

City of Findlay City Planning Commission

Thursday, March 12, 2015 - 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:

Paul Schmelzer
Jackie Schroeder
Dan Clinger

STAFF ATTENDING:

Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Judy Scrimshaw, HRPC
Steve Wilson, City Engineering Department
Todd Richard
Don Rasmussen

GUESTS:

Dan Stone, Tom Shindledecker, Jacob Mercer, Wayne Pneuman, Deb Cole, Colleen Robinson, John Kovach, Bob Edds

CALL TO ORDER

ROLL CALL

The following members were present:

Paul Schmelzer
Jackie Schroeder
Dan Clinger

SWEARING IN

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

APPROVAL OF MINUTES

Jackie Schroeder made a motion to approve the minutes of the February 12, 2015 meeting. Dan Clinger seconded. Motion to accept carried 3-0.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-03-2015 filed by Pneuman Properties to rezone 222 Center Street, Findlay from R-3 Single Family High Density to C-2 General

Commercial.

HRPC

General Information

The site consists of two parcels located on the north side of Center Street between Clinton Street and Taylor Street. It is currently zoned R-3 Single Family High Density. All surrounding parcels are also zoned R-3. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The existing building was originally constructed for a Day Care Center in 1985. It later became an Autism/Dyslexia Center. In 2014 CPC approved a change of use to house a treatment center for opiate addiction.

Staff Analysis

The applicant is requesting to change the zoning of these two lots to C-2 General Commercial in order to make them more marketable.

At the time the building was constructed, the parcels were zoned C Residential. This district allowed all residential uses as well as offices, hospitals and clinics, dormitories, community centers, convalescent and nursing homes and institutions of educational, religious, or philanthropic character. It was a very “catch all” type of district. Day Care Centers were not specifically mentioned in the zoning text at the time and would have been a newer concept that would not have been present when the code was adopted in the 1950’s. At the time, the Commission felt they would fall into a similar category with convalescent or nursing homes and therefore permitted the use.

In order to keep the same type of uses allowed (other than most of the residential) that the original building was constructed under, the current O-1 Institutions and Offices District would suffice. Todd Richard has been in conversations with the realtor handling the property and she had stated that a beauty salon and coffee shop were a couple of businesses that had shown some interest. In order to allow these, a C-1 Local Commercial zoning classification would be needed. The C-1 District allows smaller shops and stores that serve a more localized area/neighborhood. C-2 General Commercial is meant for retail and business uses that serve a regional area.

HRPC Staff feels that C-2 is not a good fit for the predominately residential area. C-1 Local Commercial should be sufficient to allow for greater marketability of the site as a commercial property without allowing higher intensity retail/commercial uses.

Staff Recommendation

HRPC Staff recommends that FCPC recommend to Findlay City Council to rezone 222 Center Street from R-3 Single Family High Density to C-1 Local Commercial.

ENGINEERING

No objections

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend to Findlay City Council to rezone the parcels located at 222 Center Street in PETITION FOR ZONING AMENDMENT #ZA-03-2015 to C-1 Local Commercial.

DISCUSSION

Mr. Schmelzer asked if the applicant was in attendance. Wayne Pneuman came forward and explained that they were moving the Autism Center out to CR 236 in the Timberstone Center. They had received a Change of Use to lease to the drug treatment center. They would like to sell this building and thought that going to the C-2 zoning would make it the most marketable. Mr. Pneuman commented that this area of town is one that seems to be in transition. As you go up and down the street there are scattered business uses. He said he didn't think the change of zoning would be terribly disruptive.

Paul Schmelzer stated that he understood Mr. Pneuman's perspective. He said he hoped Mr. Pneuman could understand from the perspective of looking out for the neighborhood and the uses that are there and the surrounding zoning district. Mr. Schmelzer said he felt we are trying to be as flexible as we can be to meet the original intent of what the property was prior to a change in the zoning map. It was C Residential at the time it was converted. He said he hopes he can understand staff's recommendation to go to C-1 instead of C-2. Mr. Schmelzer said he would recommend the O-1 Office Institution district personally. He said he feels it comes closest to what the C Residential afforded them originally. He said he may be okay with going ahead with HRPC's recommendation at least to recommend to Council and open it up to further discussion there. Probably depending on feedback from the neighborhood to Council you'll get a determination as to whether you go to O-1, C-1 or stay the same.

Dan Clinger asked if the owner has a current lease on this property. Mr. Pneuman said it has been month to month lease and as soon as they sell it the current tenant will vacate. Mr. Clinger said he personally likes the O-1 better. It is a little more restrictive. He said he realizes there is more commercial zoning farther down the street but felt this is a spot zoning. Mr. Schmelzer commented that he feels this property is not suited for residential and would have to continue on with getting approval for non-conforming uses if it remains zoned residential. So he feels trying to give it a classification that better suits it is not unreasonable. He can understand the spot zoning issue but at the time of construction that C Residential zoning covered multiple uses and not just residential. Mr. Clinger asked if the O-1 would protect the neighborhood more. Mr. Schmelzer said it is more restrictive and his question would be does the neighborhood care about that restriction. Would they mind a coffee shop next door? He stated that he didn't know if any adjoining owners were here today.

A gentleman in the audience spoke up. He said he didn't know what the O-1 permitted. Mr. Schmelzer asked Judy Scrimshaw to read what uses were allowed in the O-1 district. Ms. Scrimshaw read that section from the code. She then stated some of the uses permitted in the C-1 district which ranged into restaurants, beauty salons, etc. The neighbor stated that he didn't want to see a drive thru coffee shop putting a lot of traffic put on the alleyway which already has cars using it as a street. Ms. Scrimshaw explained that a drive thru lane always requires further review. Adequate room for stacking vehicles on the site is required; the flow in and out is reviewed, etc. He stated that he didn't like what was going on there now. There are 20 or 30 people standing around smoking throughout the day.

Paul Schmelzer asked Don Rasmussen if since the application is asking for C-2 that the application does not change as a function of this body. Mr. Rasmussen replied no. Mr.

Schmelzer stated that regardless what this body recommends the C-2 conversation and our recommendation still takes place at Planning and Zoning and City Council. Mr. Schmelzer asked Mr. Pneuman if he was clear on this process. Mr. Pneuman stated yes.

MOTION

Paul Schmelzer stated that considering the discussion he would make a **motion to recommend to Findlay City Council that this property be rezoned to O-1 Institutions and Offices.**

2nd: Jackie Schroeder

Mr. Pneuman stated that if you go a block or block and a half down the street there are uses that show it is a neighborhood in transition. It is a four lane road and is going to change. Mr. Pneuman stated that to the gentleman's point, if he has complaints about who is there now, this is an opportunity to look at something different. Mr. Pneuman stated he didn't know what they could do with the O-1 as it is fairly limited. He said it ties their hands. Mr. Schmelzer said he think it does also and that is why he wanted to clarify that CPC is not changing their application by this recommendation. He said that based on the conversations today and the fact that the O-1 most closely fits what the owner had when it was zoned C Residential in the old code, that he felt he made the motion as such.

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

2. SITE PLAN APPLICATION #SP-04-2015 filed by Quality Lines, Inc., 2440 Bright Rd, Findlay for stone storage lot and fencing.

HRPC

General Information

This site is located on the west side of Bright Road in the Tiny Timbers Subdivision. It is zoned I-1 Light Industrial. Land surrounding the parcel is zoned C-2 General Commercial. It is not within the 100 year flood plain. The Land Use Plan designates the area as Regional Commercial.

Parcel History

The Tiny Timbers Subdivision was reviewed and approved by FCPC on October 9, 2015.

Staff Analysis

The applicant is proposing an outside stone storage pad with chain link fencing on the northeast corner of Lot 2. There is an existing metal building in the stoned area.

The lot will be accessed via the existing paved drive and parking lot on Lot 1. An easement of access was recorded in the subdivision to access this parcel because it does not have its own road frontage.

When the zoning change to I-1 was approved in October, 2014 it was noted that when a site plan was proposed, screening between this industrial lot and the commercially zoned lots abutting it would come into play. Per the City of Findlay Zoning Ordinance 1161.07.3, Level 2 screening is required when Industrial uses or districts abut Commercial uses or districts.

Staff suggests that Option 1 which requires four (4) canopy and four (4) evergreen trees per 100 feet of contiguous boundary be used in this instance. The areas abutting this site plan are all still vacant. For that reason we suggest only requiring the plantings along the north and east portions of the site that are being developed at this time. The plan shows the lot as close as 4' to the property line in spots. This will probably need to be adjusted in order to have adequate room for planting. As any other improvements happen on the lot, the applicant will be required to screen more of its boundary.

The plan indicates the fence is 6' in height with barbed wire on top. The Industrial district is the only area where barbed wire is permitted. The fence can be a maximum of 10' high in the industrial area also.

Staff Recommendation

HRPC Staff recommends approval of the site plan subject to:

- Screening being installed as required along the north and east sides

ENGINEERING

Access – Existing access will not change

Water & Sanitary Sewer – Existing services will not change

Stormwater Management – Proposed detention pond meets the City's requirements.

Sidewalks – Existing sidewalks will remain in place

Recommendation: Approval of the plan

Storm sewer permit will be required.

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends approval of **SITE PLAN APPLICATION #SP-04-2015 for stone storage lot and fencing at 2440 Bright Rd, Findlay subject to the following conditions:**

- Screening being installed as required along the north and east sides (HRPC)

DISCUSSION

Dan Clinger asked for clarification of what areas were to be screened. Judy Scrimshaw stated that she was referring to the portion of the lot on the north side that is being developed now. She stated that she is sure there will be more happening on the parcel in the future and is fine with only requiring that much now and the same with the east boundary. She commented that he really is not affecting any surrounding owners at this time. Ms. Scrimshaw stated that she did get one phone call from the owners of the insurance office and car dealership. They requested a copy of the site plan which she provided and did not hear anything else from them after that. They would be the closest existing business to the project so far. Ms. Scrimshaw stated that since this project right now is so small and really does not affect anyone else, she didn't feel that screening the entire perimeter was necessary now. This makes the developer aware of what he will be required to do in the future.

Mr. Clinger asked how much property would be required to develop that screening. Would it be 10, 20 feet? Dan Stone stated that it would depend on the type of trees. He said you could get them in 4 feet. Mr. Clinger questioned why he had to go so close to the north with the lot when there is so much other acreage to work with. Mr. Stone replied that he needed room to maneuver around the existing building and that the easement of access is on the north side and this will feed off of the existing parking lot. They basically expanded that parking lot to the west. Mr. Stone said he questioned the requirement of the screening on the east line because it is the same owner and it abuts an asphalt parking lot. He stated he doesn't see the benefit of screening that and would ask the Commission to waive that portion.

Mr. Clinger stated that he measured about 40+ feet of area north of the building and he would like to see maybe a 20' buffer on that side. That would still give adequate room to maneuver. Mr. Stone said he thought that was pretty steep and was not aware of any code that would require that. He said it is industrial zoning and if they can get adequate screening in what is there, he didn't see any reason to come 20' off the property line.

Mr. Schmelzer asked where the fence is planned. Mr. Stone replied that it will be right along the stone area. All four sides of the lot will be fenced and the access will be in the northeast corner. He said they can adjust the north side to get ample buffer if necessary.

Dan Clinger asked if when the site is further developed that the drainage will be relocated. Mr. Stone stated yes. Mr. Stone said the swale they will install will be the detention and water quality that will tie into the existing sewer. As the site develops, there will be more detention installed.

Mr. Clinger asked if there is any issue with the stone pavement in the industrial. Ms. Scrimshaw stated it is the only area where such is permitted for storage areas. She stated that at least if they are on stone and drive out there is ample pavement before they come to the road to drop any stone.

Dan Clinger asked what type of compromise they would make on the north side. Mr. Stone said that the owner were not here but they did state that they would screen the north side and do whatever it would take to accomplish. Mr. Stone said he thought perhaps a 7 or 8 foot buffer may be needed.

Paul Schmelzer stated that he sort of agreed with both sides' comments. He said he doesn't think he can require a 20' setback but he doesn't think 4' is enough for an adequate buffer. He stated that in line with the recommendation from HRPC, they should get the stone back an appropriate distance to adequately screen per the code on the north side. Mr. Schmelzer stated that he also wasn't sure it made a lot of sense to screen between the stone and the existing parking lot. He said that in lieu of screening from the existing commercial property on the east which is owned by the same person, would they consider moving that screening south toward the insurance agency that had called. They could buffer that now. Mr. Stone clarified that they would take the couple hundred feet along the parking lot and move it south to start the buffer there. Mr. Schmelzer stated yes. Matt Cordonnier said he agreed with that line of thinking. He said he did some benefit of the storage being screened however. People from Bright Road will be seeing it and that would be his objection. He commented that even though he owns the land to the east now he may not someday. Dan Stone stated that it is 600' off Bright Road. Mr. Cordonnier stated that he knows you won't be staring at it for a long period, but it is a part of the vista

driving by. He compared it to driving along I-75 and viewing what is along the road as someone passes through Findlay.

Mr. Schmelzer asked about the slats that can be installed in chain link fences. He said they are often used for security purposes so you can't readily see what is being stored. Or perhaps they can use a fence that cannot be seen through. Mr. Stone commented that it can work both ways as far as security. If the fence is opaque, you can't see if someone is in there either. Mr. Cordonnier stated that we would have to consult the code. The screening slats are not permitted for sure in residential. He couldn't recall if it is addressed in Industrial.

Dan Clinger said that both parcels are owned by the same person and the industrial lot has permanent ingress easement. He said that the other lot could be sold at some time and the easement would not go away. Dan Stone replied yes, it was platted. He said it was only done as two (2) lots in order to get the industrial zoning he needed for the storage. Mr. Clinger asked that if the lot was sold could we go back and require the screening along the east line then. Mr. Schmelzer replied that if the site gets fully developed and they have no reason to come back to CPC again we couldn't change anything on them. The purchaser would be buying it under the condition it is in at the time anyway. Mr. Schmelzer asked if the code called for an instance of using fencing instead of buffer. Ms. Scrimshaw stated that it adds fencing to buffers for more intense screening but doesn't really substitute.

MOTION

Paul Schmelzer made a **motion to approve SITE PLAN APPLICATION #SP-04-2015 filed by Quality Lines, Inc., 2440 Bright Rd, Findlay for stone storage lot and fencing according to Staff recommendations unless a satisfactory alternative for screening is presented to HRPC. He explained that this means they are required to do this on the north and east sides. If a plan is brought in that shows the screening adjacent to the southeast abutting parcel, and something can be done with the fence in accordance with the code to screen that would eliminate the need for other screening between the two commonly owned parcels.**

2nd: Dan Clinger

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

3. REVIEW OF AMENDMENTS TO FINDLAY ZONING ORDINANCE.

Matt Cordonnier stated that Mr. Bob Edds was here with some questions related to signage at a local Church. He asked that before we start to look at the code changes that perhaps we hear from him.

Mr. Edds stated that he wanted to talk about the frequency that message can change on an electronic sign. He is a member of St. Paul's Church at the corner of E. Sandusky and East Streets. They have had an electric sign for about 4 years or so. Mr. Edds said that he understands that the messages on an electronic billboard can change every 8 seconds. In contrast, the Church's electronic sign may only change every 2 hours. He would like to suggest that the new code be closer to the guidelines of the billboards.

Paul Schmelzer asked what his rationale for that would be. Do they wish to scroll messages?

Mr. Edds said they would like to see the messages more frequently displayed. He doesn't consider it scrolling. He would like to see a message sit there for the 8 seconds and then the next one come up.

Mr. Schmelzer stated that he thought that the intent was not for delivering a mass amount of information at any time, but to give some recognition as an accessory sign to what a business, etc. may be before the driver reaches the location. He understands they are in a relatively isolated location with their sign. Mr. Schmelzer asked to envision what Tiffin Avenue would look like with every business allowed to change their message every 8 seconds. He further stated that as a body we don't have the ability to say we like what you are scrolling but we don't like what he is or we like your message, but 8 seconds isn't enough to read it so you need 12 seconds, etc., etc. This will be an enforcement nightmare. Mr. Schmelzer said that perhaps 2 hours is too long, but it's certainly more flexible than the permanent signs that were allowed previously.

Todd Richard added that the digital billboards today are often a trade-off. We go from four 30' x 10' panels to one. So we reduce a lot of clutter. The C-3 District that the Church is in actually prohibits electronic message centers. Mr. Richard stated that we had tried in the new code to adapt to some of the new technology. These are more convenient and efficient. Over the years these have not been permitted downtown and maybe council's attitude will change someday. We had had a request at the time for a scrolling, racer board, tickertape type thing downtown and that was denied. Mr. Richard said that Mr. Edds situation will probably be open for discussion as we go through the process of amending our zoning ordinance. Mr. Edds said he can understand from the standpoint of a continuous scrolling message but he is talking about a message coming up, going away and the next one coming up. He said he is curious why the high school and the university can have these signs. Mr. Richard replied that the high school has a variance. He stated that there were some rules created for the university district for such a sign at the time. Mr. Edds commented on other locations of signs that make it seem like the rules are choppy. Mr. Richard said he understands his perspective. Many of these probably went through a variance process. Mr. Schmelzer asked if many of these signs were put in place prior to the code being modified to include these. Todd Richard stated yes. Mr. Schmelzer asked if there have been variances since the code was modified. Mr. Richard stated that that is a pretty accurate statement.

Mr. Edds commented that the city should consider a couple of things. One is differentiating scrolling and fixed message. The other would be the timing. He doesn't think it has to be the 8 second rule for billboards, but maybe make it a minute or two.

Matt Cordonnier then started the discussion of the text that HRPC and the Zoning Department had submitted to the Commission for review. Many items are simple clarification of terms and corrections. He stated that the code has been in effect since 2011 and now that Mr. Richard has been working with it for a while, he has found issues that need resolved, errors, items that need further definition or clarification, etc. We have worked together to make recommendations to clean thing up.

The packet given to the commission has the corrections, and deletions noted and a short explanation of why it was done. The Commission began to go through the text making comments. This is also going to be reviewed at Planning and Zoning today. The Commission made its way through items including BZA, Historic Commission, and the first few zoning districts. Discussion will continue at future meetings.

Note: At Planning and Zoning on March 12 at 4:00, the Committee agreed to try to schedule a joint meeting with CPC members to go through this process together. This will be a more efficient use of Staff and the bodies' resources and time. HRPC Staff will try to coordinate the joint meeting.

ADJOURNMENT

With no further business the meeting was adjourned.

Lydia L. Mihalik
Mayor

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