

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

Minutes

MEMBERS PRESENT:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder

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:

Kyle and Sarah Smith, Pat Sadowski, Penny Hohman, Robin Lynch, Jara Barreto, Lee May, Grant Russel,

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder

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 April 13, 2023 meeting. Dan DeArment seconded. Motion approved 4-0-0.

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.**

DISCUSSION

Kyle and Sarah Smith were present on behalf of his application along with attorney Pat Sadowski. Mr. Smith said he started the business on January 18, 2022. Most of the time he goes to his customers to do the car detailing. Sometimes he does have to bring their cars to his home. That is mostly because he cannot get his trailer on their property or they do not have any other means for him to go to them. It is never more than one car at a time.

Mayor Muryn mentioned concerns from the neighbors about the waste. She asked how he is in compliance with the products he uses. Mr. Smith said all the products are biodegradable. It is no different from any person washing their own car in their driveway. The wheel cleaner is the most impactful but he makes sure to spray it down after use.

Matt Cordonnier asked what volume of business Mr. Smith does in a week. Mr. Smith said he does many vehicles but only probably 2-3 a week at his house. Mr. Cordonnier asked if he ever has more than one car at a time. Mr. Smith said he has never had more than one, and the only times there are multiple vehicles in his driveway is when he is hosting family events or has friends over to his home. Rob Martin asked how long it takes him to complete a car. Mr. Smith said it depends but somewhere between 4-6 hours. Mr. Martin asked what his hours of operation are. Mr. Smith said he operates 9:30am-5pm, and that he does that to not disturb his neighbors.

Penny Hohman and Robin Lynch, neighbors on Monroe Street, submitted a letter with concerns and opposition against the conditional use. They are worried that the operation of the business at the home will increase parking and traffic along the street. This would affect the residential nature of the neighborhood as well. They were concerned that there are not water catches for collecting wastewater on the site. Ms. Hohman said she was not opposed to the business, just the operation of the business at the home.

Mr. Martin asked if there were any incidents reported since the start of operation in 2022. Ms. Hohman said that she had pictures that show his cars parked in the yard and that she's seen the water run into his front yard.

Mr. Cordonnier offered some clarification. The request today is for a conditional use to operate a home business. This would not rezone the property to commercial. The home business definition makes it so that the character of the property remain residential, and he would not be able to put up a business sign or anything to change the character.

Mayor Muryn asked the applicant if they have insurance. Pat Sadowski, representing the applicant spoke to the Commission. He said first, that the business has no additional employees outside Kyle and Sarah Smith. Kyle does the detailing, while Sarah helps him with his bookkeeping. Second, he pushed back against the concerns regarding the Clean Water Act that Ms. Hohman brought up due to the scope of the business operations and chemicals used. They are all products that can be bought at an Auto Zone. The Smith's have young children, so they understand the concern about chemicals in their lawn. Mr. Sadowski highlighted a storm sewer at the base of the driveway, and that the water flows in that direction.

Mr. DeArment said the only concern he had was regarding the runoff. He asked as a commercial business, does it raise to the level of concern with the EPA. Mr. Sadowski said that he would look into it. Mayor Muryn said she thought receiving a comment from the EPA would be appropriate.

Ms. Hohman contended that when you wash the engine and other areas under the car, the water picks up oils, which is required to go into a water trap rather than the sewer system. Mr. Kalb said if it were a commercial or industrial property, there would be water/oil separator requirements. If there is a resident who washes their car obsessively, he did not think they would be able to require them to connect that system. It would be beneficial to have some legal guidance since it is a residential property.

Mr. Martin appreciated the comments, but he thought the infrequency of the use on the site, would probably not raise to a level of concern. Mr. Cordonnier said other cities have these types of businesses everywhere and do not have any issues. He did think that calling the EPA in Bowling Green would be beneficial to get clarification.

Mayor Muryn added that she wanted to add a condition that they do get a legal opinion from an appropriate agency regarding the operation of the business. She reminded the applicant that conditional uses are revocable, so if there become issues, the city can revoke the permit.

Erik Adkins added to the record that while the business has been in operation for over a year, it only came into their attention because a fence was going to be installed at the site. There have been no complaints made to the City prior about this business being operated.

MOTION

Mayor Muryn made motion to **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 with the following conditions:**

- **Receive legal opinion/clearance from EPA**
- **One car at a time**
- **9:30 am – 5pm operating hours; weekdays only**
- **No client on-street parking**

2nd: Dan DeArment

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

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.**

DISCUSSION

Rob Martin asked Jeremy Kalb if he remembered how many cars could be stacked on site. Mr. Kalb said about 30 but their menu should allow for customers to cycle through the drive-thru fairly quickly.

Jara Barreto was present on behalf of Olio Development. She noted that the operations monitor the cars enter the lot. Once a car is on site, the chicken goes into the fryer. The menu is limited so they know that they will be ordering chicken. It only takes two and a half minutes to go from the order board to getting your food. She said that they would work with the Findlay Police Department on the Opening Day plan to avoid any issues with their site neighbors. Mr. Martin said the Findlay Police Department will work to create the traffic control plan, but they do not have the staff to commit to implementing it. Ms. Barreto said that in the past they pay off-duty police to be on site for the plan. Mayor Muryn noted the City did the same when the Chick-fil-A opened, so it should not be an issue.

Jackie Schroeder asked how they planned to meet the 10-foot front yard setback. Ms. Barreto said it has been difficult to accommodate that on the plan. They do not want to narrow the drive aisle on that side of the site because they are following the traffic pattern of the mall site as a whole. She thought they might need to remove the parking if they have to meet the setback. She said that the corporate model for this size restaurant is 29 spaces, and if they lose those, they will have to re-evaluate how to make things work. She added staff recommended that they look to accommodate the front yard setback to allow them additional room for the landscaping missing, however they were hoping to get a variance to keep with what was there.

Mayor Muryn asked Jeremy Kalb if they could keep the existing layout if they could plant some smaller trees in the City right-of-way instead. Mr. Kalb said it was a possibility, and the only utility in that stretch is a waterline. He added that potentially they lose a spot or two to add a landscape island in the front area. Mr. Martin understood why the condition was included, so he was hoping we could find a good balance. Mr. Cordonnier said that he was concerned about having trees in the right-of-way due to the wires overhead. He thought that this would be a good step to get the front yard setback re-established as the full mall site looks to redevelop. Ms. Schroeder added that she wanted to have some grass area between the parking curb and the sidewalk, to avoid cars overhanging the sidewalk. Ms. Barreto said that they could do that. She added that most of the time they use 20 feet for their parking stalls, however the current parking along the front yard is 18 feet. If they push the parking back to meet the setback, the site would not align with the drive aisle on the mall parcel. Ms. Schroeder asked if they could angle the parking. Ms. Barreto said they could not because it is a two-way drive.

Dan DeArment asked why they show two lanes for the drive-thru. Ms. Barreto said that while most of the time they will cross over to pick up food from the window, during high traffic times of day; they can accommodate an employee walking food out to the wider lane, so that traffic can continue to cycle through the drive-thru quickly.

Mr. DeArment asked if Mr. Kalb had any suggestions for how to address concerns. Mr. Kalb said in his ideal scenario, there would be an extended drive aisle on the mall site to funnel the traffic through the mall site, to keep stacking from going back onto Tiffin Avenue. He did not like this solution however, because it would be putting the responsibility on the mall to accommodate problems from the Raising Cane's site. He asked if they could remove some of the landscape area to shift the full site back to buy themselves a few feet in the front. Mr. Cordonnier said that reducing that would be preferable. Ms. Barreto asked would they need a variance on the back if they did encroach. Mr. Cordonnier said yes, but they would prefer that request over the 10 feet in the front yard.

At this point, Mayor Muryn asked to shift discussion to the GetGo Site Plan.

2. 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.**

DISCUSSION

Lee May represented Get Go as the Site Development Manager. He started by stating that they do not like to ask for variances as part of their site plan process. The property line that they submitted was determined by the property owner, and was influenced by the existing business R+P. The first issue is dealing with the underground storage tanks for the gas station. They wanted to keep the drive aisle two direction, which affected their layout. The building is their corporate prototype. The idea is this site is more of a convenience store that sells gas. They have an indoor food court area and fresh food options. They only have 15-20 feet for the drive-thru along the north side of

the building. To ensure the turn radius, he already had to squeeze that to get back to the building. If the 10-foot setback would be required, they would probably have to eliminate the drive-thru. The utility pole has caused issues with the site. He thought the best path forward was to work with staff to get the entrance right, and then they will work to move the poles to an appropriate location. In terms of the drive-thru, this is a new feature for these stores. The counts would only be about 18-20 vehicles an hour versus a fast-food restaurant would be 100 vehicles. In terms of the dumpster enclosure, he asked if they could be vinyl or masonry to match the building. Matt Cordonnier answered that they would appreciate masonry that matches the building and we could accommodate that in the condition.

Mr. Cordonnier asked what the odd shape was by the dumpster enclosure. Mr. May said that it was an island feature that would allow the traffic pattern to match the drive aisles of the R+P site. Mr. Cordonnier added that things like this just solidifies the need for the striping pattern of the R+P, so that we know how things are harmonious with the existing parking layouts.

Mr. Martin asked if the landscape buffer was on the R+P site. Mr. May confirmed that it was and they were working to get approval. Mr. DeArment asked if they had approached R+P about purchasing the additional 10 feet to accommodate the front yard setback. Mr. May confirmed that they had but they were turned down. Mr. Adkins asked what the minimum setback would be for the front yard setback. Mr. May said they were willing to try to come up with a compromise but for the maneuverability, it will make it hard to meet completely.

Mr. DeArment asked about the back of the building is encroaching on the rear yard setback. Mr. May said it technically was encroaching. Mr. Cordonnier confirmed it would need a variance as well.

For the canopy area, stacking and drive aisles are not an exact science, and they could potentially work out a few feet. He just wants to maintain the widths for proper circulation on site.

MOTION

Mayor Murnyn made a motion **to approve 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:**

- **Work with City/HRPC on maximizing the front yard setback**
- **Work with the city/electrical company on location of the power poles along Tiffin Avenue**
- **Receive a parking plan for R+P lot to align with the site**
- **Update the dumpster enclosure to vinyl or masonry**
- **Site landscaping curb and detention align with site to the west**

2nd: Rob Martin

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

MOTION

Mayor Muryn made a motion to approve 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:

- Work with City/HRPC on maximizing the front yard setback
- Work with HRPC on maximizing the landscaping
- Work with the Findlay Police Department for an Opening Day plan
- Receive a parking plan for R+P lot to align with the site
- Pending approval of receiving appropriate variances

2nd: Dan DeArment

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

Jara Barreto from Olio asked about the landscaping condition. Originally it stated they were required to install 37 shrubs and 2 trees, and wondered if that was still required. Matt Cordonnier said that HRPC would work with them on maximizing the landscaping.

Dan DeArment asked about the traffic flow with the mall site as a whole. Matt Cordonnier said that he would approach them to help coordinate a traffic pattern for the site as a whole. Mr. DeArment was concerned they would not remove the existing island that funnels traffic east/west rather than allow it to go north/south at the entrance onto Tiffin Avenue. Jeremy Kalb said that they will work with the mall site and it should not be an issue.

MOTION

Dan DeArment made a motion to approve APPLICATION FOR CONDITIONAL USE #CU-07-2023 filed by Get Go Operating LLC/Giant Eagle Inc for a drive-thru at a GetGo convenience store on what is currently Lot 5 of the Findlay Village Mall.

2nd: Jackie Schroeder

Matt Cordonnier added that he personally does not think drive-thru’s should be a conditional use in the C-2 district, and that they should be a permitted use. In the future, he’d like fix that in the code.

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

MOTION

Mayor Muryn made a motion to approve APPLICATION FOR CONDITIONAL USE #CU-08-2023 filed by Olio Development for a new Raising Cane’s drive-thru restaurant on what is currently Lot 5 of the Findlay Village Mall.

2nd: Dan DeArment

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

3. 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 Cory 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)**

DISCUSSION

Lee May from Giant Eagle spoke again. He said there is a reciprocal agreement between the lots and he did attach it. Jacob Mercer said he did have that in the packet, but that he wanted to see it amended to include the new lots.

MOTION

Mayor Muryn made a motion **to approve the 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 conditions:**

- **Provide a copy of the reciprocal easement agreement with surrounding properties (HRPC)**
- **Receive a parking plan for R+P lot to align with the site**

2nd: Jackie Schroeder

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

4. 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.

DISCUSSION

Mayor Muryn started by saying that the proposed changes are on the City of Findlay website and that she hoped the CPC members had done their homework reading the full changes. She noted that there was originally some changes around farm animal regulations but due to the volume of feedback, it was removed from this packet of changes.

Matt Cordonnier said that he was going to open it up to questions from CPC members. He noted that the last time they repealed and replaced the zoning code was 2017. Things change over time, so it was time to do a full-scale change. Grant Russel, City Council member and chair of the Planning & Zoning Committee, just noted that the full document was re-typed to allow better usability for staff. The old version was difficult to change because of the formatting.

Dan DeArment said he had numerous comments and did not know if it was good to go through each one. Mayor Muryn said that it might be good to meet with Matt Cordonnier in the next month to go over individual concerns. The plan is for the June meeting, that the CPC would work through the document and make it prepared for the submission to the Planning & Zoning Committee.

Dan DeArment said that he wanted to see some additional language on abandoned homes. He noted a home next to Speedway on S. Main Street that has not been used for over 8 years. Mayor Muryn said there is a process for abandoned homes, but right now, we do not have a method to address homes that are not being lived in. As long as it is maintained, there is not a mechanism to address them. Matt Cordonnier added that is not something he has seen in codes but that he would

need to do more research on it. Erik Adkins added that the dilapidated structure section is in the General Offense code, so it would not be located in the Zoning Code.

Jackie Schroeder said she had a few minor edits. For accessory uses in residential areas, accessory structures used for storage must have a paved access from the property line to the structure. She asked what is considered a vehicle. She wanted to know if a riding lawn mower or golf cart would be considered. Erik Adkins said it was limited to street registered vehicles and not a lawn mower, four wheeler, etc. Ms. Schroeder asked if this should be expanded so it was not abused in the future. Matt Cordonnier brought up that he presented it to the rental association, and they were concerned that the paving requirement was too costly for many of them. Mr. Adkins said that if they were expanding, they are not forced to pave the entirety, just in front of the new section.

Dan DeArment asked about the architectural standards. He wanted to say he wished we would have applied that more regarding the case about the medical office on Fox Run Road.

Matt Cordonnier moved onto the Agriculture District. It has a minimum of 5 acres and that there were not areas within the city that meet this standard. He gave the example that a company is interested in building manufacturing on farmland outside the city, but are not contiguous. They could annex a farm into the city and give them agriculture zoning to continue farming. This would make the proposed manufacturing parcel contiguous and able to also be annexed.

He noted that he cleaned up the C-1 Local Commercial District to remove some of the more intense uses. He added Electric Charging stations into the code as they have become more prevalent. This would be a conditional use in Commercial, Industrial, and Office. Ms. Schroeder asked if this would apply to a single residential charging station. Mr. Cordonnier said it was only for public charging stations and that residents can add those without issue.

Mr. Cordonnier added that he has created an I-3 District that is designed for alternative energy, specifically wind turbines. He has sat in on meetings with prospective companies that like the idea of having wind turbines connected to their facility. Currently, all the wind turbines are in Allen Township. If they were to annex, we did not want companies to lose the ability to have them. Things that are important to review include distance from the airport, size of the property, abutting properties, etc. He selected the zoning district because it gives the CPC every ability to say no if it is not appropriate. Applicants are not entitled to a zoning change. If we do rezone to I-3, the companies have the right to install the alternative energy facilities without issue. Additionally, the language does not allow a "wind farm" and restricts the energy consumption to be accessory to a main structure. Lastly, no existing parcels are zoned I-3, and would have to go through the rezoning process to get that zoning.

Matt Cordonnier moved on to say he is removing the Planned Residential Development and Planned Mixed Use Development districts. These were introduced to replace a traditional Planned Unit Development, but nobody has attempted to use it since introduced. He is going back to the traditional PUD, which would allow some flexibility to create something unique with different densities and uses that are not provided for in the zoning code. Mayor Muryn asked what the minimum size would be for a PUD. Matt Cordonnier said 5 acres but CPC could waive that. He noted an example of an Arby's in Fishers, Indiana on less than an acre. Essentially, they were using

the PUD to get out of getting variances for their site. Mr. DeArment asked if they could use this for the Get Go Site. Mr. Cordonnier said that he would not recommend that because they are not doing something unique to the property that would be outside what would normally occur in the C-2 district. On the other hand, if the full mall site asked to be a PUD, that would be appropriate. Ms. Schroeder asked if there were any PUD examples in the City. Matt Cordonnier said Birchaven was, since it was a mix of apartments and offices.

Lastly, Matt Cordonnier brought up that pylon signs would no longer to be permitted, which is what the CPC has essentially done over the last few years. There will be a statement that says after 10 years if they have to do significant alterations to the cabinet of a pylon, it needs to be brought into compliance with the new code. Ms. Schroeder asked if pylon signs would still be allowed near the highway, which Matt Cordonnier said they would. Billboards are going to increase the spacing between them, which will restrict the areas new billboards can go in the City. Mr. Martin asked if CPC could approve one if there is an appropriate location but not outside the new radius. Mr. Cordonnier said that would be approved through the BZA. Mr. Cordonnier added that electronic message centers language would be updated to only allow 25% of the sign to be electronic and clear up any confusion on that.

MOTION

Mayor Muryn made a motion **to table the 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.**

2nd: Rob Martin

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

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