

City of Findlay
City Planning Commission
City Council Chambers, 1st floor of Municipal Building
Thursday September 14, 2023 – 9:00 a.m.

Minutes

MEMBERS:

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:

Dave Rhodes, Dan Stone, Ray Van Guten, Brendan Sexton,
Dr. Lai, Carla Dib, Tim Gronke, Mark Moss

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 August 10, 2023 meeting with the change.
Dan DeArment seconded. Motion approved 5-0-0.

NEW ITEMS

- 1. APPLICATION FOR ZONING AMENDMENT #ZA-07-2023; filed by VFW Post 5645, to rezone parcel #570000221230 from R-3 Small Lot Residential to C-1 Local Commercial.**

CPC STAFF

General Information

This request is located on the south side of Walnut Street between Taylor Street and the north/south railroad tracts. It is zoned R-3 Single Family Small Lot. On the south side of Walnut Street, it is mostly R-3 Small Lot Residential with some C-1 Local Commercial. To the north is a mix of C-2 General Commercial and I-1 Light Industrial. It is not located within the 100-year floodplain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The site is currently vacant.

Staff Analysis

The applicant is requesting the rezone because they would like to add an accessory building to the site. To do so, they must combine the lots with the abutting parcels that contain the primary structure. They also need to have everything under the same zoning classification, C-1 Local Commercial. Staff did not have any concerns with the request.

Staff Recommendation

Staff recommends approval of **APPLICATION FOR ZONING AMENDMENT #ZA-07-2023; filed by VFW Post 5645, to rezone parcel #570000221230 from R-3 Small Lot Residential to C-1 Local Commercial.**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

CPC Staff recommends approval of **APPLICATION FOR ZONING AMENDMENT #ZA-07-2023; filed by VFW Post 5645, to rezone parcel #570000221230 from R-3 Small Lot Residential to C-1 Local Commercial.**

DISCUSSION

Dave Rhodes, the VFW Post Commander, was present on behalf of the application. He mentioned that they were putting up a shelter house for summertime reunions when they were told to apply for the rezoning.

Mayor Muryn stated that overall it was very straightforward. It would be an improvement to the area and wasn't invasive to the surrounding neighborhood.

Dan Clinger asked about screening. Dave Rhodes said they were planning on fencing from our existing building on the south, heading towards the east and then up the property line on the east side all the way back up to Walnut Street where they are allowed to.

Dan Clinger asked if the neighbor was parking on their property. Mr. Rhodes said they were currently. Mr. Clinger if they planned on adding any additional parking, and Mr. Rhodes said they weren't.

Matt Cordonnier asked for the approximate size of the shelter. Mr. Rhodes replied with 30'x 60'.

Mayor Muryn said she would like to add a condition for approval that the fencing be installed. Mr. Cordonnier spoke to say that they were unable to add conditions to a rezoning. Hearing that, Mayor Muryn just reiterated that she would like to see the fencing added as part of the project, but not make it a condition.

MOTION

Dan DeArment made motion for FCPC to recommend approval of **APPLICATION FOR ZONING AMENDMENT #ZA-07-2023; filed by VFW Post 5645, to rezone parcel #570000221230 from R-3 Small Lot Residential to C-1 Local Commercial.**

2nd: Rob Martin

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

- 2. APPLICATION FOR SITE PLAN REVIEW #SP-19-2023 filed by Investek Holdings LLC, for phase 3 of the Horizon Pointe apartment complex on Lot 41 of the Findlay Commerce Park 4th Addition.**

CPC STAFF

General Information

This request is located at the southwest intersection of County Road 99 and Technology Drive. It is zoned M-2 Multi-Family, High Density. The land to the west is zoned C-2 General Commercial, but was reviewed as a church last month at City Planning Commission. To the south is M-2 Multi-Family, High Density. To the east, it is currently zoned a mix of C-2 General Commercial and M-2. It is not located within the 100-year flood plain.

Parcel History

This is currently the site is vacant farmland. The site was replatted in September 2021 to combine into one parcel and vacate Heartland Court. The 2nd phase of Horizon Pointe went through CPC in March 2019.

Staff Analysis

Horizon Pointe have submitted this site plan to construct their 3rd phase of multi-family in this area. The number of units provided is 85, which is well below the threshold of one unit per 3500 square feet of lot size. The lot coverage stands at 33%, which is below the max of 40%. They meet all the minimum setbacks and the minimum building separation. There is more than enough parking provided throughout the site. There are 387 total parking spaces between garage spots, driveway spots, and standard parking provided throughout the development. The required minimum is 213 spaces.

In terms of landscaping, they are meeting the requirements of the code. They have just enough shrubs, 600 total, to cover the perimeter parking lot standards and the foundation plantings. They have provided 63 trees on site, while they were only required 45.

One item that staff thought the applicant should address is along County Road 99. CR 99 is a major thoroughfare and will only get busier. Right now, there is only a grass buffer between CR 99 and the interior private drive to the ranch villas on the north side. Staff would request the applicant add five (5) canopy trees and five (5) evergreen trees per one hundred lineal feet (100') along the north side of the property.

Staff Recommendation

CPC Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-19-2023 filed by Investek Holdings LLC, for phase 3 of the Horizon Pointe apartment complex on Lot 41 of the Findlay Commerce Park 4th Addition with the following condition:**

- **Add five (5) canopy trees and five (5) evergreen trees per one hundred lineal feet (100') along the north side of the property.**

ENGINEERING

Access -Site will be accessed from a new drive that will be coming off of the west side of Technology Drive. Once on the site the proposed plans are showing a network of private roadways with a connection to an existing site to the south. Along with the drive access the proposed plans show the extension of the existing sidewalk to the north property line.

Water Service –

The proposed plans show a looped water system to run throughout the site. The waterline is shown as a public waterline that is contained within an easement. For each of the building there will be a meter pit that will be placed outside of the building in non-pavement areas. The City will work with the designer to confirm final location and sizing of the service lines. Along with the services the City will work with the designer in final locations of the valves on the mainline.

Sanitary Service –

Like the waterline the plans are showing a network of sanitary sewer mainlines to run throughout the site. The sanitary is not shown in an easement so it is assumed that the sanitary sewer is a private line.

Stormwater Management –

The site plans are proposing two new detention ponds to be located in the center of the site and the detention calculations comply with City standards.

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:

- Water Main Line Taps x2
- Water Service x17
 - Meter Pits for each building.
- Sanitary Tap x1
- Storm Tap x 1
- Curb Cut Permit x 1
- Sidewalk Permit

FIRE PREVENTION

No Comment

RECOMMENDATION

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-19-2023 filed by Investek Holdings LLC, for phase 3 of the Horizon Pointe apartment complex on Lot 41 of the Findlay Commerce Park 4th Addition with the following condition:

- **Add five (5) canopy trees and five (5) evergreen trees per one hundred lineal feet (100’) along the north side of the property.**

DISCUSSION

Dan Stone represented the application. He would also work with Jeremy Kalb on the water services. He said that he would work to put some screening on the front of the property along CR 99. Mr. Clinger asked if they could consider some mounding as well. Mr. Stone said there is a lot of topsoil left over from the other developments so, they are working with the developers on coming up with a mounding plan for the entire complex. Some of the concepts that they have put together included some slight mounding along Technology Drive as well.

Mr. Clinger asked if there was an easement on the east side of the property. Mr. Stone said yes, there is a fiber vault system on site and the easements do go outside of the right-of-way. They have to be sensitive of that with all the developments further south.

Rob Martin asked if this was the final phase of the project. Mr. Stone said yes unless they purchased land further to the west.

Jackie Schroeder asked Jeremy Kalb if the ODOT project extended all the way to Technology Drive. Mr. Kalb said that the limit of the project was just about to Technology Drive. Ms. Schroeder asked if sidewalks would be included for the project. Mr. Kalb said that they included

a ten-foot wide multi-use path, so there would be a tie-in point for this development. Ms. Schroeder noted that the site-plan did not include sidewalks. For Mr. Kalb, he said that he did not anticipate enough foot traffic along CR 99 to warrant inclusion of sidewalks. With the church to the west, the sidewalk would kind of dead end.

MOTION

Rob Martin made motion for **approval of APPLICATION FOR SITE PLAN REVIEW #SP-19-2023 filed by Investek Holdings LLC, for phase 3 of the Horizon Pointe apartment complex on Lot 41 of the Findlay Commerce Park 4th Addition.**

2nd: Jackie Schroeder

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

3. APPLICATION FOR CONDITIONAL USE #CU-16-2023 filed by Carla Dib, 420 W. Hardin Street, to establish a short-term rental at 422 W. Hardin Street.

CPC STAFF

General Information

This request is located on the north side of W. Hardin Street, to the west of Liberty Street. It is zoned R-3 Small Lot Residential. The surrounding neighborhood is a mix of R-3 Small Lot Residential, R-4 Duplex/Triplex, and M-2 Multi-Family, High Density. 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 building on the site is a multi-family dwelling.

Staff Analysis

The applicant, Fouad and Carla Dib, are the property owners, and live at 420 W. Hardin Street. They would like to turn 422 W. Hardin Street into a short-term rental. The unit would be two bedrooms and one bathroom. Since 422 W. Hardin Street would only be available to book as a single unit, staff would recommend that there be four off street parking spaces provided. There is a concrete pad in the rear of the house for parking. It does not appear to be able to provide four parking spaces required, so staff would recommend the parking be expanded.

Staff was supportive of the application in general. Staff would remind the applicant that Conditional Use permits are revocable in the future, if issues arise with the use.

Staff Recommendation

Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-16-2023 filed by Carla Dib, 420 W. Hardin Street, to establish a short-term rental at 422 W. Hardin Street with the following condition:

- **Ensure 4 off-street parking spaces are provided**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

CPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-16-2023 filed by Carla Dib, 420 W. Hardin Street, to establish a short-term rental at 422 W. Hardin Street with the following condition:

- Ensure 4 off-street parking spaces are provided

DISCUSSION

Carla Dib was present on behalf of her application. She stated that they have been in the house since May. They fixed up the unit and they hoped to rent short term to help earn some extra income. Mayor Muryn said that while they always take time to consider where short-term rentals are allowed, she thought this was a good spot for one. The idea of having the owners living in the second unit in the house meant that if bad guests would inconvenience anyone, it would be them. She reiterated though that this is a conditional use, and if the city were to receive many complaints, they could revoke the permit.

Jacob Mercer mentioned that he had talked with the applicants last week, and noted they have an agreement with one of their neighbors for the ability to use an additional parking spot. Ms. Dib said they only have one car, so usually they never use that additional spot. Mr. Clinger asked if they could provide documentation stating they are able to use the spot and submit it to the CPC staff.

Matt Cordonnier asked for the board to clarify whether they should have 4 spots on site or if this additional spot would be allowed to be included in the count. Mayor Muryn said she would be fine if a shared parking agreement could be provided to staff.

Mr. Clinger asked Matt Cordonnier about the definition of short term. He thought it was a maximum of 180 days. Mr. Cordonnier said yes but in the new code update, it will be less than 28 days. Air BnB's are something that are not explicitly tied into the code currently, so they are going to be listed under the bed & breakfast section of the code. His office will look into how other communities regulate these in the future.

MOTION

Mayor Muryn made a motion **for approval of APPLICATION FOR CONDITIONAL USE #CU-16-2023 filed by Carla Dib, 420 W. Hardin Street, to establish a short-term rental at 422 W. Hardin Street.**

- **4 parking spots be on site or a shared parking agreement be provided to HRPC**

2nd: Rob Martin

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

4. APPLICATION FOR PRELIMINARY PLAT #PP-02-2023 filed by Mardic Investments, Inc, for a commercial subdivision and creation of a public roadway in Pt. SW ¼ of Section 36 in Findlay.

CPC STAFF

General Information

This request is located on the south side of County Road 99, east of Technology Drive. The area is a mix of C-2 General Commercial and M-2 Multi-Family, High Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designated the parcel as Regional Commercial.

Parcel History

The site is currently vacant.

Staff Analysis

The proposed plat would subdivide the area with a new lot and dedicate right-of-way. The parcel would be a 9.7 acre parcel abutting County Road 99. There would be a street extending from County Road 99 south to a future expansion of Midwest Court. The rest of the parcel would remain as a single parcel.

Two of the review items for a preliminary plat include the following:

- In the case where the subdivider wishes to subdivide a given area, but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.
- Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.

At the time of the report, the Preliminary Plat does not include a proposed general layout for the entire area. It also does not indicate the proposed future uses of the lots for the entirety of the site. Without this information, staff recommends that the request be tabled.

Staff Recommendation

Staff recommends **tabling of APPLICATION FOR PRELIMINARY PLAT #PP-02-2023 filed by Mardic Investments, Inc, for a commercial subdivision and creation of a public roadway in Pt. SW ¼ of Section 36 in Allen Township.**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

Staff recommends **tabling of APPLICATION FOR PRELIMINARY PLAT #PP-02-2023 filed by Mardic Investments, Inc, for a commercial subdivision and creation of a public roadway in Pt. SW ¼ of Section 36 in Findlay.**

DISCUSSION

Tim Gronke and Dan Stone were present on behalf of the application. Mr. Gronke represented Dale Management, the owners of the property. His general comments were that their intention is not to develop this property themselves. The purpose of doing this plat is they intend to sell that 9.7 acre parcel. They intend to sell off all of the property eventually, so it is difficult to tell the CPC exactly what's going to go on with every piece of every part of the property. He said the property to the east of the roadway is or will be owned by Blanchard Valley, so obviously that is going to be health care related. The property to the south is actually identified on there as multifamily. They've been working with a multifamily developer for the last year, year and a half. To him, really the only piece of this property that is unidentified is the roughly 11 acres to the west and about two acres to the south. They could envision it will be a Starbucks or a Chick-fil-A type fast food or even a grocery store, but they don't know that until they get to the point of selling the property. He did not want give an answer today, and then something different goes in there and make the CPC unhappy. Furthermore, he did not want to necessarily subdivide that and plat those other two pieces because he does not know what future buyers will want.

Mayor Muryn said that she thinks this site holds a huge amount of potential. One of her biggest concerns with the proposal in front of us is really the roadway location. As we have been looking at that larger area, she would be concerned that the roadway seems farther west than some of the previous designs that have been discussed. She questioned whether they would be okay if we table for a month. Dan Stone replied that it is actually aligned with the ODOT designated driveway. They originally wanted it further west but had it moved to a common property line. He thought that they were going to add a service drive that would extend to provide service to other lots on the north side. Mr. Kalb said that was his understanding as well.

Dan Stone addressed the lot on the east side of the new right-of-way. He said that it was so narrow that it would have created a bad strip for development, so it was their intent to have that piece become a part of the Blanchard Valley property that it abuts.

Jackie Schroeder asked if there would be a left hand turn in this area. Jeremy Kalb said he would have to double check but he believed it did since it was wider in that area.

Dan DeArment asked about the diagonal line on the site. Dan Stone said it was a gas line easement.

Matt Cordonnier asked Mr. Gronke what the plan was for the site. He said that they were planning on a hotel or retail but they were not that far along on what to do. For the remainder of the site, they could utilize an extension from Midwest Court to help with traffic flow through the site.

Mr. Kalb asked Dan Stone if the detention for the parcel be a regional detention or have it done individually by parcel. Dan Stone said the way it is set up is each parcel would be responsible for its own stormwater management, whether it be stormwater management for water quality as well as detention. With the roadway development, we will have a temporary detention facility that will be able to be relocated again without the owners not being the development team. They do not know where to put a regional pond at this point without negatively impacting what could or could not transpire with the rest of this property up here. So at this point, we feel it is the best bet that they do their own individual stormwater management practices

MOTION

Mayor Muryn made a motion to recommend approval of APPLICATION FOR PRELIMINARY PLAT #PP-02-2023 filed by Mardic Investments, Inc, for a commercial subdivision and creation of a public roadway in Pt. SW ¼ of Section 36 in Findlay.

2nd: Dan DeArment

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

- 5. APPLICATION FOR ZONING AMENDMENT #ZA-08-2023; filed by Dr. Lai, RaceTrac Petroleum LLC, 11600 County Road 99 LLC, and 11732 County Road 99 LLC to provide initial zoning for 57.691 acres of property in Allen Township upon annexation into Findlay.**

CPC STAFF

General Information

This request is located on the north side of north of County Road 99, just east of I-75. To the south and east along CR 99, it is zoned C-2 General Commercial. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designated the parcel as Regional Commercial along County Road 99 and Industrial to the north.

Parcel History

The only buildings that are currently in the request are on 11732 County Road 99 and 11600 County Road 99. Flag City Furniture Too occupies 11600 CR 99, while Kan-Do's Production facility is located at 11732 CR 99. The rest of the site is currently vacant.

Staff Analysis

The applicants have requested that the entire site be zoned I-1 Light Industrial, except for 11732 County Road 99 LLC's parcel and the east 1.351 acres of 11600 County Road 99 LLC's parcel that abuts it. The west 1.315 acres of 11600 County Road 99's parcel will be split and sold to RaceTrac to provide the land for the Speedway Drive expansion north.

When considering rezoning requests, the Findlay Land Use Plan is one of the key components to consider. The Findlay Land Use Plan designates the land along CR 99 as Regional Commercial

and the land north as Industrial. Given that the request is in line with the Land Use Plan, staff is supportive of the rezone request.

Staff Recommendation

Staff recommends that FCPC recommend **APPLICATION FOR ZONING AMENDMENT #ZA-08-2023; filed by Dr. Lai, RaceTrac Petroleum LLC, and 11600 County Road 99 LLC, and 11732 County Road 99 LLC to provide initial zoning for 138 acres of property in Allen Township upon annexation into Findlay.**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

Staff recommends that FCPC recommend **approval of APPLICATION FOR ZONING AMENDMENT #ZA-08-2023; filed by Dr. Lai, RaceTrac Petroleum LLC, 11600 County Road 99 LLC, and 11732 County Road 99 LLC to provide initial zoning for 57.9 acres of property in Allen Township upon annexation into Findlay.**

DISCUSSION

Matt Cordonnier clarified this is the annexation before us is for RaceTrac and Dr. Lai's property, which is 57 acres right here. The initial request to the commissioners went north of Township Road 100 through their process that was removed. There was a little confusion on our end because they gave us 100 pages and we missed the one that said it was reduced. The initial report said 130 acres, but then we realized that the portion north of Township Road 100 was removed. So, just for clarification, there is no property north of Township Road 100 being considered for annexation. It is simply the 57 acres in this area.

Dr. Lai was present on behalf of the application. He said in the future he would like the rest of the properties into the City of Findlay.

Mayor Muryn said from her perspective, this is consistent with what we had discussed when we approved the RaceTrac site plan. It is consistent again with the land use map and is not invasive to the community. One thing she noted was in the zoning update, they are adding a classification that would be an Agricultural classification. In the future, had this property was brought in, Dr. Lai would have been able to just keep it as an agricultural zoning classification. In the future that may be beneficial use of that because it somewhat just keeps it as green space as a placeholder until you determine what the specific use is.

Matt Cordonnier added that when a property is annexed into the city, it technically has no zoning. So for today's meeting, we are making a recommendation to city council that this should be zoned predominantly I-1 with a small section of C-2.

Brendan Sexton with RaceTrac stated that they were completing some of the conditions of our site plan, approval from last year, being annexing into the city and dedication of the extension of Speedway Drive is public. Then he clarified, they will be combining the three separate parcels that have been split and put together for our project and those will all be cohesive.

Mr. DeArment asked what the timeline looked like. Mr. Sexton said they are waiting on one permit from EPA for the public sanitary sewer installation along Speedway Drive, and then they will be ready to bid the project. Mr. DeArment asked how long it will take to get the initial zoning sorted. Matt Cordonnier said they will need about two months to get through all the process with City Council.

From the audience, Mark Moss asked the CPC how many acres would be in the RaceTrac project. Mr. Sexton said about 9 acres. Mr. Moss asked if they could reiterate if they were voting on the 57 acres. Mayor Muryn confirmed that was correct and nothing would change north of TR 100. Matt Cordonnier added the Commissioners removed that from the request when they reviewed it, so the City can only consider what was submitted.

MOTION

Mayor Muryn made a motion to recommend approval of APPLICATION FOR ZONING AMENDMENT #ZA-08-2023; filed by Dr. Lai, RaceTrac Petroleum LLC, 11600 County Road 99 LLC, and 11732 County Road 99 LLC to provide initial zoning for 57.961 acres of property in Allen Township upon annexation into Findlay. The following parcels were to be given I-1 Light Industrial: 020000005500, 020000005510, 020000005520, 020000005530, 020000005570, 020000005580, 020000005590, 020001001074, 020001001076, 020001030280. Parcel number 020001030282 will be given C-2 General Commercial. The eastern 1.351 acres of parcel number 020001030281 will be given C-2 General Commercial. The western 1.315 acres of parcel 020001030281 will be given I-1 Light Industrial.

2nd: Dan DeArment

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

6. APPLICATION FOR ZONING AMENDMENT #ZA-09-2023; filed by Nipper Industrial Holdings LLC, to rezone lots 1, 5, and 6 of the Findlay Center for Business & Technology, 1700 Fostoria Avenue, from C-2 General Commercial to I-1 Light Industrial.

CPC STAFF

General Information

This request is located on the north side of W. Lincoln Street between S. West Street and S. Cory Street. It is zoned R-3 Small Lot Residential. To the east of S. Cory Street, it is zoned C-3 Downtown Commercial. To the west of S. Cory Street, there is a mix of R-3 Small Lot Residential, R-4 Duplex/Triplex, and M-1 Multi-Family Low Density. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designated the parcel as Regional Commercial.

Parcel History

The site is currently home to Shelley Company and Metzger Breicheisen LLC. It has housed a number of businesses over the years since the closing of RCA. Originally the parcel was zoned Industrial for the RCA site. In 2004, it was part of a Planned Unit Development, that had a mix of commercial and industrial uses. Lots 1, 5, and 6 were listed as Business Technology zoning which allowed for a mix of commercial and industrial uses. After the PUD's were removed from the code, the parcel was given C-2 General Commercial Zoning in 2011.

Staff Analysis

The history of the site shows that the use of the site has primarily been industrial since it was originally constructed. Although it is currently zoned commercial, some light-industrial activities have always been a part of the site. Given the history of zoning and the use of the site, staff is supportive of rezoning back to I-1 Light Industrial to better reflect the use of the site.

Staff Recommendation

Staff recommends **approval of APPLICATION FOR ZONING AMENDMENT #ZA-09-2023; filed by Nipper Industrial Holdings LLC, to rezone lots 1, 5, and 6 of the Findlay Center for Business & Technology, 1700 Fostoria Avenue, from C-2 General Commercial to I-1 Light Industrial.**

ENGINEERING

- No Comment

FIRE PREVENTION

- No Comment

RECOMMENDATION

Staff recommends that FCPC recommend **approval of APPLICATION FOR ZONING AMENDMENT #ZA-09-2023; filed by Nipper Industrial Holdings LLC, to rezone lots 1, 5, and 6 of the Findlay Center for Business & Technology, 1700 Fostoria Avenue, from C-2 General Commercial to I-1 Light Industrial.**

DISCUSSION

Dan Stone was present on behalf of the application. He reiterated that the property was used initially as industrial back in the 1950's. He went on to say that when the PUD was put together, they established the three business lots up front and retained the rest of it as the business technology because that is when we had the college in there. Again, the majority of the rear of the property was being used as industrial warehousing. The PUD was approved when the city came through and eliminated the PUD's. It was done globally through the entire City of Findlay, so it was not individual parcels. Individual parcel owners were not notified. It was done via notifications in the paper, so at that point there, the owners didn't really realize that their property was being rezoned. What happened is, is obviously the map gets modified and the owners didn't know became C to the industrial but the warehousing use continued throughout that whole process from one owner to the next owner to the next owner. When they did some digging they realized that this is zoned C-2, but they are using it for industrial use. The request then today is that they go back to the I-1 Light Industrial to better align with what the property was originally.

Matt Cordonnier added some context for the group. He acknowledged that the site has a complex, long history of being I-1. The current property owner purchased the site as a C-2 site. He sees check marks on both sides of the argument. He did not have any issue necessarily with it being I-1 but felt like there have been some unfulfilled promises regarding the site. This went to CPC a few years ago for truck parking. He said it was supposed to be a shared access agreement, but there has not been definition to whether it is a roadway or not. He would also like the applicant work to better address the site issues, such as the truck access, landscaping and screening. He said that when the PUD's transferred he can't remember if there was a reason they chose C-2 rather than I-1 and it could have been human error on his part. If they could improve the site, this could be a win-win for everyone though.

Mr. Clinger said he agreed that that would be something he would like conditioned with the proposal. Mr. Cordonnier added that they could not really do that for a rezoning though. It is something that would be nice to see the applicant do though and the owners indicated that they would be willing to work with the City. Mr. Stone said that they were willing; they have repaved parts of the site, and are willing to work to create that buffer for the access. He thought they missed it from the plat, as it was a platted easement.

Mayor Muryn said she is glad to hear that there is acknowledgement about missed items, but we cannot really rehash the past. One thing, though, that has bothered her about this is and she could be totally mistaken, but she's pretty sure when this came to us maybe 2 or 3 years ago for part of the split or there was something going on and we said, you know, there needed to be a fence just for equipment storage. She is pretty sure if she went back, they very specifically talked about truck traffic and all of that. That was not something that we were interested in having at that time for that conversation. I think today what I would prefer to see happen is tabling the rezone. As Matt Cordonnier stated, we cannot put conditions. What she would rather see is an agreement drafted up or something among the property owners and the individuals involved with this deed on a property with an improvement plan for this area that specifies the work that will be done to add a landscape island, improve this road, and clarify the maintenance agreement that needs to occur.

Erik Adkins added that when this came through a few years back, the agreement was with the neighbors to add that screening between the outdoor storage, along with the fencing of the material that they were storing and there was no truck traffic. Once activity started picking up, he did receive numerous calls from neighbors along the church area across the street. They thought we were supposed to have a landscaping buffer.

Mr. Clinger asked why they could not enforce the code for screening when they request a rezone. If someone wants to become a more intensive use, they need to meet the standards of the code. Mr. Cordonnier said that they review that for site plan review, but not for the rezoning. There is not an opportunity to enforce changes to the site as part of the process.

Mr. Martin asked if he could clarify if they could wait to take it off the table once the PUD is back in the code. Matt Cordonnier said that this was a quicker process and help the applicant get approval sooner.

Mr. Stone asked them how his clients would know what would be agreeable for the City. Mayor Muryn said that for her she would like to see the screening and truck traffic plan addressed. She would like to see the road maintenance agreement upheld as well. Mr. Clinger added he would like to see a ten-foot green buffer on the north side of the access road to help define it.

Ray van Guten, 1610 Fostoria Avenue, is a neighbor of the site. He purchased the property at 1610 Fostoria Avenue in 2005 to build an office building for AG Edwards. He built the building with the understanding there was a PUD, which included deed restrictions. It was going to be a business and technology center where businesses come in or develop and then move on to other places. He really did not know that the zoning ever changed. About a year and a half, two years ago, he noticed the truck traffic really increased and there is only one way they can go in and out, which is the access by his building. There is no light at that intersection. He doubted the intersection was not built to take the truck traffic that was designed there. He had a conversation with the lady across the street and she said that she hears it between 3:30 and 4:00 in the morning, too. She also said that they have had problems getting in and out of their driveway right there with the trucks going both ways, you know, coming down Fostoria Avenue and coming out. You have a mess right in that area sometimes in the mornings. His main issue is that when he purchased his property, it was intended that the site behind him was a PUD, but that kind of fell apart. He knows that when Nipper bought it in 2017, the truck traffic has continued and has pretty much increased over the past year and a half to two years. To him, that is a violation of the code and the deed restrictions, which specifically states in there is nothing to be to the west unless a concrete block wall separates it to keep it out of the view of the neighbors from across the street here. His biggest contention is that his office is for the hospital, but they have to hear and deal with the truck traffic using his access point.

Mayor Muryn thanked him for his comments. Regarding the deed restrictions, she said the City cannot enforce those, and that those would need to be handled civilly. Her question was if they could table, could they have discussions to ensure the applicant is holding up their end of the agreement. Mr. Van Guten said he could do that, but he also thought the neighborhood should be included as well.

Mayor Muryn asked about the truck traffic to Jeremy Kalb. He said that he thought that they didn't allow truck traffic through the middle of the site due to the fact that people are walking across the driveway to get from their cars into the office space in the building. He thought that the drive they use on the west side allowed them to wrap around the back without impacting pedestrian foot traffic.

Mayor Muryn said again they cannot relitigate that the past. She noted it was only a few years ago when we discussed the site and the CPC requested that there be a fence, screening, and the storage

to be confined. She said Mr. Stone kind of made her point that industrial operations can change once it is rezoned and that's her exact concern. This is intense enough if we give it the industrial classification, that opens it to even more intense uses. That's what we need to mitigate, and any invasive actions that can happen here. She was glad to hear the property owner and the tenants are willing to work to address the concerns. I think that will go a long way. Until then, she was not comfortable considering the rezone.

Dan DeArment asked if the site could access Bright Road from the back. Dan Stone said that it would be an issue because of the access point of the bank and the clearance from the intersection and the railroad tracks.

MOTION

Mayor Muryn made a motion to recommend tabling APPLICATION FOR ZONING AMENDMENT #ZA-09-2023; filed by Nipper Industrial Holdings LLC, to rezone lots 1, 5, and 6 of the Findlay Center for Business & Technology, 1700 Fostoria Avenue, from C-2 General Commercial to I-1 Light Industrial to allow the applicant time to work with neighbors to work on concerns.

2nd: Dan Clinger

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

There being no further business, Mr. Martin adjourned the meeting.