

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday July 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:

Dan Stone, Andrew Yates, Grant Russel, Ben and Cortney Dutcher, Elizabeth Baldrige, Kellee Ott, Robin Welly, Grant Russel, Lou Wilin

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Muryn
Rob Martin
Dan DeArment
Jackie Schroeder
Dan Clinger

SWEARING IN

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

APPROVAL OF MINUTES

Dan Clinger motioned to approve the minutes for the June 15, 2023 meeting. Jackie Schroeder seconded. Motion approved 5-0-0.

NEW ITEMS

1. APPLICATION FOR CONDITIONAL USE #CU-11-2023 filed by Ben & Courtney Dutcher for mixed-use commercial residential at 614 Lima Avenue

CPC STAFF

General Information

This request is located on the northeast corner of the intersection of Lima Avenue and Western Avenue. It is zoned C-2 General Commercial. To the north, it is also zoned C-2 General Commercial. To the east, there is neighborhood of R-3 Small Lot Residential. To the south and west, it is zoned I-2 Heavy Industrial. The City of Findlay Land Use Plan designates the area as Neighborhood Commercial.

Parcel History

The site has been vacant since the Dairy Queen closed.

Staff Analysis

The applicant would like to convert the old Dairy Queen property into a mixed-use commercial/residential structure. They would have commercial on the first floor, with an apartment on the second. The proposed commercial tenant would be a coffee shop. The residential unit would be on the second floor and would not exceed 50% of the building square footage as prescribed in the zoning code.

The parking lot can accommodate 20 vehicles, which is well over the required amount in the C-2 district. There would not be any additional lighting planned for the building. The applicant stated that the ingress into the second story unit would be through the stairs at the rear. They plan to reconstruct them as part of the renovations.

In terms of the renovations, they are putting in exterior dormer windows for the second story. The applicant also plans to paint the structure to have it not look like the former Dairy Queen. Staff would recommend that the exterior work be approved by HRPC as part of the review process.

Staff Recommendation

Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-11-2023 filed by Ben & Courtney Dutcher for mixed-use commercial residential at 614 Lima Avenue with the following condition:

- Approval of elevations by HRPC

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

CPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-11-2023 filed by Ben & Courtney Dutcher for mixed-use commercial residential at 614 Lima Avenue:

- Approval of elevations by HRPC

DISCUSSION

Ben and Cortney Dutcher were present on behalf of their application. Jacob Mercer asked if the proposed coffee shop would have a drive-thru component. Ben Dutcher said yes, and that they would have a barrier between the proposed patio and drive-thru lane. Mr. Mercer said that in the future, they would need to come back to CPC to get a Conditional Use for the drive-thru to be re-established.

Mayor Muryn said that she was in favor of the proposal. It is a high traffic area, and that the improvements would be an upgrade to the aesthetic of the corner. She then asked where the proposed outdoor seating would be located. Mr. Dutcher said that they had an area on the east side of the building that could accommodate outdoor seating.

Mayor Muryn asked if they planned to add any additional landscaping to the site. Mr. Dutcher said that they would put in some pavers and some raised planters. It would look similar to the outdoor seating at Chipotle in Findlay.

Mr. DeArment asked if we would see a new site plan in the future for the coffee shop. Matt Cordonnier replied it would require a site plan to show the stacking for the drive-thru.

Mr. DeArment added that the code would require a dumpster enclosure. Mr. Dutcher said that the current owner was unsure who owned the dumpster, and that it would likely be removed.

Dan Clinger raised some concerns about the drive-thru. He thought the configuration is awkward due the exit onto Western Avenue. Mr. Dutcher said they would probably plan to close the south side off so that they could not exit that way. They would then wrap around the front to go onto Lima Avenue. Mayor Muryn said that we could address in the future.

Dan Clinger asked if the second floor is less than the square footage of the first floor. Staff confirmed it was.

Matt Cordonnier asked if the applicants had picked out colors. Mr. and Mrs. Dutcher said they had some colors in mind and that the roof would be re-painted. It would not be staying red. They also wanted to put flowers near the building to help brighten it up.

Erik Adkins reminded the applicants they would need to submit plans to Wood County due to the renovations.

MOTION

Mayor Murnyn made motion to **approval of APPLICATION FOR CONDITIONAL USE #CU-11-2023 filed by Ben & Courtney Dutcher for mixed-use commercial residential at 614 Lima Avenue:**

- **Approval of elevations by HRPC**
- **Enclosure for the Dumpster**
- **Get permits from Wood County**

2nd: Jackie Schroeder

VOTE: Yay (5) Nay (0) Abstain (0)

- 2. APPLICATION FOR CONDITIONAL USE #CU-12-2023 filed by Elizabeth Baldridge, to allow welding in the building located at parcel #600001000740 at the corner of Olney Avenue and Morrival Boulevard.**

CPC STAFF

General Information

This request is located at the southwest intersection of Olney Avenue and Morrival Boulevard. It is zoned C-2 General Commercial. It is located in a neighborhood of R-3 Small Lot Residential. Along Lima Avenue to the south, there is C-2 General Commercial. It is not located in the 100-year flood plain. The City of Findlay Land Use Plan designates the parcel as Neighborhood Commercial.

Parcel History

According to the Auditor’s website, the garage was constructed on the site in 1982, and has previously been used for storage.

Staff Analysis

The applicant has requested a conditional use to allow a welder to occupy one of the tenant spaces at the building. The new owners have started to advertise the space as commercial since they acquired the site last year.

Staff has concerns that while this parcel is zoned C-2 General Commercial, the use could have negative impacts on the surrounding neighborhood. There is no paved off-street parking. Neighbors have noted that semi-trucks have been parking along Olney Avenue, which is a narrow road. The Auditor lists the building at 2600 sf, which would mean that they would be

required to provide seven parking spaces. Staff also recommends no work should be conducted outside the enclosed space.

While there is commercial properties on Lima Avenue, the area to the north and west are residential in nature. Staff would like to see some landscaping or fencing to help screen the residential from the commercial activity. We would also recommend a limit on hours of operation to Monday-Friday from 8am-5pm to reduce any additional impact on the neighborhood.

Staff Recommendation

CPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-12-2023 filed by Elizabeth Baldrige, to allow welding in the building located at parcel #600001000740 at the corner of Olney Avenue and Morrival Boulevard with the following conditions:

- **Add screening along the west side of the parcel abutting residential**
- **Provide a parking area to accommodate 7 off-street parking spots**
- **Hours of Operation restricted to 8am-5pm Monday-Friday**
- **All welding work must be done in an enclosed space**

ENGINEERING

- No Comment

FIRE PREVENTION

- Contact FFD to set up a fire inspection
- If any work is being done to the structure, be sure to obtain the proper permits

RECOMMENDATION

Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-12-2023 filed by Elizabeth Baldrige, to allow welding in the building located at parcel #600001000740 at the corner of Olney Avenue and Morrival Boulevard with the following conditions:

- **Add screening along the west side of the parcel abutting residential**
- **Provide a parking area to accommodate 7 off-street parking spots**
- **Hours of Operation restricted to 8am-5pm Monday-Friday**
- **All welding work must be done in an enclosed space**

DISCUSSION

Elizabeth Baldrige and her sister Kellee Ott were present on behalf of the application. Ms. Baldrige said that they acquired the building from their mother. In the past few months, they updated the roof and made improvements to the site. The tenant they have does welding work and is a small operation. He is the only employee for the business. Dan DeArment interjected and said that he knows the tenant, Greg Cornett, and will recuse himself from the vote. Mr. DeArment said he primarily does welding, there is not any bodywork being done on the site.

Mayor Muryn asked how many vehicles he has at the site. Ms. Baldrige said that usually it is just the owner and maybe one other vehicle. In terms of the parking, Ms. Baldrige noted there used to be a parking area that has fallen into disrepair. They think they can update that to get four spots. They noted that on the south side of the site, there is gravel-parking area that could accommodate additional parking. Ms. Baldrige said in the 1940's the site used to be a car dealership. Mr. DeArment noted that the issue is that we need to have paved parking on site. Mr. Clinger asked what the setback would be for the parking lot. Matt Cordonnier said that it is 10 feet. One of the challenges he noted, was that the parking has to be on site and the property lines are quite tight on the site. He clarified that the parking spots would need to be within the property lines.

Matt Cordonnier asked if the applicants could speak to the neighbor concerns about truck parking. Ms. Baldrige said that they had to leave a truck overnight because he was working on an oversized piece and could not complete it before the end of the day.

Mayor Muryn asked the applicants if they had any concerns about the recommended conditions. They did not object to any. The Mayor continued that she had concerns for the neighborhood and hoped they could keep the doors closed during work. She thought that requiring the seven parking spots would be difficult and might look worse. She thought perhaps four would be an appropriate number. Matt Cordonnier added that with the Conditional Use, the CPC could prescribe the number required. He also added that the owners should contact Habitat for Humanity to potentially re-adjust the property lines with the neighbor to create a more cohesive line for the site. The applicants asked if the screening could be landscaping rather than a fence. Mr. Cordonnier said that he was open to it, but wanted to ensure that the landscaping was mature enough to accomplish the screening.

Mr. DeArment added that when he visited the site, that he spoke with some of the neighbors and people were supportive. Jacob Mercer confirmed he did receive an email from the neighbor to the south supporting the business. He also received an email from a representative of the West Park Block Watch that had general concerns about the business in the neighborhood.

Robin Welly, 1711 Carey Avenue, spoke about how she remembers the car dealership in 1975. She said that the parcel has been subdivided many times over the years. She said that the neighbors had concerns about the project. They have the property listed as three spaces for rent. She worried that tenants could come/go and they are concerned that there could be issues. Ms. Welly noted she had noticed the increase in semi-traffic into the neighborhood. She thought the conditions were more than they could have imagined. The Block Watch used to have concerns about the condition of Olney Avenue, but the City has taken care of that in the past.

Ms. Baldrige said that although they advertised the space as three spaces, they do not rent to anyone else now and do not plan to.

Mayor Muryn asked Ms. Welly if the recommended conditions would help address the concerns from the neighborhood. Ms. Welly said that they did. The Mayor continued that today's review is for a Conditional Use so it is something that the City can review if issues start to arise. Mayor Muryn asked if they could review the storage if it occurs in the future. Erik Adkins said storage is only allowed in the industrial districts, so it is not permissible on the site.

Dan Clinger asked about the construction date of the garage. Erik Adkins said that based on testimony he thought that was accurate. Mr. Clinger went on to say that perhaps the hours of operation could prove problematic for the small business. He thought that with welding, he thought the doors would not be closed all the time. He questioned if there should be modifications to the building to make this work.

Mayor Muryn said that she had been wondering about the hours of operation and understands during the meeting. She thought that this is a conditional use and having conditions like this makes it better to monitor. Mr. DeArment interjected to say that the grinding is the part that creates noise, so he thought the condition could be modified to "all grinding work be done in an enclosed space." Most welding operations he knows about leave the doors open to help with airflow.

Matt Cordonnier asked if the business had additional employees. The applicants said that he did not.

Erik Adkins said that he thought the parking would need a variance to go underneath the required seven parking spaces. Mayor Muryn said that she doubted the remaining rental space is large enough to house an office. She thought the four spaces was sufficient for the site. Mr. Clinger argued that given that the other space could be rented, they should have the required parking.

The applicants asked how long they would have before they needed to comply with the parking. Mayor Muryn said that they could be flexible within reason, but typically within 3-6 months. Mr. Clinger asked if they needed to submit a parking plan. Erik Adkins said that he thought they should but it did not need to be a full professional plan.

MOTION

Mayor Muryn made motion for **approval of APPLICATION FOR CONDITIONAL USE #CU-12-2023 filed by Elizabeth Baldrige, to allow welding in the building located at parcel #600001000740 at the corner of Olney Avenue and Morriscal Boulevard with the following conditions:**

- **Add screening along the west side of the parcel abutting residential**
- **Provide a parking area to accommodate 4 off-street parking spots**
- **Hours of Operation restricted to 8am-5pm Monday-Friday**
- **All grinding work must be done in an enclosed space**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (1) Abstain (1)

TABLED ITEMS

- 1. APPLICATION FOR ZONING AMENDMENT #ZA-04-2023 filed by Shane Kelly to rezone 619 W. Foulke Avenue from R-3 Small Lot Residential to C-1 Local Commercial.**

CPC STAFF

General Information

This request is located on the south side of W.Foulke Avenue west of the intersection with Bolton Street. It is zoned R-3 Small Lot Residential. To the north, along Trenton Avenue, it is zoned mostly C-2 General Commercial. Along the south side of W. Foulke Avenue, it is zoned R-3 Small Lot Residential. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the parcel as Small Lot Residential.

Parcel History

The site is a single-family home.

Staff Analysis

The applicant, Shane Kelly, is the father of the property owner, Damon Kelly. They have requested to rezone the property to C-1 Local Commercial, so that he can operate his sublimation business on the property. The sublimation is a form of printing on items such as cups and t-shirts. He has an accessory structure that would allow him to store his equipment and operate the business. When he met with staff, he was interested in potentially doing a home business, however he felt the lack of being able to have signage or foot traffic was detrimental to the success of the business.

The Findlay Land Use Plan designates this site as residential. The request therefore goes against the Land Use Plan as adopted by the City of Findlay. Although the Findlay Land Use Plan is only one of our guiding criteria, deviation from the Plan is generally done under unique circumstances. In the case of this request, there are a variety of other concerns that suggest that deviation would not benefit the surrounding community. These concerns include: increased traffic, increase in use intensity, and extending commercial south into a residential neighborhood.

Staff Recommendation

Staff recommends that FCPC recommend **denial of APPLICATION FOR ZONING AMENDMENT #ZA-04-2023; filed by Shane Kelly to rezone 619 W. Foulke Avenue 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 **denial of APPLICATION FOR ZONING AMENDMENT #ZA-04-2023; filed by Shane Kelly to rezone 619 W. Foulke Avenue from R-3 Small Lot Residential to C-1 Local Commercial.**

DISCUSSION

Shane Kelly was present on behalf of the application. He spoke about how he wanted a structure to do the work and for customers to pick up orders. He noted that the location is between the University and the High School, so they have a fair amount of foot traffic. That given, he wanted to rezone to allow for the foot traffic.

Dan Clinger asked how big the structure would be. Mr. Kelly said it would be 14x40'. He asked if they would meet the setback. Erik Adkins said that he met with the applicant and that he believed that they would be able to fit it on the proposed location.

Mr. Clinger asked if he could clarify who owned the business and the lot. Mr. Kelly said he owned the business, and technically his son owns the house. They bought it together, but his son's name is on the deed.

Mr. DeArment asked about what was the fenced in area. Mr. Kelly said it was for his son's cats. He planned to get the structure as far back on the parcel to help keep it out of view of the neighbor. He had conversations with the neighbor and did not want to be impactful to them.

Matt Cordonnier said he was sympathetic towards the small business, but when we look purely at rezoning the parcel, the rezoning is permanent. The business could go away or the property ownership could change hands, and then the owner would be entitled to all that comes with being a C-1 district. The commercial is all on the north side of Foulke Avenue, and the University district is just to the east. Rob Martin echoed the concerns with rezoning, and wondered if we could operate the business in the existing garage without rezoning. Matt Cordonnier said they met with the applicant to discuss the project as a conditional use for a home occupation would be preferable than rezoning.

Mr. DeArment asked if the applicant would be willing to do the work in the structure but do the sales at a different location. Mr. Kelly said that is essentially, what he has been doing currently. He goes to vendor shows to sell his merchandise. He looked at the Findlay Village Mall, but missed the space to a competitor. For the sublimation process, he talked about how he has blanks and could easily print the design on a blank for a walk-up customer.

Erik Adkins said that ideally, home businesses does not have walk-up orders and he could not use the existing garage because it is attached to the house. He said they could put conditions on the type of customer traffic for the business.

Mr. Martin liked the discussion and it seems like there is a way forward. He felt that the rezone was not the best path forward, but wanted the staff to continue working to help get the project accomplished. The Mayor agreed, and offered to have staff help Mr. Kelly get in touch with the downtown business community to see if there might be a space appropriate for him to use.

MOTION

Rob Martin made a motion **for denial of APPLICATION FOR ZONING AMENDMENT #ZA-04-2023; filed by Shane Kelly to rezone 619 W. Foulke Avenue from R-3 Small Lot Residential to C-1 Local Commercial.**

2nd: Dan DeArment

VOTE: Yay (5) Nay (0) Abstain (0)

- **APPLICATION FOR SITE PLAN REVIEW #SP-16-2023 filed by Andek LLC to construct a 3-story 24-unit apartment building at parcel #600000302210 on W. McPherson Avenue.**

CPC STAFF

General Information

This request is located on the south side of W. McPherson Avenue just east of the intersection with Hurd Avenue. It is currently in the process of rezoning from O-1 Office/Institution to M-2 Multi-Family, High Density. It is in a neighborhood of R-1 Large Lot Residential. It was a part of the PUD for the Lake Cascades Park. It is not located within the 100-year flood plain.

Parcel History

The site is currently vacant.

Staff Analysis

The applicant would like to construct a three-story apartment building on the site. Staff received an updated site plan for the site as well as elevations for the building. The site plan shows a 3-story structure that can accommodate 24 single bedroom units. The units are above the minimum 500 sf in living space required in the M-2 district. In terms of lot size, 24 units exceeds the lot size ratio of one unit/3500 sf. They will need to request a variance from the BZA to increase from 16 units to 24. The applicant indicated that they wanted to stick to the 24 one-bedroom units, rather than higher bedroom counts because that would in theory increase the number of people in each unit. That would then increase the number of parking spaces that they would need for each unit.

In terms of the site layout, we have seen an update to the parking plan to accommodate the dead end parking turnarounds on the drive aisles. The parking lot itself can accommodate 41 parking

spots, with 2 being handicap accessible. This is below the minimum standard for M-2, which requires 2 parking spaces per dwelling unit and 1 per 5 units for visitor parking. The applicant indicated a reduction in total parking was derived from the idea that each unit was a single bedroom, so they would not require as much parking as a traditional development. This would need BZA approval.

The landscaping plan submitted meets the standards except that they were short 5 shrubs on the foundation plantings. Staff would like to see the 5 additional shrubs added to the site. On the east side of the site, they have indicated a privacy fence to screen the residential neighbor. This would drop down to a 40-foot long, 4-foot high fence all the way to the north property line. Staff would like to see the 4-foot high fence changed to decorative landscaping if possible.

Staff Recommendation

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-16-2023 filed by Andek LLC to construct a 3-story 24-unit apartment building at parcel #600000302210 on W. McPherson Avenue with the following condition:

- **Approval of the rezoning from O-1 Office/Institution to M-2 Multi-Family High Density.**
- **Variiances provided from the BZA to increase the allowed total units from 16 to 24 and the reduction in parking from 53 to 41.**

ENGINEERING

Access –

Site will be accessed from a new curb cut that is located on the east side of the site. The new curb cut will lead into a parking lot that will be used by the tenants for the proposed apartments.

Water Service –

The plans are proposing a domestic line to come off of the 10-inch waterline that is running N-S through the site. Due to the location of the water main the meter will most likely need to be placed inside of the building. Final location of the meter shall be determined with the City of Findlay Water Department.

Sanitary Service –

The sanitary service will be connected to the sanitary sewer that is running N-S through the site.

Stormwater Management –

The site plans are proposing a new detention pond to be located on the NW corner of the site and have met the detention requirements for the City.

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 site plans the applicant has provided a SWPPP plan for the site.

Recommendations:

Approval of the Site

The following permits may be required prior to construction:

- Sidewalk Permit x1
 - 50 FT
- Curb Cut Permit x1
 - 55 FT
- Street Opening Permit x1
- Water Service x1
- Sanitary Tap x1
- Storm Tap x1

FIRE PREVENTION

- Be sure to obtain all proper permits for construction
- Concerns regarding site accessibility for fire apparatus

RECOMMENDATION

CPC Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-16-2023 filed by Andek LLC to construct a 3-story 24-unit apartment building at parcel #600000302210 on W. McPherson Avenue with the following condition:

- **Approval of the rezoning from O-1 Office/Institution to M-2 Multi-Family High Density.**
- **Variance provided from the BZA to increase the allowed total units from 16 to 24 and the reduction in parking from 53 to 41.**

DISCUSSION

Dan Stone and Andrew Yates were present on behalf of the application. Dan Stone said that the first thing staff asked them to do was to look at flipping the parking lot entrance to the west side of the lot. Given the tower and easements on the site, they are trying to keep things away from that. If they switched the entrance to the west, the light from the driveway would have shined directly into the house across the street.

Mr. Stone said that he had no issues with the water connections or adding the 5 shrubs. He says that they have tried to address the neighbors' concerns as best as possible. He mentioned that Andrew Yates had gone to the neighbor to add the screening to avoid people looking into the

Mayor Muryn asked if the blue on the elevations was a royal blue or light blue. Mr. Yates said it was a darker, navy blue.

Jacob Mercer asked what the doors were on the east elevation. Mr. Yates said it was additional storage space for 10 of the units. These could house bicycles or decorations, etc.

Mr. Martin asked about the screening on the east side. Mr. Yates spoke to the neighbor directly to the east. He said that he wanted to have an 8-foot high fence as far as he could, then drop it to

a 4-foot high fence. This would be from setback to setback to go with the code. The neighbor had some recommendation on some plantings to put on the neighbors side of the wall to help with the screening since he had a horticulture degree.

Mr. Clinger asked Dan Stone if he could include the building outlines on the survey and site plans in the future. Mr. Stone said that they walk a fine line because they have had neighbors call the police on them if they are surveying things off the property.

Mr. Clinger suggested that there be a landscaping mound to help with screening the homes across the street. Mr. Stone said that they could do that and get a 2-foot high mound. Mr. Clinger asked if they could on the east side of the property too. Mr. Stone said that with the easement and the neighbors he was thinking that they could not accommodate. Mr. Kalb agreed and said he did not want fill on the easements where possible.

Mr. Clinger asked why the building outline did not match with the site plan. Mr. Stone said that the architect did not get them done in time to get them on the site plan. He knew the dimensions for the building to work with to give the CPC an idea of where it would be located. On the final plans, that will be updated.

Mr. Clinger asked if they would be elevating the building at all. Mr. Stone said that it would be right at grade.

Mr. Clinger just added that he felt unsure about the 3-story nature of the structure is the best, and that he wished they did not need to go get variances to meet the code. Mr. Yates said he understood but without the number of units, he did not think it would be economical.

Mayor Muryn asked to clarify that the entrances to the units are on the north side and the balconies are on the south side. Mr. Yates said that was correct and that it was mislabeled on the sheets.

Mayor Muryn said she thought this was the best-case scenario for the design on the site. She thought that it would be good to addressing a community need for housing, and that she thought it was better for the neighborhood to look at that rather than the telecommunication structure.

Mr. DeArment said that he was less excited about it. He said that he talked to some of the neighbors and that they felt it looked like a Red Roof Inn. He had concerns that the 1-bedroom units would lead to having a transient clientele. Mayor Muryn countered that when she and her husband were first married, that they would have liked an apartment setup like this. It is close enough to downtown and amenities that is affordable. She says that many young professionals end up going to Bowling Green or Perrysburg rather than pay of the units.

Mr. DeArment asked what the price point would be for the units. Mr. Yates said less than \$1000/month. Mr. DeArment asked why these would not attract transient clientele. Mayor

Muryn asked if he could really define transient. Mr. Yates said he understood the concerns, but that he has experience with another complex with one-bedroom units, and he is turning people away because they do not have enough availability. He says the demand for 1-bedroom units is there. Mr. DeArment asked why one-bedroom and not two or more bed apartments. Mr. Yates said personally, he is looking to add one-bedroom to his portfolio. He said these were higher end units, so when he has people looking for two bedrooms but could make due with a nicer one-bedroom, this would be an ideal location for them.

Mr. DeArment asked why they asked for the reduction in parking for the site. He said that he has another complex with a mix of one and two-bedroom apartments. He said it has less than proposed here, and always has several open spaces on the parking lot. Mr. Yates said that if it does become an issue, they could expand the parking lot to the west to accommodate additional parking. Mr. Yates said aesthetically he wanted to keep the trees on the site and the parking is situated so they could stay.

Matt Cordonnier added that he often thought that our parking standards need addressed in the code. He said other communities does parking based off the number of bedrooms rather than the number of units to give a more accurate number. He said we had reduced it from almost 3 spots/unit down to 2. In the future, he could foresee that changing.

Mr. DeArment asked if the dog park was fenced. Mr. Yates said it would be an aluminum or similar material to the railings and be about 4 feet high. He also added they might do a raised garden bed toward the southwest corner.

Grant Russel asked if they would connect the parking lot to the Lake Cascades bike path. Mr. Stone said that they did not show a connection. Mr. Yates said he had been in discussion with National Lime & Stone about it. They would like it to connect in the future, but they do not have it now.

Mr. Russel also asked if the dumpster could be moved away from the east side of the property. Mr. Stone said for maneuverability of the trucks, it had to go there. The enclosure would go all the way to the ground, so things cannot blow out of the dumpster to the neighbors.

MOTION

Mayor Muryn made a motion **to approve APPLICATION FOR SITE PLAN REVIEW #SP-16-2023 filed by Andek LLC to construct a 3-story 24-unit apartment building at parcel #600000302210 on W. McPherson Avenue with the following condition:**

- **Approval of the rezoning from O-1 Office/Institution to M-2 Multi-Family High Density.**
- **Variance provided from the BZA to increase the allowed total units from 16 to 24 and the reduction in parking from 53 to 41.**

2nd: Rob Martin

VOTE: Yay (4) Nay (1) Abstain (0)

3. 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 said that they have had five meetings, with over 7 hours of deliberation in public meetings on the changes. Matt Cordonnier said he received 25-30 emails regarding the changes, and had 3-4 in person meetings to discuss concerns. One of the big items that they received feedback was the farm animal regulations, so they did pull those out to get further attention to that item. They have talked to the OSU Farm Extension on that topic. She mentioned that Mr. Cordonnier had met with the Rental Association to review the changes with them.

She said that the next step for this group is to review the changes and get the language into a final form to recommend to City Council. For the process, they cannot be reviewed on the emergency clause and they cannot suspend any of the three mandatory readings.

Mayor Muryn asked if there were any changes from last month. After Mr., Cordonnier would go through the changes; they would allow committee members to ask questions or comments regarding anything.

Matt Cordonnier went over the changes. He removed the statement about the discretion for staff to send applications to CPC. He made it as if the change never existed.

Mr. Cordonnier added that Council members wanted a more robust notification process for the BZA, similar to the CPC process. He added the language from the CPC to the BZA section to address it.

For the height of silos, he noted that silos are exempt as well as church steeples in the code currently. He left it in as 60 feet height. He did add that there needs to be FAA approval to allow people to exceed 60 feet height but they need airport to review it first.

In the proposed Agriculture District, he thought about the limit on animals. To clarify, he said farm animal operations existing before getting zoned agriculture are grandfathered but they cannot be expanded. In addition, he reduced the allowed number from 50 to 25. The concern is when you have an annexation for a farm and down the line; they want to add a hog farm to the site. This way they can review the CPC conditional use review to protect the neighbors. Mayor Muryn asked if a hog farm would be separate. She thought in the Industrial district, we allowed them. Matt Cordonnier said that Industrial allowed animal slaughtering.

Mr. Cordonnier went on to add a few clarifying the front yard setback for infill development in M-1 and M-2 districts. This change would have them match the neighbors. Where an infill lot is a corner lot, the front yard depth shall equal the depth of the adjoining lot. Primary structures when in an existing residential neighborhood, must match the height of the existing neighborhood. That would err on the side of caution to match the neighborhood.

Dan DeArment said he had seven comments.

1. Section 1120.07 – Accessory building setbacks

He noted we are changing the structures from the setbacks above, but the accessories have less setbacks than the primary structure. He felt it was concerning because of the height of the accessory structures. Matt Cordonnier said that he liked that point. Traditionally in the residential district, you have the primary setback, which is greater, and the accessory structure is lesser, which are limited in size and height. In the Agriculture district, the structures should be greater in size, so he agreed. The Mayor said she agreed on it and wanted to note that in the minutes. Erik Adkins offered that they change the definition of what an accessory structure would be in the agriculture district to remove things like silos from consideration. Mayor Muryn said she liked them as accessory but that we just remove the accessory setback standards.

Grant Russel asked for clarification on today's meeting. He asked if the group was making redlines to the copy that was referred to CPC. Mayor Muryn confirmed that CPC would send the updated redline version with the recommended changes.

Mayor Muryn stated the CPC accepts the change for 1120.07 to meet the setback of 1120.04.

2. Section 1121.07 – Height requirements on Accessory Structures

Dan DeArment countered that his garage is above that height requirement. He thought carriage homes in older neighborhoods would be taller than that. He like the idea of having storage or additional office space above the garage. Erik Adkins said that would not be permitted for an office or additional bedroom. Mr. DeArment asked if we would be comfortable with higher heights for storage. Mr. Adkins said that several people have gone to BZA for taller garages, which safeguards from people abusing the additional height. Matt Cordonnier said that at times he thought 18 feet is actually too high. Mr. DeArment thought that maybe they should add a statement to have the accessory structure not exceed the height of the primary structure. Matt Cordonnier thought that would be appropriate. Erik Adkins said generally that if they asked for additional height and it is in harmony with the surrounding neighborhood, they grant the variance. If it would be significantly taller than the surrounding neighborhood, they have denied it. Mr. Martin asked if the statement was too restrictive and was it bad to have a 2-story garage for a ranch home. Mr. Cordonnier said he agreed with Dan DeArment. Mr. Cordonnier asked Mr. Clinger if a single story home was less than 18 ft. Mr. Clinger did not think that it happens too often. Mayor Muryn thought we should keep the language the same for now, so that the BZA has the flexibility to review things on a case-by-case basis.

Mayor Muryn said that they rejected the change and would keep the proposed change from HRPC.

3. Section 1135.03 – page 72

In C-2 General Commercial, he wanted to know if Borrow Pits should be allowed. Mr. Adkins said it was added because of the construction for I-75.

The CPC accepted the change to remove Borrow Pits from this section.

4. 1156.08- termination of Wind Energy

Mr. DeArment thought it would be a nightmare in the future to figure out who takes down the windmill. The language reads “and encumber the costs against the property”. He said that a financial insurance should be included to help take down the windmill. Mayor Muryn thought that might apply for a wind farm, but given the way, this is set up; the lien against the property is tied to a business. The energy has to have a primary user connected to the source. Mr. DeArment said he liked the differentiation. He asked if people could set up a wind farm. Matt Cordonnier said that was not permitted. Mr. DeArment asked about the difference between this and the solar energy section. It says the owner should provide financial security. He thought maybe the sentence could be added to the wind energy section. Matt Cordonnier said he goes back and forth on it. He said they do not make Wal-Mart put a bond on the building in case they go out of business. Mayor Muryn thought the language was okay and that there are some state standards on decommissioning.

The CPC accepted the language as presented and did not change the recommendation.

5. 1156.09 – solar panel location

Mr. DeArment asked if there were any restrictions on putting panels on the front side of the roof. He thought they might reconsider that. Mr. Cordonnier said that they are allowed on the front of the roof, but not ground mounted in the front yard. He said most communities are like that. Mr. Cordonnier said that for the past 5 years, that the City has permitted them without having a large influx. In the future, there might be complete roofs that are solar panels. We do have a statement that the solar panel can only deviate so much from the roofline. This is to protect neighbors from glare.

Mayor Muryn said she would be comfortable to remove them from the front roof mounting and allow them to go to the BZA for approval. Jackie Schroeder asked if they get complaints about front roof mounted solar panels. Erik Adkins said he has not received many. He could compile a list of where they exist for the members to investigate. He added that the panels have to be flat to the roof and that eliminates many of the issues.

The CPC agreed to add that front roof mounting should be avoided when possible.

6. 1161.01.01 – item A2

Mr. DeArment wanted to add sauna's to the list.

The CPC agreed that addition to the list

Grant Russel asked for the CPC to look at 1161.11.03 Letter D – Parking in M-1 and M-2. He noted that the exclusion only applies to visitor parking spaces. He thought it was confusing as written. He thought it should just be added to Letter C Visitor Parking spaces.

CPC agreed with the change.

He added that he would like to address parking standards in 2024.

7. Dan DeArment’s last item: 1161.15.1 – General Standards, Letter A

He said that the section reads that approved conditional uses are for one year. He asked if that was right. Mayor Muryn said that was the timeline to comply with the conditions. If they do not meet the conditions, they would not be an approved conditional use any longer. Matt Cordonnier said that conditional uses have to be met, and would not be allowed to wait 5 years to establish the conditional use. Mr. Cordonnier went on to say that the Conditional Use section used to be the junk drawer of the code. There was a list of conditional uses, and the conditions for approval. If the CPC had additional conditions for the conditional uses, it became a gray area. The land use lawyer, Jeff Stopar, who helped HRPC make recommendations, said Conditional Uses should be reviewed against the seven items from the Ohio Supreme Court, and not the conditions listed in the code.

Mayor Muryn went back to Mr. DeArment’s comment, to say item 1 should be moved to item four, and clarify that if substantial progress has not been made, then they have 1 year to comply with the conditions for approval.

The CPC agreed to the change to move that first statement to item four and clarify about the expiration of the approval.

The Mayor just wanted to thank staff for all the time and effort put in to the updates. Matt Cordonnier added zoning codes are living documents and that they are updated periodically. Although it is a repeal and replace, it was an appropriate time to update the code holistically.

MOTION

Mayor Muryn made a motion **approve 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 and recommend staff make those adjustments.**

2nd: Dan DeArment

VOTE: Yay (5) Nay (0) Abstain (0)

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