

# City of Findlay City Planning Commission

Thursday, March 13, 2014 - 9:00 AM  
Municipal Building, Council Chambers

## Minutes

(Staff Report Comments from the meeting are incorporated into the minutes in lighter text. Actual minutes begin with the DISCUSSION Section for each item)

### **MEMBERS PRESENT:**

Lydia Mihalik  
Paul Schmelzer  
Thom Hershey  
Dan Clinger  
Joe Opperman

### **STAFF ATTENDING:**

Judy Scrimshaw, HRPC Staff  
Matt Pickett, FFD  
Matt Cordonnier, HRPC Director  
Steve Wilson, City Engineer  
Todd Richard, Zoning Inspector  
Don Rasmussen, Law Director

### **GUESTS:**

Dan Stone, Don Malarky, Paul Smith, Tom Roach, Grant Russel, Emerson Focht, Andrew Wagner, Lou Wilin, David Moore, 3 others

### **CALL TO ORDER**

### **ROLL CALL**

The following members were present:

Lydia Mihalik  
Paul Schmelzer  
Thom Hershey  
Dan Clinger  
Joe Opperman

### **SWEARING IN**

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

### **APPROVAL OF MINUTES**

Dan Clinger noted a few corrections to be made to the minutes. Corrections will be made. Thom Hershey made a motion to approve the minutes as corrected of the February 13, 2014 meeting. Dan Clinger seconded. Motion to accept carried 5-0

## **NEW ITEMS**

**1. APPLICATION TO RE-ESTABLISH A CONDITIONAL USE #CU-01-2014** filed by ROSI Enterprises, 211 E. Front Street, Findlay to obtain an **extension in order to construct a triplex at 518 Liberty Street.**

### **HRPC**

#### **General Information**

This request is located on the west side of Liberty Street just south of the first east/west alley south of W. Sandusky Street. The parcel is zoned R-3 Single Family High Density. Land to the south, east and west is also zoned R-3. Land to the north is zoned C-1 Local Commercial. The Street and a portion of the front yard are within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Small Lot.

#### **Parcel History**

This lot was formerly the site of an older dwelling that had been converted into a triplex.

#### **Staff Analysis**

The applicant states in their letter that this property sustained major damage from a fire in late July, 2012 and was subsequently demolished. A garage still remains on the property. Todd Richard had notified the owner regarding his options to rebuild the property. The owner at the time has passed away and his heirs sold the land to ROSI Enterprises on May 31, 2013 along with three (3) other properties. The current owner states that those details regarding the Liberty Street property were not conveyed to them at the closing. He only knew that the code that the Auditor's office had on the property was for a multi-family use. (The codes used by the County Auditor do not reflect zoning districts) He was informed by Todd Richard in January, 2014 that the legal non-conforming use as a triplex would expire on July 29, 2014 (2 years after the date of the fire) if a new structure was not completed by that date.

Technically, the property is still considered as legal non-conforming. HRPC Staff questions whether it is even appropriate to be asking for something at this time since the owner is still in conformance. We would prefer that the applicant request be considered once he is out of compliance.

### **ENGINEERING**

No comment

### **FIRE PREVENTION**

No Comment

### **STAFF RECOMMENDATION**

**Staff recommends no action as the property is still in compliance with the code at this time.**

### **DISCUSSION**

Thom Hershey asked the applicant what his plans were for the property. Mr. Roach stated that he would like to put a multi-family unit back on the lot. He stated that when they purchased it they were under the understanding that it was zoned for 4-19 units. Knowing that there was a triplex there that had burned, at a minimum they would like to put a triplex back or possibly a quad.

Mr. Hershey asked what the timeframe for that would be. Mr. Roach replied that he got the letter in January, 2014 that said it needed to be complete by August which is not feasible. He would like at least 2 years.

Joe Opperman asked what his plans are now. Mr. Roach responded that he would like to build either a triplex or a quad if he is permitted. Mr. Opperman asked what made him think that he could do that when he bought it. Mr. Roach replied that because it was already zoned for 4-19 when he bought it and the triplex had just burned the previous year. Judy Scrimshaw stated that what he saw on the Auditor's records was not zoning. The Auditor has codes they use that say that they are taxing it as a multi-unit dwelling. It has nothing to do with zoning.

Mr. Roach stated that he was not aware of that. He owns a quad catty corner across the alley and there are other multi-family homes across the alley. He just assumed by buying the property in the package that he could make it a multi-family again.

Joe Opperman stated that there are single family properties all around this. Tom Roach replied that there is a quad he owns catty corner across the alley. There is a duplex next to it and there is a multi-family across the alley. It is surrounded by multi-families.

Dan Clinger commented that to the north everything along Sandusky Street if single family, correct? Tom Roach stated that directly north is Open Arms and a lot of businesses he thinks. J. Scrimshaw stated that she believes that there is some single family on the other side of Liberty Street. The neighborhood is a mix as are most of the older areas of town.

Tom Hershey asked what the parking requirements would be for a multi-family unit here. Judy Scrimshaw stated that that may be an issue here. The owner needs to provide 2 parking spaces per unit. He would need at least six for a triplex. Mr. Roach stated that there is a 3 car garage at the rear of the lot. Ms. Scrimshaw replied that then he would need at least 3 other spaces off street parking spaces on the lot to meet the requirement for a triplex. The lot is only 38 ½ feet wide. Mr. Roach stated that he has already looked at plans to do that. Ms. Scrimshaw stated that she is just not sure how much he can fit there.

Dan Clinger asked if when he is looking at plans, is it a structure that will blend in with the fabric of that area. Mr. Roach stated that it will blend in and improve the area. He would be going for Marathon type renters – a higher end rental. Dan Clinger stated that he would rather not see something in there that is a modern ranch unit. He would rather see something that would blend in with the two story structures.

Todd Richard reported that the actual requirement for a multi-family unit is 2 ½ spaces per unit. So that would mean eight (8) spaces for a triplex.

Paul Schmelzer asked Mr. Rasmussen to assume that he started the structure now, because he still is in a window where this structure would be permitted. He has until July 29. He is saying while he recognizes that this window exists, he knows that there is no way it could be completed by that date. HRPC is saying why are you asking for something when you're not out of compliance at this point. I'm assuming he doesn't want to start a structure and then not be permitted to occupy it. If he started the construction while he's in compliance where does planning commission stand with regard to denying that after it's initiated? Mr. Rasmussen replied that that's the issue. He would have to be permitted to extend the building permit. You

have two issues here. It is not timely because he can start but not get it done. Once you get a building permit it is supposed to be completed in a year and so it might even be an issue to have to extend the building permit. There has to be approval to put it back in the first place. He asked Mr. Roach if he intends to start construction before August. Mr. Roach replied that that is why he is here. He wants to see what his options are. He has worked on the garage. It's in good condition and he paid to keep the lot mowed all of last year. But he was not aware until January that he had to build on it. We are accumulating properties right now. It's not on the top of his agenda.

Mr. Schmelzer asked Todd Richard if he had anything to add to that as far as how the code is interpreted. Let's say he put in the foundation for his triplex. Mr. Richard replied that basically the permit is good for one year after we issue it. In this case completion and occupancy are required within the year after issuing. Paul Schmelzer then stated, "If I understand correctly that he could apply for a permit on July 28, be in compliance with the permit at that time and have a year to complete it and still have his nonconformity." Todd Richard answered, "I think that's fair and I think if he had gotten the permit on the date in the letter I think it would be fair to extend that for one year." If it is not completed at that time he would have to go to Council and asked to reestablish the non-conforming use.

Paul Schmelzer responded that from his perspective, this is where we are at. Mr. Roach replied, "Generally you get two years to rebuild, is that correct? Mr. Schmelzer stated yes, but here's the situation in his opinion and legal can correct this if it is wrong. We can't be responsible for the poor information that someone received from the person that sold them the property. If we were to bend the rules for every buyer that got poor information we would be doing this all day. We understand what your situation is and wish that we wouldn't be setting a precedent by granting that to you. But unfortunately we feel that we would be doing so. It looks to me like you can apply for a permit by the end of July or whatever date is on the letter and have a year to get it done.

Todd Richard stated that one other option may be to go through BZA and ask then to extend the permit life. There is a case like that coming up tonight. Mr. Schmelzer asked if that would be subsequent to his application for and approval of the permit. Todd Richard replied yes, we can do that. Mr. Schmelzer stated that he does not have a permit now and if he understands correctly, he will need to apply, have the permit approved, then go to BZA and ask for an extension. Mr. Richard replied yes he thinks that would be a possible resolution to his issue here.

Don Rasmussen responded that the way he interprets the code is that the use has to be re-established within the two year period. So it should have been constructed by that date. You have a somewhat different circumstance here. You are doing something for him realizing the situation. It should have been re-established within that 2 year period. Mr. Schmelzer asked what defines establishment of the use. Mr. Rasmussen replied construction and occupancy. Todd Richard commented that that is what his letter had stated. It had to be constructed and occupied as a three (3) family unit by that deadline. Which was rather unrealistic in this case.

Don Rasmussen asked why would he start something tomorrow with a permit. Mr. Richard and he had talked about a couple of situations. Perhaps the timing is bad because he's not in compliance now. But he still is not going to do anything because he doesn't have any assurance from the City that he can do something with it, so we talked about extending the time to construct. But, we thought in fairness perhaps the best thing was that he obtain the permit soon

to encourage him to complete construction as soon as possible so we are not extending the time two years past the two year limit. Maybe we would be extending it six (6) or seven (7) months past the time limit.

P. Schmelzer asked if the BZA is the body to allow an extension of the permit. Todd Richard replied yes, he believes so. It is stated in the code how long a permit can be in effect and he thinks only the BZA can relieve that timeline. Mr. Schmelzer replied that it appears to him that this body needs to take no action on this item. The applicant needs to apply for his permit as soon as practical and get on the agenda for BZA.

Lydia Mihalik asked what would happen after he decides that he can't get the job done. Say he applies for a permit in July and so the extension of the permit would occur after it appears that he is not going to start construction on the permit?

P. Schmelzer stated that the only issue with that is if he waited until then to apply and it was denied he would have absolutely no time to do anything. So he would recommend that he apply say tomorrow, and get in front of BZA as soon as possible.

Tom Roach asked how long of an extension he could ask for. Todd Richard replied that that is up to the BZA. They can place conditions on the like of the permit.

Don Clinger said that the letter stated he had to be constructed and occupied by that date. Can we as Planning Commission extend that date? Mr. Schmelzer stated he was deferring to Todd and Don. If they are telling me the BZA is the appropriate body I don't see any action for us to take.

Thom Hershey responded that his concern here is when the applicant actually has any plans to construct on this site. We're giving him an out to get a building permit and possibly an extension on that. With the permit he has a year to build and he's immediately saying can I extend that. That indicates to him that he has no intention of building for at least a year or more. So he asked the applicant again what his plans are for a date to start construction on this site.

Mr. Roach said that obviously he would like as long as possible because he has a lot to do. He doesn't have a builder lined up, he's done some research but it takes time. The more time the better so he's not caught halfway built and then out of compliance. He doesn't know what would happen at that point. Obviously he would like as much time as he can get. He was hoping to get two (2) years. Thom Hershey replied that he didn't think that was practical.

Paul Schmelzer said he thinks that will be weighed at the BZA. With the BZA you get the public notices. Adjoiners will be notified and you can make the case at that point with regard to how long you'd like to see it extended.

Thom Hershey stated that he thinks what we have here is two issues. On one issue the applicant is asking to extend the life of a building permit. And the separate issue is the non-conforming use expiring in July of this year. The BZA doesn't cover that topic.

Matt Cordonnier replied that the suggested route is saying that by pulling a building permit you are establishing the use. He argues against that. Pulling the permit does not establish a use so he agrees with Thom that there are still two issues.

Paul Schmelzer asked if pulling a permit establishes a use or not. Don Rasmussen replied no, construction and occupancy do.

### **MOTION**

Paul Schmelzer made a **motion to recommend to Council that we extend the conditional use pending a decision from the BZA. It will extend for whatever time the BZA would extend the permit.** The applicant has to start somewhere

2<sup>nd</sup>: Joe Opperman

### **FURTHER DISCUSSION**

Thom Hershey stated that he thinks what this does is just make it open ended and we're just passing the baton along to BZA. Paul Schmelzer replied that that is exactly what he is doing. If the BZA grants a year extension then my motion is in compliance with that decision.

Mr. Hershey said, "So he made a bad business decision by buying a property without checking the zoning on it and we're going to bend over backwards to fix it for him."

Paul Schmelzer stated that what he is saying is the BZA will ultimately make that decision and in lieu of denying at this point he is willing to let the neighbors make that decision at BZA. Judy Scrimshaw replied that actually Council gets to make that decision on this. We are making a recommendation to them at this point.

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

**Mayor Mihalik read in case #2 on the agenda. Paul Schmelzer asked to rearrange the agenda at this point and move to item #5 first so we could look at the big picture before we get into the specifics. The Commission agreed.**

**5. APPLICATION FOR SPECIAL REVIEW #SR-01-2014** filed by Marathon Petroleum Company, LP, 539 S. Main Street **overall conceptual plan for the Marathon Campus.**

### **HRPC**

#### **General Information**

This plan encompasses an area generally bounded by S. Main Street on the west, E. Sandusky Street on the north, East Street on the east and E. Lincoln Street on the south. The block on the southeast corner of S. Main Street and E. Sandusky Street is not a part of the plan. The area is zoned C-3 Downtown Commercial. To the north and west is also zoned C-3. To the south and east is zoned C-2 General Commercial. A small portion of the area in the northeast part of the site is within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Downtown.

#### **Parcel History**

This is the current site of Marathon Petroleum offices, parking lots and accessory structures.

#### **Staff Analysis**

This plan is provided by Marathon as an overall concept for the eventual development of their campus.

The plan shows 120,000 square feet of new office space on the south side of Hardin Street. There is also a new parking garage south of the office building to accommodate 1200 cars. Portions of the existing surface parking will remain in place.

Also indicated on this portion of the plan is a proposed hotel at the corner of S. Main Street and E. Lincoln Street. Some new green space is shown north of the hotel at the corner of S. Main Street and E. Hardin Street.

There are no changes proposed to the existing buildings along the north side of E. Hardin Street. Another parking garage is shown on the south side of E. Sandusky Street between Beech Avenue and East Street. The site plan for this garage is the next item on today's agenda. A new service building is indicated on the east side of Beech Avenue.

Overhead walkways will connect various buildings to each other around the campus. The elimination of large expanses of surface parking lots will improve the aesthetics of the site and eliminate various existing drive cuts on Sandusky Street and Lincoln Street.

HRPC supports the conceptual plan as presented.

#### **ENGINEERING**

No issues with the overall concept. Existing sewer and waterline capacities should be adequate to serve the proposed uses.

#### **FIRE PREVENTION**

No Comment

#### **DISCUSSION**

Steve Wilson commented that since we are talking about the overall concept, he would make some comments on utilities in the area.

There is an existing water line in the north/south alley behind the old Elks building that we propose to be eliminated. It's an older line and not really of use anymore. There is a water line on Hardin Street that runs from Main Street to East Street. We guess it is about 100 years old so we would recommend that that line be replaced. If Marathon does develop this street as a plaza we are not in there repairing the line soon. It is currently probably a six (6) inch line. We will evaluate whether we need to make it little larger.

The sanitary sewers in the area are all sufficient size to handle any of the flow coming from the proposed uses. They are older sewers but rather than physically replace them, we'll probably look at relining the sewers in the future. If they did deteriorate, it's a much more effective option than digging up the street to replace.

As far as an overall concept we really don't have any issues. We'll just need to work out the details with the infrastructure as the plans further develop.

Paul Schmelzer asked if the Marathon folks could talk a little about their plans for phasing.

Don Malarky introduced himself and Paul Smith (both representatives of Marathon) and Dan Stone of Van Horn Hoover Associates.

Mr. Malarky stated that while they have had some publication and press releases associate with the master plan, he thought it would be helpful to walk through this with some detail. They will be before the Commission several times as they progress with the plan.

Mr. Schmelzer asked if he could interrupt quickly and ask a technical question. He asked if it would be okay for the committee to ask questions regarding other items on the agenda during the discussion. He knows that they need a separate action on each item but since it is all related, he assumes that the decisions on the street and alley vacations will affect their plans and vice versa. Mr. Malarky replied that he is very comfortable with that process.

He stated that this is what they call a “fast track” process. They are doing conceptual work, designs, permitting, detailed designs and ultimately construction of various components over the course of the next two (2) years. They thought it would be helpful to walk through a concept plan as they will be coming back again and again for each of the components as they are developed. One they will talk about today is the first component of the Sandusky Street garage in the northeast corner of the site.

The Company’s conceptual plan as has been communicated is a 120,000 square foot office building located immediately across the street from the existing Marathon building. There is also a 45,000 square foot service building which is really a part storage/warehouse, service operation for the complex as well as some office space on the upper floors. This will be a three (3) level structure. They will move mail services, graphic services. There will be a loading dock for truck deliveries into the service building.

The parking garage they will talk about today at Sandusky and East Streets is an 800 car garage. A 1200 car garage is also planned that will span over Beech Avenue.

In the future they are working to issue a request for proposals to work with a hotel operator to develop, construct, and operate a hotel at the facility. Marathon would not necessarily be the owner. They would own the ground but it would be a part of an outside entity.

They have greatly enhanced green spaces around the campus. The location of the former Elks building is a large green space and they will be doing a number of streetscape projects and other elements throughout.

Don Malarky stated that a major part of the plan is the “campus” idea. They have reiterated their issues with available parking, their growth and office space needs. Another important element is the safety and security of the employees. So when they turn this into more of a “campus” feel, having facilities on the other side of Hardin Street, things that are spanning Beech Avenue, we want to have an environment that is safe for our employees to navigate around the facility. So that is part of the concept for us in requesting the vacation of Hardin Street, Beech Avenue and the alleyway between Lincoln and Hardin Streets. Some of the Marathon green area will absorb some of the vacated areas.

While Beech and Hardin may be vacated, they intend to keep them open. They will really function more as driveways for them. When you look at Hardin Street for example, that will be the front entry to the Marathon complex. Visitors will enter here and visitor parking will be there. It will be important for employees to be able to drop off in front of the buildings. This will serve as access to the Avis facility here. It will still serve as a throughway but they will



greatly restrict the width of the street. The curbs will be pulled in, there will be streetscape elements put in and create a plaza area between the new office building and the Marathon building. They want to really slow the traffic down and make it more of a driveway type use.

As far as Beech Avenue is concerned it will remain an open thoroughfare. But when you look at it, it really is a service street for Marathon. There will be an executive garage, loading dock and access coming out of the new parking garage. So it really serves as more of a functional service type street for them. But again they want to slow traffic down and make it safer for employees and visitors to navigate.

The last section will be a service drive for the future hotel. Ultimately they may end up wrapping it around and connecting it into Beech Avenue just so they have service to the existing office building as well. Mr. Malarky stated that this is a concept plan and as they continue to navigate through the individual components along the way, they will continue to refine some of the specific details.

As far as phasing goes, they are focusing this year on the north campus. We have the site plan today for the parking garage. They want to start that first. The Service building is also planned to start this year. Both are targeted to finish early 2015. The office building and parking garage may possibly start late third or fourth quarter. Of course, one of our concerns is parking. We have 1900 employees that we have to be sure to maintain parking facilities for them. We've made arrangements with off-site capability to do that. When we start taking away existing parking that puts a strain on our plans so we have to be sure we can manage that appropriately.

The hotel phase is dependent on the ability to negotiate a commercial arrangement with the developer. The goal is to have that complete in early 2016.

The last think to point is as we start to change this "block" so to speak, a number of things are going to change on the perimeter streets. We have existing surface parking scattered all about. If you've ever been down there the exits and entryways to that surface parking come from multiple locations. There are dozens of them. So as we go to the garage interior type parking lot many of those curb cuts and street elements are going to change. All these curb cuts along Sandusky Street are going away. So there will just be two entry points at the east and west end of the garage. As you look at the area on Lincoln Street there are also a number of existing points. There will be a few that remain. There will be some driveway configurations associated with the hotel. That will be determined we progress with discussion with a hotel operator. So there are a number of street related items that will be impacted by all of this. Some on street parking may go away and some may be added. We'll just continue to navigate around that on the site plan over time.

Mr. Schmelzer stated that it is fair to say that what you would like from us today is some feedback on the overall concept to give you guidance on coming back with those items. He thanked Don Malarky for bringing up the point about all the access points. We have to take a look at the street vacations from a safety point of view as well. It's pretty much a non-stop goal of this Commission over the years to limit the number of access points to increase safety related to public right-of-way. He feels this plan accomplishes that in a significant fashion. He also stated that he thinks that in large part, Beech Avenue and Hardin Street function as though they are part of the campus today. Unless he is visiting Marathon, he typically doesn't use Hardin Street as a pass through because of the large number of pedestrians that utilize it and the crosswalks that are there today. He stated that in talks with Marathon regarding Hardin Street,

the intent is not to close it off because they want that street to be the front door of their campus. When they do make modifications to it for streetscape, changes in pavement type that is something that the City is not interested in maintaining. If it deviates from our standard we aren't going to be responsible for any increased cost in maintenance. Outside of any street maintenance, this pipeline facility as it relates to your main campus and the connection and parking garage are all fit together. So, if this body decided they didn't want to vacate say Beech Avenue, the parking garage would have to move over to the east. How do you provide connectivity between the parking garage, a hotel, your main office and then a connection to the main building then? He stated he felt confident based on the iterations that they have thought about those processes. He also stated that he knew the City would not want to maintain anything under a parking garage.

Don Malarky responded that as far as the location of a corporate office is concerned it is really centrally located to the complex. You can see that when you look at where it is in relation to the existing Marathon building and the corridor that will connect it with the bridge across Hardin into the 3<sup>rd</sup> floor. The 3<sup>rd</sup> floor within Marathon is a central gathering point for Marathon so it really makes sense as far as connectivity. Second of all, from the standpoint of being our corporate headquarters for MPLX having a stand-alone separate building, one of the things that was considered is whether that should be located in Findlay or another location. Other states were actively soliciting Marathon for that headquarters for MPLX. With the commitment of the City, State, and Corps of Engineers for progressing with flood control and those types of measures, Mr. Heminger agreed that he was committed to stay in Findlay and this new office would be located here. If any of that starts to change, then this could change as well. This is a dynamic plan but at this point our intent is to go forward with it under that understanding.

As far as the garage, the initial concept was to have two garages, one on each side of Beech but we thought it would be better visually and aesthetically for the Lincoln Street side to have more of a setback and green area. In addition to that it could create some opportunity for another type of development in the future if we ever wanted to explore that. But certainly at this point they thought the green space would be better.

Dan Clinger stated that Marathon is adding 2000 parking spaces with the garages. He asked what they are displacing with the new construction and how many they would use up.

Mr. Malarky replied that there is a net gain of 1000. Mr. Clinger pointed out that they will still have some surface parking along East Street. He said he assumes that there should be ample parking for all the employees then and we had discussed access points earlier. They will reduce a few on Lincoln Street and that is desirable because Lincoln could become more of a truck route or traffic could increase there with a proposed downtown streetscape. He would like to see the surface parking have an internal loop so you don't have to go back out onto the street to get to another parking lane. If they gain that many spaces they should be able to give up a few for this.

Don Malarky responded that you may think so but that's not the case. They have actually mapped out the number of spaces they need through the garage and actual surface parking. When they look at where their growth pattern is going to be while they may have a few extra spots today, the forecast for growth in coming years is such that they will need all 2500 spots in some fashion. Whether it's for sub-contractor work, employees, or bringing people from off-site locations back to the campus. Right now they need every spot they have available within the plan. So to go to interior movement, they would actually be losing spots. They would have to look and see just how many spots they would actually lose as a result of that.

Mr. Clinger replied that he wouldn't be quite so concerned on Hardin Street since that will be their campus side. But on Lincoln Street it becomes important. As he views it, they might lose 12 spaces potentially. Mr. Malarky replied that they would have to look at it. There are eight (8) rows of parking through there.

Mr. Schmelzer replied that that is certainly a good comment today for the conceptual plan. When they come back with the site plan for the other garage we can look at that.

Dan Stone stated that that is exactly why they presented this to try and get those ideas from all of you so they wouldn't come in later and have it to have a two hour discussion.

Dan Clinger stated also that the parking garage is strictly drive under he thinks. There is not access from there. Mr. Malarky replied that they haven't fully designed that garage yet. Of all the components it is probably pretty low on the list of developed design. Some of the initial concepts were to have an entry point off of Beech. Because you have two separate towers on each side of Beech with a couple of stories before it bridges across. The initial concept is to be able to access off of Beech.

Paul Schmelzer commented that he thought it's a well thought out plan and the City certainly appreciates Marathon's potential investment. Lydia Mihalik replied that she appreciates all the thought that's going into this plan. Overall architecturally this will be beautiful and will enhance the area. She thinks they are being sensitive to the business owners and the neighborhood. And she stated she could not think of a better neighbor. Thanks to Marathon for taking all of that into consideration.

Mr. Malarky replied that this will greatly change traffic flow patterns around the area. They have been working very closely with the city's traffic engineers to make sure that they don't have a negative impact. Hopefully they will have a positive impact on traffic around the area.

Mr. Schmelzer then asked if we had the slides to show the concept for the parking garage. He thought it might be a fair point to show people that this is not your typical parking garage. We appreciate the dollars that are going to be spent to make it look atypical.

Mayor Mihalik then asked to go to the Site Plan Item #6 on the agenda.

**6. SITE PLAN REVIEW APPLICATION #SP-04-2014** filed by Marathon Petroleum Company, LP, 539 S. Main Street for a **multi-level parking garage to be located on E. Sandusky Street.**

**HRPC**

**General Information**

This project is located on the south side of E. Sandusky Street between Beech Avenue and East Street. The site is zoned C-3 Downtown Commercial. Land to the north, south and west is also zoned C-3. To the east is zoned C-2 General Commercial. Portions of the frontage on E. Sandusky Street are in the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Downtown.

**Parcel History**

The project area is currently a large surface parking lot.

### **Staff Analysis**

The applicant is proposing to construct a five (5) level parking garage which will accommodate 800 cars. The C-3 District does not have any setbacks. Buildings can be constructed up to the property lines. There are also no maximum height restrictions in C-3.

There are currently (8) curb cuts onto E. Sandusky Street, plus one each onto Beech Avenue and East Street that serve the surface parking lots. The proposed garage will limit access to one point on Beech Avenue and one on East Street. Improvements to East Street will provide for a left turn lane onto Sandusky Street and an extra lane headed south from Sandusky Street for vehicles to pull over to enter the garage. Beech Street is being vacated but will be improved to provide three (3) lanes with two-way traffic and an added turn lane.

An overhead walkway is shown on the south side of the building to connect the garage with Marathon's Marketing building. Another overhead walkway will connect the west side of the building in the future to a new Service building.

A landscape plan submitted with the application shows street trees along the Sandusky and East Street sides. There are also foundation plantings with a mix of evergreen and deciduous shrubs.

The building itself is aesthetically pleasing as it will look more like an office building than a garage structure.

### **Staff Recommendation**

HRPC Staff recommends approval of the plan.

### **ENGINEERING**

Access – Ingress and egress to the garage proposed at East St and Beech St is adequate. Beech St will revert to 2-way traffic from existing one-way south. Widening of the intersections of Beech onto Sandusky and East onto Sandusky is appropriate to accommodate proposed traffic flow.

Water & Sanitary Sewer – an existing ¾" water service will be used to provide water to hose bibs in the garage. Sanitary sewer connection is not proposed and is not required.

Stormwater Management – existing site is 100% impervious so detention is not required. An existing 42" storm sewer follows the north/south alley through the middle of the site and will need to be re-routed around the proposed garage. The submitted plan shows the re-route going to the east; after discussion with City staff, it may be better served to go west to Beech Street. A firm decision on the location of the re-route will be made before permits are issued. An underground StormTech storage chamber is proposed to balance the site for flood plain management requirements.

Sidewalks – replacement of all existing sidewalks is proposed as part of the construction.

Recommendation: Approval of the plan subject to final decision on re-route of 42" storm sewer.

The following permits will be required prior to construction:

- Water permit for reconnection of ¾" service
- An approved Stormwater Pollution Prevention Plan

### **FIRE PREVENTION**

Discussions have been ongoing and all issues have been addressed at this time (FIRE)

### **STAFF RECOMMENDATION**

Staff recommends approval of **SITE PLAN REVIEW APPLICATION #SP-04-2014** for the **Marathon multi-level parking garage to be located on E. Sandusky Street subject to the following condition:**

- Final decision on the re-route of the 42" storm sewer (ENG)

### **DISCUSSION**

Tom Hershey asked when a street is vacated is it Marathon's responsibility for maintenance plowing etc. The engineer mentions adding a lane to Beech Street. Does the city have to add that or does Marathon? Paul Smith replied that they will be adding and maintaining those. This adds to the safety of our employees particularly in a year like this. We had a lot of challenges and if we could control it we can manage it a lot better.

Paul Schmelzer stated that to expand on that question as it relates to the other items, Tom, there are no public dollars going to any infrastructure improvements that will be on private property.

Dan Clinger stated that we are adding width to East Street on the south side of Sandusky. It looks like there is a turn lane on the north side of Sandusky Street also. Will that be something that the City is going to do?

Paul Schmelzer replied that in part the City is looking at using CRA dollars as well as some of the other funding opportunities were looking at to make improvements to East St., Sandusky and Main Street. It has already been talked about. Blanchard Street is another potential project. The list goes on and on. Those are all improvements in public right of way.

Dan Stone replied that they been working with Paul on coordination of what the City plans to do in relation to Marathon's plans. It's an ongoing process of discussion between the private and the public sector so that one doesn't conflict with the other.

Paul asked the clients if they had any idea what kind of cost the Storm Tech system would be. He knows that they are not inexpensive. Paul Smith stated that he didn't know if he could comment on that today. It's in the overall plans.

Paul Schmelzer stated that it's another example from an aesthetic point of view. There are different approaches they could've taken to address the floodplain. This is probably the most expensive. Another example of a well thought out the plan is by Marathon.

Emerson Focht asked to address the commission. Mr. Focht owns the building at 301 E. Sandusky across from the site. They have 12 to 15 parking spots and it gets crowded sometimes with traffic from there. There's an alley that they use to pull in. Marathon's parking entrance/exit right across the street may be an absolute zoo at certain times of day. He's asking for some consideration. He states he loves what's going on here. There is a traffic light right here and sometimes when they want to get out of that there are lots of people coming out of lots across the street and it really jams up the area. When there was a train accident recently it was a

real mess. Several times a day it could be very crowded. You'll have possibly 800 car's coming out at 430 to 5:00 and we don't have that many cars coming out of there now. We have to wait a lot of times which is okay because they can come from the corner of Hardin and come that way also. I would just ask that you give consideration to the possibility of another exit. Sandusky Street is extremely busy. I believe it's a state route. Since we don't know what's going to take place downtown with the possible changes there it could create a real problem. So we just ask for consideration on that. We remodeled our building so we are happy with our location. We just don't want it to get jammed up so bad that no one can get in or out.

Mr. Schmelzer asked Don Malarky to address the schedule question for Mr. Focht. Mr. Schmelzer told Mr. Focht that he would be happy to keep in touch with him on the improvements for the intersection. These should help with the traffic flow as well.

Don Malarky pointed out the location of Mr. Focht's building and parking on the map. He stated that they have done studies with respect to the employees coming to and leaving work. They tried to map that out in regard to the peak travel times. They do not operate like a factory where a whistle blows and 800 cars will be leaving at the same time. They see a "ramp up" starting between 4:30 and 5:00. And it rides kind of a wave crest over about 1 ½ to 2 hours. What they envision as far as traffic patterns for employees leaving this garage is that they are probably going to want to go out on the Beech Avenue side and make a right turn onto Sandusky to go east. They don't see a lot of left turn movements coming out of the garage onto East Street because the stacking room is not great there. They feel that most of the people coming out at that end will have a tendency to turn right and go south. He is sure some will still want to try to navigate that turn. They envision more of the employees that want to go west turning south and going around the block to a path of less resistance if they do come out that side rather than waiting to try to make the left turn.

Paul Schmelzer asked if the intent of the traffic engineers by adding the left turn lane was so the right turn can be more continuous for traffic at the light. Mr. Malarky replied, "Absolutely."

Matt Cordonnier stated that currently there are eight (8) or nine (9) exits onto Sandusky. In urban planning we always want the backups to be on private property and not on public streets. He foresees in this situation that if there is a backup of people leaving they are going to be backed up on the Marathon property waiting to get onto the public streets. Yes, there will be increased traffic, but this will be a much more controlled situation. People waiting to get access to Sandusky or other streets will be queued up on Marathon's property rather than the City streets.

### **MOTION**

Thom Hershey made a **motion to approve SITE PLAN APPLICATION #SP-04-2014 for the Marathon multi-level parking to be located on E. Sandusky Street subject to the conditions by Staff.**

2<sup>nd</sup>: Dan Clinger

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

**2. ALLEY/STREET VACATION PETITION #AV-01-2014** filed by Marathon Petroleum Company, LP, 539 S. Main Street to **vacate a north/south alley running south from E. Hardin Street to E. Lincoln Street.**

**HRPC**

**General Information**

This is the first north/south alley east of S. Main Street.

**Parcel History**

None

**Staff Analysis**

This alley serves the rear of the former Elks and RCM Architects buildings as well as the Marathon parking lot at the corner of E. Lincoln Street and S. Main Street.

Marathon owns all the abutting properties along this alley.

**Staff Recommendation**

Staff recommends approval of the vacation request.

**ENGINEERING**

No Objections

**FIRE PREVENTION**

Maintain access for emergency personnel, fire hydrants and FDC connections.

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2014 to vacate a north/south alley running south from E. Hardin Street to E. Lincoln Street subject to the following conditions:**

- Maintain access for emergency personnel, fire hydrants and FDC connections. (FIRE)

**DISCUSSION**

Steve Wilson commented that there is a waterline in this alleyway. Dan Clinger asked about sanitary sewer. Mr. Wilson replied that he did not know of any. Mr. Clinger stated that it came into their former building there. Mr. Wilson replied that he would look into that.

**MOTION**

Thom Hershey made a **motion to recommend approval to City Council of ALLEY/STREET VACATION PETITION #AV-01-2014 to vacate a north/south alley running south from E. Hardin Street to E. Lincoln Street subject to the following conditions:**

- Maintain access for emergency personnel, fire hydrants and FDC connections. (FIRE)

2<sup>nd</sup>: Joe Opperman

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

**3. ALLEY/STREET VACATION PETITION #AV-02-2014** filed by Marathon Petroleum Company, LP, 539 S. Main Street to **vacate Beech Avenue from E. Sandusky Street to E. Lincoln Street.**

**HRPC**

**General Information**

This request is for the portion of Beech Avenue south of E. Sandusky Street down to E. Lincoln Street

**Parcel History**

None

**Staff Analysis**

This portion of Beech Avenue bisects the current Marathon campus. Marathon owns all properties abutting the right of way.

**Staff Recommendation**

Staff recommends approval of the vacation request.

**ENGINEERING**

No Objections

**FIRE PREVENTION**

Maintain access for emergency personnel, fire hydrants and FDC connections

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to City Council of **ALLEY/STREET VACATION PETITION #AV-02-2014 to vacate Beech Avenue from E. Sandusky Street to E. Lincoln Street subject to the following conditions:**

- Maintain access for emergency personnel, fire hydrants and FDC connections. (FIRE)

**DISCUSSION:**

None

**MOTION**

Thom Hershey made a **motion to recommend approval to City Council of ALLEY/STREET VACATION PETITION #AV-02-2014 to vacate Beech Avenue from E. Sandusky Street to E. Lincoln Street subject to the following conditions:**

- Maintain access for emergency personnel, fire hydrants and FDC connections. (FIRE)

2<sup>nd</sup>: Lydia Mihalik

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



**4. ALLEY/STREET VACATION PETITION #AV-03-2014** filed by Marathon Petroleum Company, LP, 539 S. Main Street to **vacate E. Hardin Street from S. Main Street east to East Street.**

**HRPC**

**General Information**

Request is to vacate the 66' wide right of way of E. Hardin Street from S. Main Street to East Street.

**Parcel History**

None

**Staff Analysis**

Marathon owns all property abutting the right of way in this request. There are no plans at this time to close the roadway to traffic. Marathon does plan to eventually make some changes with landscaping, possible bump outs, etc.

**Staff Recommendation**

HRPC Staff recommends approval of Site Plan #SP-02-2014 for the addition to Gateway Church.

**ENGINEERING**

No Objections

**FIRE PREVENTION**

Maintain access for emergency personnel, fire hydrants and FDC connections

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend **approval to Findlay City Council for ALLEY/STREET VACATION PETITION #AV-03-2014 to vacate E. Hardin Street from S. Main Street east to East Street subject to the following condition:**

- Maintain access for emergency personnel, fire hydrants and FDC connections (FIRE)

**DISCUSSION:**

Dan Clinger asked for some clarification regarding City services within a right of way. If this is vacated and there are utilities there how does it work?

Steve Wilson replied that the City retains an easement of access. Mr. Schmelzer further clarified that when the City takes those easements they are not responsible for any improvements made over the easement. So they are protected from greater financial burden of replacing what they may have to tear up.

Dan Clinger commented that there are residences and a church down the street and hoped that the improvements to Hardin would diminish the access for those property owners.

Don Malarky replied that it may alter the speed of travel, but would not diminish access. They want to slow down the traffic. The local residents may elect to take an alternate route if it is quicker, but they certainly are not prohibited from using the street.

Matt Cordonnier commented that all the vacations make perfect sense. From his perspective, he has only driven on this part of Hardin or Beech a handful of times in 8 years. He said he almost feels like he is invading their campus. You feel like it's not really a public street now. The vacation allows Marathon needed flexibility and really reflects what is out there today.

Mr. Schmelzer stated that he agrees and thinks by doing this we are being very consistent with other entities that have acquired property on all sides of right of ways and have attempted to develop a campus environment whether it is the hospital or university. It's only logical to make that entity responsible for the infrastructure within their campus.

Thom Hershey stated that he thinks the vacations are good and the entire plan is very good. He does have a little concern about leaving the streets basically open to the general public. If there is a traffic accident, how would police do anything about it because it occurs on private property? There won't be any citations. Mr. Schmelzer replied that that is correct, it's on private property.

### **MOTION**

Thom Hershey made a **motion to recommend approval to City Council of ALLEY/STREET VACATION PETITION #AV-03-2014 to vacate E. Hardin Street from S. Main Street east to East Street subject to the following condition:**

- Maintain access for emergency personnel, fire hydrants and FDC connections (FIRE)

2<sup>nd</sup>: Dan Clinger enthusiastically seconded the motion. He stated that he thinks that Findlay is one of the great winners in this process. Thank you.

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

### **ADMINISTRATIVE APPROVAL**

Mayor Mihalik asked Judy Scrimshaw to present the Administrative Approval for the DeHaven Subdivision. Ms. Scrimshaw showed the plat to the Commission and explained that this is to correct clerical errors from 8 or 9 years ago. The owner signed as singular person and should have been signing for G-Man.

Mayor Mihalik accepted the plat as official for the record.

### **ADJOURNMENT**

With no further business the meeting was adjourned.

---

Lydia L. Mihalik  
Mayor

---

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