

City of Findlay City Planning Commission

Thursday, September 11, 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:

Jackie Schroeder
Dan Clinger
Joe Opperman

STAFF ATTENDING:

Judy Scrimshaw, HRPC Staff
Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Steve Wilson, City Engineering Department

GUESTS:

Steve Roepke, Gerd Heidinger, Angy Shaferly, Melissa Kidder, J. C. Koehler, Dave Moore, Ben Kirkwood, Sarah Kirkwood

CALL TO ORDER

ROLL CALL

The following members were present:

Jackie Schroeder
Dan Clinger
Joe Opperman

SWEARING IN

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

APPROVAL OF MINUTES

Joe Opperman made a motion to approve the minutes of the August 14, 2014 meeting. Jackie Schroeder seconded. Motion to accept carried 3-0.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-09-2014 filed to rezone 325 Emma Street from C-2 General Commercial to I-1 Light Industrial.

HRPC

General Information

This request is located just south of W. Main Cross Street between Emma Street and Interstate 75. It is zoned C-2 General Commercial. Land to the south is zoned I-1 Light Industrial and to the west is C-2 General Commercial and I-1 Light Industrial. To the east is Interstate 75. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Neighborhood Commercial.

Parcel History

This is the former site of a truck stop and Greyhound bus terminal and more recently a landscape stone retail operation.

Staff Analysis

The applicant is requesting to change the zoning on this parcel to I-1 Light Industrial for a possible future use. It is currently being leased for construction parking and a staging area for some AEP projects and possibly for the I-75 widening.

As stated in the parcel history, this was a former truck stop and bus station for many years. It then went vacant until a landscape stone business moved in.

It had been zoned B-4 Expressway Service prior to the change in the zoning code. It is an odd shaped parcel that is long and narrow. It has become narrower in recent years with the improvements to Emma Street and the acquired right-of-way by ODOT for the I-75 widening. It looks like it was 395' at its widest point at one time and is now only approximately 265'. It certainly could not accommodate a modern day truck plaza. I think that had a bearing on the change to a much more restrictive use classification. Setbacks alone could render it fairly useless for larger retail or industrial uses.

The limitations presented by the setbacks for I-1 and the size of the lot will provide a challenge for redevelopment if the site is scrubbed, but if the current building were used it could be useful.

Staff Recommendation

HRPC Staff recommends that FCPC recommend **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2014 to rezone 325 Emma Street from C-2 General Commercial to I-1 Light Industrial.**

ENGINEERING

No objections.

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2014 to rezone 325 Emma Street from C-2 General Commercial to I-1 Light Industrial.**

DISCUSSION

Dan Clinger asked what the zoning in Liberty Township on some of the parcels near here might be. Steve Roepke replied that the parcel he was questioning was owned by AEP. He stated that

he did know what it is zoned, but the use is in connection with their property. Mr. Clinger asked about the ODOT property farther north. J. Scrimshaw stated that she did not have a map handy, but it may very well be industrial.

Dan Clinger asked what the setbacks are for the industrial. Ms. Scrimshaw looked them up in the City Zoning Ordinance. She replied that it would be 50' from Emma Street as a front yard, the side yards and rear yard are 30'. So you will lose 80' of the depth right away in setbacks.

Mr. Clinger asked what the intended use of the property may be if it is rezoned. Mr. Roepke replied that they have a prospective purchaser who wishes to remain anonymous. He stated he believes that the use would be in compliance with the requested zoning. It would be something along the lines of auto and semi-truck repair. That is not permitted under the current C-2 zoning.

Mr. Clinger asked what the process of getting a Conditional Use would be. J. Scrimshaw replied that a site plan would have to come before Planning Commission seeking the conditional use.

MOTION

Joe Opperman made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2014 filed to rezone 325 Emma Street from C-2 General Commercial to I-1 Light Industrial.**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

2. FINAL PLAT APPLICATION #FP-09-2014 filed by Country Club Acres, 655 Fox Run Rd, Findlay, OH for the Woods at Hillcrest 8th Addition.

HRPC

General Information

This request is located off the east side of CR 140 in Section 35 of Allen Township. Allen Township is not zoned. Land to the north, south and east is also in Allen Township and is not zoned. Across CR 140 to the west is zoned Agriculture in Portage Township. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Large Lot.

Parcel History

The Preliminary Plat for this area was reviewed and approved by FCPC on June 12, 2014. It was designated as Woods at Hillcrest 11th, 12th and 13th at that time. The land to the south of this plat was approved as Woods at Hillcrest 8th, 9th and 10th in June, 2013. That Preliminary Plat has expired. No Final Plats were recorded from that Preliminary. It was decided to renumber this phase to keep a numerical sequence for the Auditor's records.

Staff Analysis

The applicant is proposing to plat the first phase with 14 residential lots and one lot that will be the site of the detention ponds.

Diamondback Court is a cul-de-sac street running east from CR 140. There is also a stub of

Bushwillow Drive that runs north from the cul-de-sac. All of the residences will be served by these new streets. There will not be any driveways permitted directly onto CR 140.

The layout is consistent with the preliminary plat.

Staff Recommendation

HRPC Staff recommends approval of **FINAL PLAT APPLICATION #FP-09-2014 for the Woods at Hillcrest 8th Addition.**

ENGINEERING

Access – Location of Diamondback Court intersection with County Road 140 is located an appropriate distance from existing intersections.

Water & Sanitary Sewer – *Construction plans are to be submitted today or early next week. Hope to have recommendations available at the Planning Commission meeting.*

Stormwater Management – *Stormwater detention is proposed in a regional facility on the south side of the platted subdivision. Detention calculations are to be submitted today or early next week. Hope to have recommendations available at the Planning Commission meeting.*

Recommendation: *Conditional approval subject to review of construction plans and detention calculations.*

FIRE PREVENTION

Plan does not show a looped water system with proper sized mains and hydrants

STAFF RECOMMENDATION

Staff recommends approval of **FINAL PLAT APPLICATION #FP-09-2014 for the Woods at Hillcrest 8th Addition subject to the following conditions:**

- **Approved construction plans and detention calculations (ENG)**
- **Appropriate sized mains and hydrants (FIRE)**
- **Looping of water system (FIRE)**

DISCUSSION

Joe Opperman asked how the pond area would be accessed for maintenance. Steve Wilson replied that it could be accessed from CR 140. He indicated that he could have the developer show an access point on the plat.

Dan Clinger asked if there was a right of way of some type in the south portion. Mr. Wilson responded that there is a gas line easement that is between the two ponds. That is the reason there are two separate ponds.

Mr. Clinger asked about the area to the south which was never platted. Ms. Scrimshaw replied that that is correct. There is no development out there yet. This area is jumping over that and taking the numbers for the phases. We had discussed with Dan Stone prior to submittal and decided that the Auditor would probably be happier with things going in a numerical sequence instead of jumping from the 7th Addition to the 11th. She stated that Preliminary Plats do not get recorded so it can be changed along the way.

Mr. Clinger asked what the intent for the area to the north may be. Ms. Scrimshaw replied that that will be the next phases as were shown on the preliminary plat. Mr. Koehler said that the

reason they did not do the area to the south earlier was that it would have cost them over \$1.5 million for the 34 lots. The economy was not so good at the time either. He said this area fits more into what they feel would be marketable right now. He stated they plan to continue north and then perhaps finish out to the south which will complete the Hillcrest area.

MOTION

Joe Opperman made a **motion to approve FINAL PLAT APPLICATION #FP-09-2014 for the Woods at Hillcrest 8th subject to the following conditions:**

- **Approved construction plans and detention calculations (ENG)**
- **Appropriate sized mains and hydrants (FIRE)**
- **Looping of water system (FIRE) (ENG)**

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

Joe Opperman stated that he thought we should look at cul-de-sacs in the near future. The City kind of frowns on these. Mr. Koehler stated that he found that cul-de-sacs were preferred by some builders because you don't have through traffic at your property. He stated that it is also a safety factor because thieves don't like to go into a cul-de-sac and get caught there. Most all new subdivisions around are entertaining cul-de-sacs wherever they can.

3. APPLICATION FOR CONDITIONAL USE #CU-04-2014 filed by Dennis Cramer & C.H.O.I.C.E.S. Behavioral Healthcare for a Group Home to be located at 701 E. Melrose Avenue, Findlay.

HRPC

General Information

This request is located on the south side of E. Melrose Avenue just west of Jennifer Lane. It is zoned R-2 Single Family Medium Density. Property to the east, west and south is also zoned R-2. To the north is zoned M-2 Multiple Family. It is not located within a 100 year flood plain. The City of Findlay Land Use Plan designates the parcel as Multi-Family.

Parcel History

This was the former site of Winebrenner Seminary.

Staff Analysis

The applicant is requesting to renovate the easternmost building on the property into a Group Home. According to Zoning Office Records, this is a former academic building. Group Homes are a Conditional Use in the Residential districts.

C.H.O.I.C.E.S. Behavioral Healthcare is a Non-Profit Corporation. They have provided their Certificate from the State of Ohio Secretary of State to that effect. This is a condition required by the Zoning Code.

On site management is required for a Group Home also. They have stated that the home will be staffed 24 hours a day, seven days a week.

Another condition in the zoning code is that each person has a bedroom of their own. They

would like to have a waiver on that requirement and be permitted to have two persons per bedroom. They are licensed to offer a maximum of 8 beds and the setup of the building can easily convert to 4 bedrooms for the youth. They will serve adolescent males in the 13-17 year old range for a short term span of six weeks at a time. Staff feels that two per bedroom is not a bad idea given the ages considered. Many are probably accustomed to sharing a bedroom at their own homes with a sibling.

The applicant states that they wish to create an atmosphere of an ordinary home in the neighborhood. They plan to clean up and maintain the grounds as necessary. There will be very little traffic generated by the operation.

Staff Recommendation

HRPC Staff recommends approval of the Conditional Use and a waiver to allow 2 persons per bedroom.

ENGINEERING

No Objections.

FIRE PREVENTION

Obtain any permits required by Wood County if necessary.

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-04-20 for a Group Home to be located at 701 E. Melrose Avenue, Findlay subject to the following:**

- Waiver to allow 2 persons per bedroom (HRPC)
- Obtaining any permits required by Wood County if necessary (FIRE)

DISCUSSION

Dan Clinger asked if the two persons per bedroom requested is against any State rules that they were governed by. Gerd Heidinger replied that it is not.

Ben Kirkwood, 704 Charles Avenue, came forward to address the Commission. He stated that he and his wife live directly south of 701 E. Melrose. He stated that he had received the meeting notice on the weekend and has been pretty busy trying to talk to people and get some detailed answers to their questions. He stated that one of his main concerns is safety because he has two small children that play in their back yard. He said this will be a drug rehab facility for 13-17 year olds. He said they spoke to the applicant about the possibility of a fence for that reason. The applicant also mentioned the possibility of a basketball court at the south end of the existing parking lot which will come close to their yard. Mr. Kirkwood stated that they were looking for a potential privacy fence or something like that. He has been speaking with some of the neighbors and it is definitely a concern. He said they talk about how they will try to improve the property with landscaping, etc. but he feels there will be a property value effect here that needs to be considered. He stated that he had spoken with their Councilperson, Holly Frische, and she seemed to agree with their concerns and suggested that they come to the meeting and try to get their answers about how the place would be run and how safety would be addressed. The property is surrounded on three sides by families.

Gerd Heidinger spoke in reply. He said the group home will be a six week stay. The clientele they will have coming there are persons that have run into problems with substance abuse. There is nothing heavy like cocaine or heroin. It's more minor issues, but still presenting issues with

things like marijuana, over the counter medications, pills and things that come up sometimes like bath salts. The referrals for the children they deal with come from schools, the courts, other agencies like Children's Services. The program is set up for awareness of what addiction is or can be, it is set up for learning life skills, it is to deal and isolate issues as to why the children we have are running into these problems and try to identify anything that might be in the existing home, existing problems with the parental situation in the homes. We want to help guide that client along with the referral agency as to what the best long term treatment is and make that presentation to the kids over that six week period. He stated that the clients are under 24/7 supervision. It is a situation where a client is never out of sight line. It's not a 9-5 or school hours situation where you would have the rest of the day to yourself. Everything is organized; everything is planned for the full day. It is not considered a "lock down" facility. It is to be a "home" and that is what its intention is. That is what it should look like and its interaction with the neighborhood should feel like. It is discussed with every child that if they were to want to leave or do leave that we get in contact with the police and it is looked at as a runaway. They would be picked up by the police and either brought back to the facility, returned to the referring agency or their home. He commented that they have been running such a facility for three years in Holland Ohio. He stated that they have experienced over those three years maybe 5 runaway situations. The children were picked back up and either brought back to the home or sent back to their community. Their average census during that time was 6.3. He stated they fluctuate as low as 3 but rarely below that. We targeted no more than eight from the standpoint of how best to impact life skills and deliver the services we need to. Once you go beyond eight they act more like a babysitting service rather than providing treatment. You can better engage the client with a smaller number. Mr. Heidinger stated that he does respect the neighbors' concerns. He stated that he had been talking with HRPC about some more natural landscaping such as bushes, pine trees, etc. He said they are very open to looking at a fencing situation. They would ask for a little bit of time or some kind of time frame to accomplish that and look for an approval as to what type of fence is recommended.

Mr. Clinger asked if they runaway situations they experience were night time or day time. Mr. Heidinger stated that all but one were day time situations. Mr. Clinger asked how many Staff are there when there are eight clients there. Mr. Heidinger replied that it can be 1 to 3 depending on the time of day. Dan Clinger asked that if three of the eight wanted to go out to play basketball, would someone go with them. Mr. Heidinger replied that if it is a situation where they plan to split up the group, there are definitely two or three Staff on site. He commented that all the Staff are qualified professionals with backgrounds either in treatment or social work. The situations are very controlled; they don't let 3 people decide they want to go outside on a whim in the afternoon if not planned. All of their referrals are screened prior to them coming to the building. So there is not anyone that can just be dropped off. The neighbors were concerned about drop offs, people hanging around to try to be admitted. There is an assessment done on the client first, at their own home or referral agency, etc. They will then look at their ability to be suitable for their type of situation. They have turned clients away. He said another thing that was brought up by the neighbors was if they treat sexual offenders. He responded that the answer is no. Those individuals would be identified upfront and referred to a different kind of facility than theirs. They also do not take on any violent offenders.

Mr. Heidinger said that from the Staffing standpoint, their licensure and regulation is guided by the State and there are background checks required for all Staff as well. Similarly, when they get referrals, there is a similar check on the background of the child.

Dan Clinger asked about security on the building. Do they outfit the buildings with alarms? Mr.

Heidinger replied that every door and window in the building will be monitored. If anyone opens anything or leaves there will be an alarm. There also is a paused entrance whereby if you try to go out the door it waits about 15 seconds before you can actually open the door. Windows and side doors will be equipped with a signal. He commented that historically over the years they have operated, occasionally they find out there may be a problem with a client within the first hour or so of them being on the premises. There are always multiple Staff on hand when a new client is brought in.

Mr. Clinger asked if there was a geographical area that the clients will come from. Mr. Heidinger stated that it is. In Holland for example, they had clients from Lucas County, Hancock County, Allen County as well as Sandusky and Cuyahoga. He says he expects that to stay about the same here. It is a deterrent for some of the clients from out of County to try to leave since they aren't familiar with the area.

Dan Clinger asked if access onto the site was controlled from the standpoint of someone wanted to come and see one of the residents. Mr. Heidinger stated that he had never had an issue with someone just showing up at the door. There are specifics discussed with a parent about expectations. Any interaction with parent and client is always preset. The in and out of the facility is perhaps 3 or 4 cars in the morning and perhaps the same in the afternoon. There may be one to two clients in or out of the building within a week. (These would be new arrivals or releases.) Traffic itself is minimal and could be compared to that of a family home with 4 or 5 members.

Mr. Clinger verified that they will be using one of the three buildings on site at this time. Mr. Heidinger stated yes. The "chapel" is an open space building. All the pews etc. have been removed. They may consider using as a game room/recreational area. It is nice to have the clients move during the day. This would allow them to get out of the home and got there for things like ping pong, pool and other games. It will help break up the day for them. It could be a special thing to have as almost a reward for achieving a goal. He said they do not have any plan to use the third building at this time. He had discussed this with HRPC and the consensus is that it would require splitting the land if it would ever be considered for another home. He said he and his wife may be purchasing this on a personal basis. They have been out of the area a while and may want to purchase a home back here. One idea he had floated with HRPC was whether he could build a residence of his own on a part of the parcel. He said it is a thought at this time, but nothing set in stone.

Dan Clinger asked if they are maintaining the site on their own. Mr. Heidinger stated that they are maintaining it. They have incorporated that into their budget. They think this is a gem of a property if it is looked after properly and maintained.

Mr. Clinger asked if the fencing is something they think they could do. Mr. Heidinger stated he has no problem engaging in that conversation with the neighbors. That is where he hoped they could work on a time frame and what recommendations are for a type of fence and the costs. It is something that could be done over a year perhaps. He would ask to get together with what the wishes of the neighborhood are and what requirements and standards of the City are. Then establish the type and size and hope to get it done within a timeline whether in parts and pieces or as one.

Mr. Clinger said that his children had grown up on Charles and played in the Seminary lot. He asked if any consideration would be given to possibly sharing the space with the neighborhood

as a park. Mr. Heidinger stated that he is certainly open to that.

Mr. Heidinger then addressed Mr. Kirkwood in regard to the location of the basketball court. He said the location was certainly based on the fact that it is already paved. And he said he understands that wherever he might decide to put it one of the neighbors may have an issue. The idea in the long run is to have an area that is more recreational. If it is something that can be used by both the resident of the City and their clientele, they would be more than happy to look at that. His only question would be as to insurance and liability.

Mr. Clinger stated that he thought there was a similar facility down at the end of N. Blanchard. J. Scrimshaw stated that those are apartments for adults and are a kind of transitional housing. The clients have just gotten out of rehab or something and they are trying to help them get back on their feet. Mr. Heidinger stated that this is where they try to be different. There are other areas where the zoning is correct but then he may have a neighbor right on top of them. It is that way in many communities. He feels it is a better setting to have the larger space and more distance that they can put between themselves and the neighbors. Mr. Clinger asked if they had spoken with any other neighbors. Mr. Heidinger said that he and some of the workers had had some interaction with others while on site. They have had some inquiries on the use and some positive comments on the cleanup of the site. They have had positive response to the visual part of things. Most of the questions and concerns have been as those from Mr. Kirkwood and his wife. You get the support for this being something that needs to be done for these youth and at the same time it's in my backyard.

Dan Clinger asked Mr. Kirkwood if he had had discussions with some of the neighbors. Mr. Kirkwood replied yes. He said that they were kind of shocked at first, but have come to terms with it. They are glad that there is something like this offered in the community, but our concern is primarily safety. He said he very much appreciates the offer to work on the fence issue. Mr. Heidinger stated that they still have some issues to address with fire inspections, etc. in the next 2 to 6 weeks. He would like to continue to move forward and if the fence issue is resolved here today he will be more than happy with that. As a non-profit they are in a holding pattern with some of the Staff and it is a cost to do that. He would just like some consideration on a time line.

Dan asked the Staff if there were any regulations or covenants out there in regard to type of fencing. J. Scrimshaw stated that any type of residential fence permitted in the zoning code could be used. The City cannot enforce restrictive covenants if any exist. She stated that this lot was technically not a part of a subdivision. It is a left over piece of section ground. Any fence would need a zoning permit.

Mr. Clinger asked Mr. Kirkwood if he had any type of fence in mind. Mr. Kirkwood thought a six foot one would be most secure. Mr. Heidinger stated that there are some fences in the area. The east side and west sides of the property seem to have chain link fence on that boundary. He asked Mr. Kirkwood if he found any consistency among the neighbors on the rear as to what is wanted. He felt they could move forward with that area. Mr. Kirkwood stated that they had personally considered some fencing and he would not want to speak for all the neighbors, but would certainly entertain his own lot situation right now. Mr. Heidinger stated that he would be than willing to do something right away for Mr. Kirkwood if necessary. He said he would be more than happy to accommodate any others if an agreement is forthcoming.

Matt Cordonnier made the comment that the R-2 zoning allows for Group Homes as a conditional use. The Commission could be reviewing this request for any home back in the

subdivision itself. That would be much less space of course. So one of the positives of this project is that this site has a lot more space. From the technical standpoint, any house in the neighborhood could have been making this exact same request. This site has benefits because of its separation and its open spaces.

MOTION

Dan Clinger made a **motion to approve APPLICATION FOR CONDITIONAL USE #CU-04-2014 for a Group Home to be located at 701 E. Melrose Avenue, Findlay with permission granted to allow for two (2) persons per bedroom and that the applicant continue the working relationship with the property owners here on the fence issue.**

J. Scrimshaw asked if the fencing is also to be a condition. Mr. Heidinger stated that he did not know how that would work. He is more than willing to make a commitment today to Mr. Kirkwood to determine what they want and follow through. Mr. Clinger asked if that is something the commission could require. Judy Scrimshaw stated that the code does not require it as a condition for approval, but that they can place further conditions on a plan if they feel it is necessary.

Matt Cordonnier stated that if there was some consensus of the owners around the property to do one thing they could easily make a condition. But it appears that it is more of a case by case basis. It has not really been asked for a full fence along the perimeter of the lot, so he doesn't know how they can include that in the conditions. We heard Mr. Heidinger state that he will work with the property owner that is here today. Matt stated it is a tricky situation. To him it is all or nothing to put in as a condition.

Mr. Clinger stated that he agreed.

He moved to amend his motion to approve subject to the waiver on the persons per bedroom and any permits being obtained from the Building dept. if necessary.

Mr. Kirkwood stated that he didn't think that it was fair to assume there would not be a consensus as he felt they had not had enough time to gather their facts and get together on the issue.

Mr. Opperman stated that he felt all the conditions stated in the code had been addressed and he didn't think he could vote against it for that reason.

Gerd Heidinger state that even though it is not a part of this motion, he would put out there to Mr. Kirkwood that he would like him to coordinate with any of the neighbors to the south or the sides. He would ask Mr. Kirkwood to confer with zoning to give him examples of the types of fence that could be put in and they will expedite that.

2nd: Jackie Schroeder

VOTE: Yay (3) Nay (0) Abstain (0)

ADJOURNMENT

With no further business the meeting was adjourned.

Lydia L. Mihalik
Mayor

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