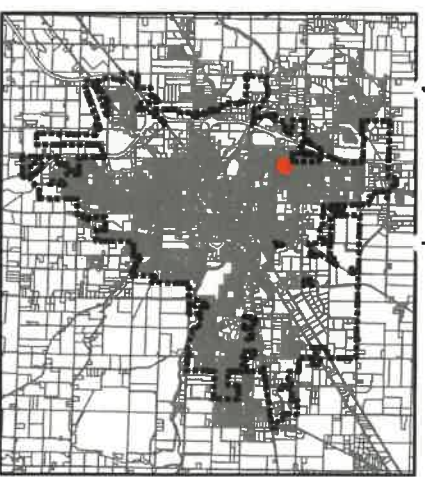
APPLICATION FOR
CONDITIONAL USE
filed by Kyle Smith, to establish
a home business at
506 Monroe Avenue
for a mobile car detailing business.

Legend

-  506 Monroe Avenue
-  Parcels
-  Road Centerline



Findlay Locator Map





2. APPLICATION FOR FINAL PLAT #FP-01-2023 filed by Rocky Three Investments LLC, for a replat of Lot 5 of the Findlay Village Mall Subdivision for 2 outlots.

CPC STAFF

General Information

This request is located in the Findlay Village Mall Subdivision on Tiffin Avenue next to the intersection with Cory Drive. It is zoned C-2 General Commercial. To the south, east, and west is also zoned C-2. To the north, it is zoned R4 Duplex/Triplex. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

Parcel History

The site is currently a parking lot for RP Home & Harvest of Findlay.

Staff Analysis

Rocky Three Investments are proposing to replat Lot 5 of the Findlay Village Mall subdivision. The Findlay Village Mall subdivision was replatted in 2021 into five lots. This replat would create two outlots in Lot 5, adjacent to Tiffin Avenue. Lease Parcel 1 would be located on the east side abutting Croy Drive and be 1.511 acres in size. Lease Parcel 2 would be directly west of Lease Parcel 1, and measure 1.009 acres in size.

The applicant will need to provide a copy of their reciprocal easement agreement to maintain access between the lots using the existing traffic pattern on the site.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-01-2023 filed by GetGo Operating LLC/Gaint Eagle Inc, and Olio Development Group, for a replat of Lot 5 of the Findlay Village Mall Subdivision for 2 outlots subject to the following condition:**

- **Provide a copy of the reciprocal easement agreement (HRPC)**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

RECOMMENDATION






Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-01-2023 filed by GetGo Operating LLC/Gaint Eagle Inc, and Olio Development Group, for a replat of Lot 5 of the Findlay Village Mall Subdivision for 2 outlots subject to the following condition:**

- **Provide a copy of the reciprocal easement agreement (HRPC)**

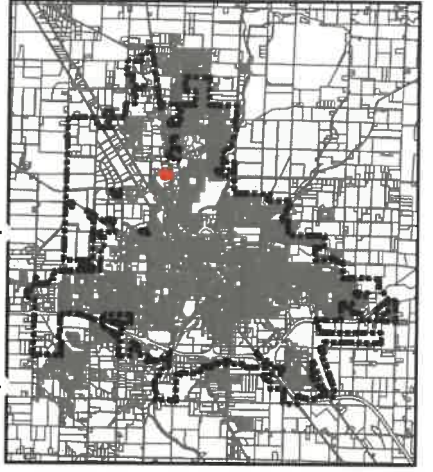
FP-01-2023

APPLICATION FOR
FINAL PLAT
filed by Rocky Three
Investments LLC, for a replat of
Lot 5 of the Findlay Village Mall
Subdivision for 2 outlots.

Legend

-  LeaseParcel1
-  LeaseParcel2
-  Lot 5 Outline
-  Parcels
-  Road Centerline

Findlay Locator Map



3. APPLICATION FOR SITE PLAN REVIEW #SP-10-2023 filed by Get Go Operating LLC/Giant Eagle Inc for a new GetGo gas station on what is currently Lot 5 of the Findlay Village Mall.

CPC STAFF

General Information

This request is located in the Findlay Village Mall Subdivision on Tiffin Avenue next to the intersection with Cory Drive. It is zoned C-2 General Commercial. To the south, east, and west is also zoned C-2. To the north, it is zoned R4 Duplex/Triplex. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

Parcel History

The site is currently parking for RP Home & Harvest of Findlay.

Staff Analysis

Get Go Operating LLC is proposing a 6,369 sf Get Go convenience store and gas station on this site. This would include 44 parking spots for the convenience store, which meets the standards. There would also be a drive-thru component to the convenience store on the north side of the site. The drive-thru will be able to accommodate the required eight car stacking on site. Along the drive-thru, there is an uncurbed diagonal striped area. While it says "Do Not Enter", the applicant indicated it would essentially function as an escape lane. On the south side of the site is the 12-pump gas station. On the west side of the site, there is a detention area.

The dumpster is located in the northwest corner of the site and has been proposed to be screened by a privacy chain link fence with vinyl slats. Staff would recommend the enclosure be vinyl only and not chain link.

The site has two proposed new curb cuts. One is a full entrance onto Croy Drive, while the other is a right-in/right-out onto Tiffin Avenue. Staff would like to see the right-in/right-out changed into a fully dedicated drive-in lane to discourage people from being able to turn left out of the site.

One of staffs concerns about the layout is that they do not meet the front yard setback along Tiffin Avenue. The applicant indicated that they would need to encroach on the 10-foot setback to allow there to be enough pavement for the gas trucks to have enough turn radius around the underground storage tanks. Staff would like to see the site shifted to accommodate the setback.

In terms of landscaping, staff discussed with the applicant that the foundation plantings were not necessarily required along the building, but could be clustered around the perimeter. They have included landscaping along the east, north, and west sides of the lot. Staff would like to see a reduction in the size of the landscaping area on the north side, between the drive-thru and R+P. This would allow them to shift the site to the north to accommodate the setback and allow for landscaping to be installed along Tiffin Avenue.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-10-2023 filed by Get Go Operating LLC/Giant Eagle Inc for a new GetGo gas station on what is currently Lot 5 of the Findlay Village Mall subject to the following conditions:**

- **Shift the parking lot to be 10 feet from the front property line**
- **Work with the City on the right-in/right out onto Tiffin Avenue**
- **Upgrade the dumpster enclosure fencing to vinyl**

ENGINEERING

Access –

The site is proposing two new curb cuts to access the site, one off Tiffin and one off Croy. The drive off of Croy will be a full access driveway and the Tiffin Avenue driveway is proposed to be a right in/right out.

If the driveway off Tiffin Avenue is needed/ desired, I agree that it will need to be a right in/ right out style driveway. A couple of items with the Tiffin Avenue driveway:

- Can the radii be changed for the entrance and exit lanes so that no left turning vehicles have the chance to make the turn? The way it is laid out now vehicles will still be able to make a left turn out of the site and left turn into the site.
- Within the island there is an Overhead Utility line that has a guy wire running where the entrance lane is located. Is the guy wire being relocated or will the driveway need to be shifted to the east to accommodate for the guy wire.

Water Service –

The site is proposing a new 2-inch Domestic line to come off the 12-inch line that is located on the northside of Tiffin Avenue. If an irrigation line is needed that will be a separate tap as well and will need backflow prevention per the City's Water Regulations.

Sanitary Service –

The site is proposing to tap the sanitary sewer on Croy Drive to extend the service to the building.

Stormwater Management –

The site will be incorporating more pervious areas throughout the site as well as a detention pond located on the west side of the site. The detention shape and outline of the detention pond does not line up very well with the Cane's site, since both sites are right next to each other the detention pond and landscaping areas should match up.

MS4 Requirements –

The disturbed area is more than 1 acre so the applicant does need to comply with the City of Findlay's Erosion & Sediment Control Ordinance. As part of the plans the applicant has submitted an Erosion and Sediment Control Plan.

Recommendations:

Approval of the Site-

- Site to continue to work with the City on the Right In/ Right Out driveway

- Ensure that the site landscaping, curbing, detention pond, etc. coincides with the site to the west.

The following permits may be required prior to construction:

- Sidewalk Permit x1
- Drive Permit x2
- Water Service x1
 - 2-inch Domestic
- Sanitary Tap x1

FIRE PREVENTION

- Overall concerns with traffic patterns with regards to emergency vehicles access to the site and streets around it.

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-10-2023 filed by Get Go Operating LLC/Giant Eagle Inc for a new GetGo gas station on what is currently Lot 5 of the Findlay Village Mall subject to the following conditions:**

- **Shift the parking lot to be 10 feet from the front property line**
- **Work with the City on the right-in/right out onto Tiffin Avenue**
- **Upgrade the dumpster enclosure fencing to vinyl only**
- **Ensure that the site landscaping, curbing, detention pond, etc. coincides with the site to the west.**

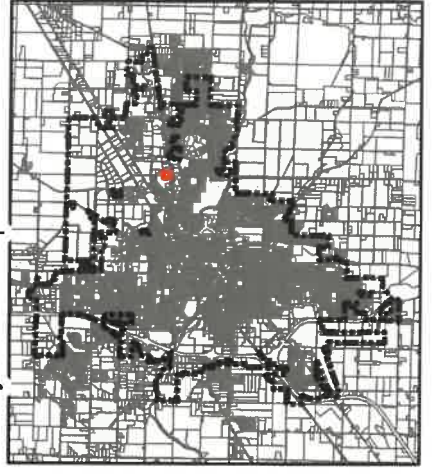
SP-10-2023

APPLICATION FOR
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Findlay Village Mall.

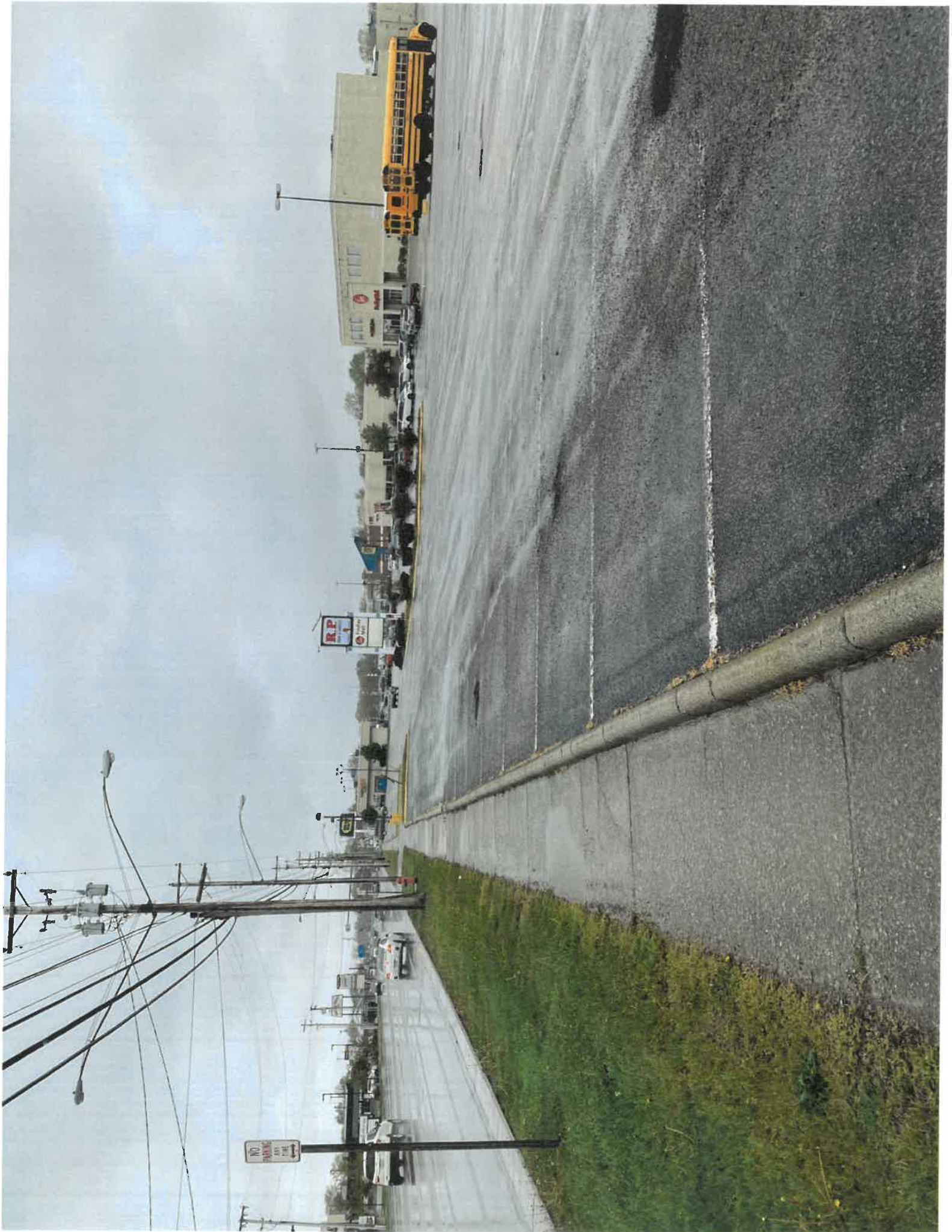
Legend

- LeaseParcel1
- LeaseParcel2
- Lot 5 Outline
- Parcels
- Road Centerline

Findlay Locator Map







4. APPLICATION FOR SITE PLAN REVIEW #SP-11-2023 filed by Olio Development for a new Raising Cane's drive-thru restaurant on what is currently Lot 5 of the Findlay Village Mall.

CPC STAFF

General Information

This request is located in the Findlay Village Mall Subdivision on Tiffin Avenue next to the intersection with Cory Drive. It is zoned C-2 General Commercial. To the south, east, and west is also zoned C-2. To the north, it is zoned R4 Duplex/Triplex. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

Parcel History

The site is currently parking for RP Home & Harvest of Findlay.

Staff Analysis

Olio Development is proposing a 2,791 sf Raising Cane's Drive-thru restaurant on this proposed parcel. The site would remove part of a landscaping island that current stretches onto the southwest corner of the site. The restaurant would feature a double drive-thru lane that would wrap around from the north side along the west side of the building. There are 35 proposed parking spaces for the restaurant.

As with the GetGo development, this site also had an issue meeting the 10-foot setback along Tiffin Avenue. They proposed to utilize the existing parking spots that are along Tiffin Avenue. Staff believes that the site could shift north to accommodate the setback.

Landscaping was an area that had some missing items as well. For perimeter parking landscaping, they provided zero shrubs along Tiffin Avenue due to the parking setback. On the north side, they were unable to accommodate two trees as they were trying to avoid a utility line on the north side. Again, staff would like to see the lot shift to accommodate the setback, which would allow them to install the shrubs as required.

Staff has concerns about the amount of traffic that will be generated as a result of this restaurant. We would recommend the operators work with the Findlay Police Department to have a plan in place for the Grand Opening and next few weeks, to alleviate some of the congestion that could potentially arise.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-11-2023 filed by Olio Development for a new Raising Cane's drive-thru restaurant on what is currently Lot 5 of the Findlay Village Mall subject to the following condition:**

- **Shift the parking lot to be 10 feet from the front property line**
- **Add the 37 shrubs and 2 trees to meet the perimeter parking standard**
- **Work with Findlay Police Department to have a traffic plan for the grand opening**

ENGINEERING

Access –

The site will be accessed by a couple of different points, one off the existing drive off Tiffin Avenue, GetGo connection and the parking lot of the mall. The site has quite a bit of vehicle stacking but there is still a concern that the drive thru lane will stack into the drive lanes.

For the north entrance, we would potentially like to see that as an exit only, due to the proximity of the drive-thru stacking.

Water Service –

The plans are proposing two separate water taps for the site, one will be a 2-inch domestic and the second line will be a 6-inch fire line. With all of the landscaping that is on site will an irrigation line be needed? If an irrigation line is needed that will be a separate tap as well and will need backflow prevention per the City's Water Regulations.

Sanitary Service –

The proposed site will be tapping the sanitary line that is located on the north side of Tiffin Avenue and we be used as the main service for the site.

Stormwater Management –

The site will be incorporating more pervious areas throughout the site.

MS4 Requirements –

The disturbed area is more than 1 acre so the applicant does need to comply with the City of Findlay's Erosion & Sediment Control Ordinance. As part of the plans the applicant has submitted an Erosion and Sediment Control Plan.

Recommendations:

Approval of the Site

- Ensure that the site landscaping, curbing, etc. coincides with the site to the east.

The following permits may be required prior to construction:

Sidewalk Permit x1

Water Service x2 (Maybe 3)

2" Domestic

6" Fire

Irrigation Tap?

Sanitary Tap x1

FIRE PREVENTION

- Overall concerns with traffic patterns with regards to emergency vehicles access to the site and streets around it.

RECOMMENDATION






Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-11-2023 filed by Olio Development for a new Raising Cane's drive-thru restaurant on what is currently Lot 5 of the Findlay Village Mall subject to the following condition:

- Shift the parking lot to be 10 feet from the front property line
- Add the 37 shrubs and 2 trees to meet the perimeter parking standard
- Work with Findlay Police Department to have a traffic plan for the grand opening
- Ensure that the site landscaping, curbing, etc. coincides with the site to the east.

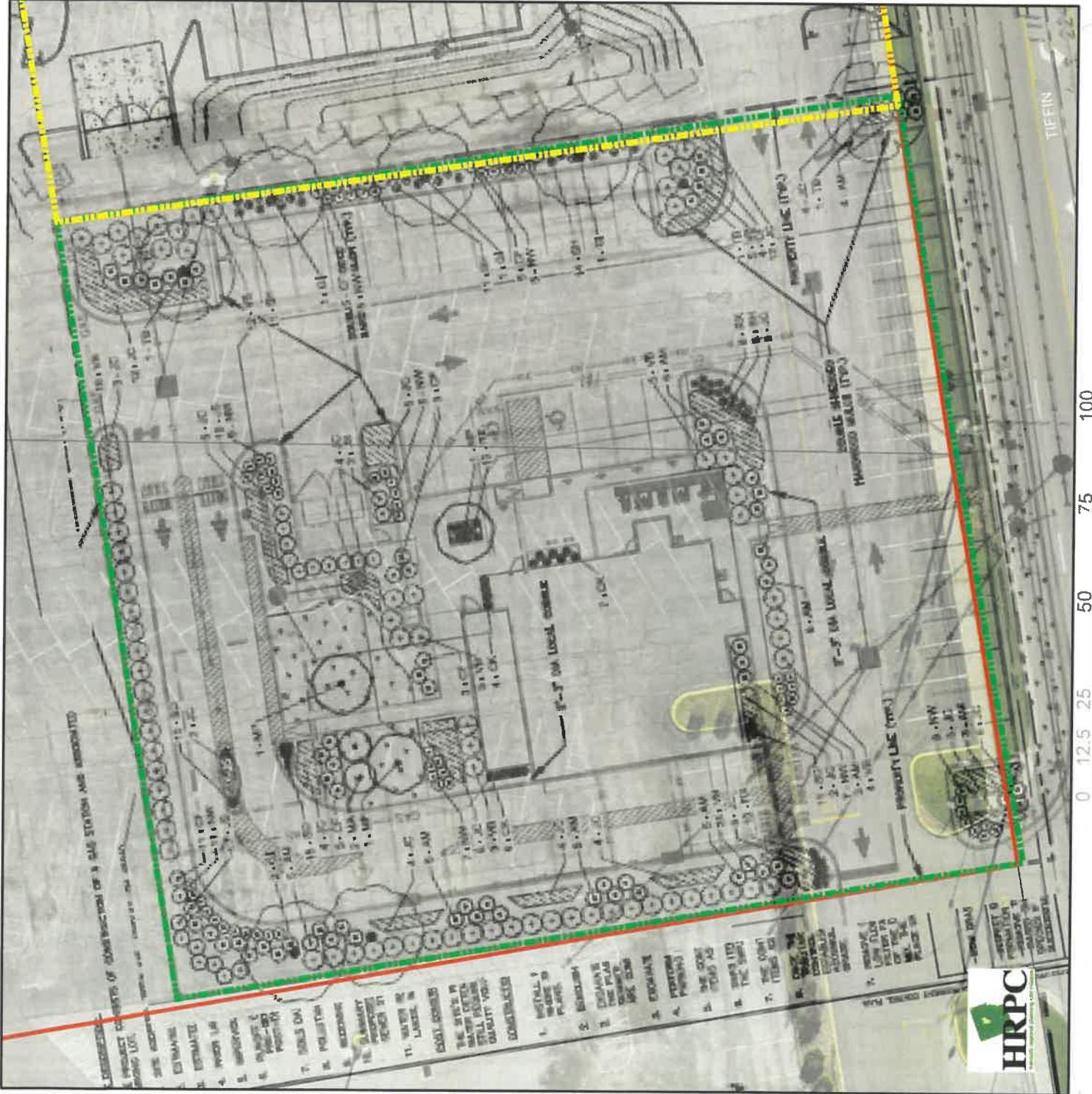
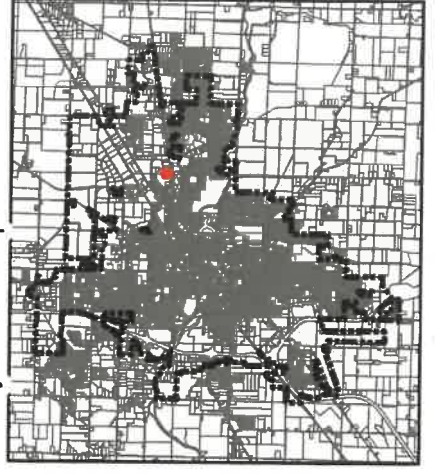
SP-11-2023

APPLICATION FOR
SITE PLAN REVIEW
filed by Olio Development
for a new Raising Cane's
drive-thru restaurant on
what is currently Lot 5
of the Findlay Village Mall.

Legend

-  LeaseParcel1
-  LeaseParcel2
-  Lot 5 Outline
-  Parcels
-  Road Centerline

Findlay Locator Map



5. APPLICATION FOR ZONING AMENDMENT #ZA-02-2023; a request to repeal the existing City of Findlay Zoning Code and replace it with an updated version.

Please visit the City of Findlay Webpage to see a redline version of the code. Its it located on the zoning page, on the left hand side.

SUMMARY of PROPOSED ZONING CODE CHANGES *April 2023*

- **Pg. 33, Roberts Rules of Order**
 - o Remove reference to this in the code. Attorney suggested that it is a liability that we make a small misstep that could cost the city in court.
 - o Recommends having it in a Policy Document for Planning Commission
- **Pg. 34,35 Order of Business, Burden of Proof, PC Actions**
 - o Remove the Order of Business section, is a liability, recommends it be in a policy booklet.
 - o Remove Burden of Proof as that is inherent in the ORC.
 - o Remove PC Actions, refer to the ORC, the ORC may change over time, more effective to stay up to date.
- **Pg. 43 Granting of Variance**
 - o Added the 7 basic criteria for a variance as set by the Ohio Supreme Court.
- **Pg. 45, 46 Establishment of districts.**
 - o Added A-1, I-3, PUD Removed PMUD, PRD
- **Pg. 49,50 A-1 Agriculture**
 - o Proposal to add an A-1 Agriculture zoning district. If the City were to annex agricultural land this classification will reassure property owners that they may continue to use the property as agricultural. It will also be an ideal place holder zoning classification while land is waiting for long term development.
- **Pg. 51,52,55,57,59,61,65,67,70,74,104 Borrow Pits**
 - o Remove borrow pits from all zoning classifications.
- **Pg. 70 C-1 Commercial Uses**
 - o Removed uses that are considered too intense for the C-1 district.
- **Pg. 73 Electric Charging Stations**
 - o Added charging stations to the C-2 district as a conditional use.
- **Pg. 74 C-3 Downtown Commercial**
 - o Removed shopping malls from permitted uses.
- **Pg. 103 I-1 Light Industrial**
 - o Removed a reference to the NAICS Code in the intent of the district.

- **Pg. 107,108 I-3 Large Scale Development**

- o Proposal to add an I-1 Large Scale Industrial zoning district. The purpose of this district is to allow for alternative energy sources such as wind turbines. Alternative energy generation is to serve a specific building or use, not intended for general electrical grid usage. Not intended to permit large scale solar or wind farms that generate electricity for the grid.

- **Pg. 110 to 119 PUD – Traditional**

- o Each PUD is considered a separate and unique zoning district.
 - Plan and zoning text depicting the specific development standards is adopted simultaneously with the amendment to the zoning map.
 - PC – P&Z – City Council

- o Final Development Plan = Site Plan □ PC Only

- o Provide flexibility that standard zoning districts do not allow.
 - o Allow for a mix of land uses otherwise not permitted within standard zoning.
 - o Combine the process of rezoning and plan review.
 - o Allows negotiation between the City and Developer. City can require or negotiate the terms of the rezoning as part of the PUD process.
 - o This ordinance can be used for any combination of uses. Residential/Commercial, Commercial/Industrial, Multi-Family/Commercial/Industrial etc.

- **Pg. 120 to 132 Removal of PRD and PMUD**

- o These variations of a PUD were adopted in 2011. To date no property owner has pursued these zoning classifications. Upon review, staff determined that it would be beneficial to replace these with a traditional PUD.

- **Pg. 144 to 148 Alternative Energy**

- o Reworked wind turbine ordinance and solar power ordinance.
 - The rewrite would allow wind turbines as a permitted use in the I-3 district. The combination would permit wind turbines that service single users while not allowing wind farms.
 - o Created a new chapter, 1156 for these two items, moved from the development standards section.

- **Pg. 151 Accessory Uses in Residential**

- o Added a requirement for accessory structures that are used for storing or parking vehicles. The access to the building must be paved from property line to structure.

- **Pg. 170 Outdoor Storage in Commercial and Industrial**

- o Outdoor storage is a conditional use. Statement made for clarification because of changes to the conditional use section.

- **Pg. 171 Parking Standards – Off Alley Access**
 - o Requires drives and parking areas used to access accessory buildings or detached garages to have paved access from the alley. Applicable in all zoning districts.

- **Pg. 173 Parking in R-1 to R4 Districts**
 - o Prohibits the parking of semi-trucks, taxi cabs, and garbage hauling/scraping vehicles.

- **Pg. 174 Parking M-1 and M-2**
 - o Clarifies the setback of parking lots.
 - o Prohibits the parking of semi-trucks, taxi cabs, and garbage hauling/scraping vehicles.

- **Pg. 176 Utility Trailers in Office, Commercial, and Industrial**
 - o Requires utility trailer to be parked or stored more than 30' from the right-of-way, or within ten feet of the primary building.
 - o Must be parked on a hard surface and registered to that address.
 - o Purpose is to reduce the use of trailers used as signage, these trailers are often used as a way to circumvent the signage rules.

- **Pg. 178 to 194 Sign Code Update**
 - o Removed a repetitive corner vision clearance statement. (178)
 - o Removed previously included wall sign standard. Keeping the code the same. (178)
 - o Removed pylon signs as a sign option, all future signage is required to be ground signage with a maximum height of 8 ft. (183)
 - This is done for aesthetic reasons.

 - o C-3 Wall Signs (183)
 - Added wall sign size restrictions for the C-3 Downtown zoning district. These size restrictions fall in line with the downtown design review district.
 - Wall sign size is based upon the frontage of the building.

 - o Electronic Message Boards (185)
 - Limits electronic signage to 25% of the total constructed sign.
 - Done for aesthetic purposes.

 - o Temporary Banners (189)
 - Restricts use of banners to 30 day period, not more than 3 permits per year.
 - Done for aesthetic purposes, Banners are sometimes used as in place of a permanent sign.

 - o Billboards (189-191)

- Added language to limit the construction of new billboards and the conversion of traditional billboards to electronic billboards.
- The key change is the required distance between billboards which was increased to 2,500 feet.

o Nonconforming Signs

- Created criteria for when a sign loses its nonconforming designation.
- Purpose is to slowly reduce the number of pylon signs within the city.
- After December 31, 2033, the replacement of the sign face or any other change constitutes a loss of the nonconforming status and must be brought into code compliance.

• **Pg. 199 to 204 Alternative Energy**

- o Deleted this section. Now located at 1156

• **Pg. 205 to 207 Conditional Uses**

- o Not redlined. Deleted all the conditional use standards that the code use to outline for certain uses. The listing of specific criteria was sometimes in conflict with Planning Commission decisions, where outdated, or were not pertinent to a use at a specific site.
- o Conditional uses shall be reviewed based upon the 7 criteria set forth by the Ohio Supreme Court.

• **Pg. 215,216 Swimming Pool Fence**

- o Increased required fence size from 42 to 48 inches, to be in line with industry standards.
- o Allows pools with complying safety covers to forgo fencing.

• **Pg. 229 Good Standing Clause**

- o More clearly states that the good standing clause pertains to a single parcel, not to any parcel with the same owner.
- o Outlines the appeal process.

• **Pg. 238 – 265 Definitions Added**

- o 238, Agriculture, Agriculture Activity or Farm
- o 240, Blade Length, Blade Radius (WECS)
- o 262, Solar Energy System, Accessory, Principal, Large, Medium
- o 264, Total System Height
- o 265, Wind Energy Conversion System (WECS)