

City of Findlay City Planning Commission

Thursday, May 14, 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:

Mayor Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger

STAFF ATTENDING:

Matt Pickett, FFD
Matt Cordonnier, HRPC Director
Judy Scrimshaw, HRPC
Todd Richard
Don Rasmussen

GUESTS:

George Mills, James C. Koehler, Tom Shindledecker, Lou Willin, Phil Rooney, Jose Rivera, Dan Stone

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger

SWEARING IN

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

APPROVAL OF MINUTES

Dan Clinger made a motion to approve the minutes of the April 9, 2015 meeting. Paul Schmelzer seconded. Motion to accept carried 4-0.

NEW ITEMS

1. PETITION FOR ZONING AMENDMENT #ZA-06-2015 filed to rezone 706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.

HRPC

General Information

This request is located on the northwest of W. Main Cross Street and Western Avenue. The lot is zoned R-3 Single Family High Density. Parcels to the north, west and east are also zoned R-3. To the south is zoned C-1 Local Commercial. 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 building is listed as a two family residence on the Auditor's website. It was a residence and real estate office at one time.

Staff Analysis

The applicant is requesting to change the zoning of this parcel from R-3 Single Family to M-1 Multiple Family in order to add a third living unit. He stated in his narrative that when they had purchased the property there was one rental unit and an office and they had set aside some area for a potential 1 bedroom unit on the first floor.

At the time the property was purchased by the current owner it was zoned C Residential, which permitted all housing whether single, duplex or multi-family and office uses. In the conversion to the new zoning code, the map was changed and this entire neighborhood was classified as R-3 due to the average size of lots in the area.

The Findlay Zoning Ordinance requires a multi-family unit to provide 2 ½ off street parking spaces per unit. (8 spaces) The site has a two car garage as well as a three car wide driveway in front of the garage and a 27' x 42' asphalt paved area in front of the house. This should provide adequate space for parking of vehicles.

Staff met with the applicant prior to his filing the application to rezone. We discussed the fact that we are in the process of amending the code. In those amendments, we are proposing to add triplexes to the R-4 district. However, if he wishes to add the extra unit now his only option is to go to the multi-family category. Once amendments are adopted and the map changed this property will be suited for that district.

Staff Recommendation

HRPC Staff recommends that FCPC recommend to Findlay City Council to rezone **706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

ENGINEERING

No objections

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend to Findlay City Council to rezone **706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

DISCUSSION

Dan Clinger asked what the current layout of the house would be. He asked if it is one office and one rental unit.

The owner of the property came forward and was sworn in by Judy Scrimshaw. He stated his name as George Mills of 932 S. Main Street. He stated that when he purchased the property McMillen Realty had the south half of the first floor and there is a two bedroom apartment on the second floor. There is approximately 650 square feet in the corner of the downstairs that was set aside for a potential living unit. Currently the downstairs is not rented and has just been used for storage. Mr. Mills responded that there is a two bedroom unit in the south half of the upstairs and the north half of the building is a two story two bedroom unit.

Mr. Clinger said he has some difficulty going to the M-1 zoning on this. He mentioned that there is nothing else in the vicinity that falls into that category. He asked if it were typical to use the space in front of a garage for parking. Ms. Scrimshaw stated that they do count. The code does count any spaces that are "off street". Mr. Mills stated that the garages are rather small and probably only subcompact cars would fit comfortably. Mr. Clinger reported that the code also requires one space for every two units for visitor. Ms. Scrimshaw responded that that is one of the issues with the gap between duplexes, triplexes and actual multi family developments. That is why we are working on allowing the triplexes in the R-4. Unfortunately, right now we only have the M-1 and M-2 districts to work with right now to allow him a third unit. Ms. Scrimshaw stated that they had discussed this with Mr. Mills and had let him know that he would fall into the R-4 district once that is adopted and that in the map change process we would definitely make his lot R-4.

Mr. Clinger asked if there are any other triplexes in the neighborhood. Judy Scrimshaw said she would not be surprised if there are others down Main Cross Street.

Mr. Schmelzer stated that he looks at the issue this way; we had a zoning code that permitted exactly what he wishes to do, we changed the code, we left a gap in the code and now we don't give him the opportunity to develop the property as he had intended. Mr. Schmelzer said he feels we have been fairly consistent in looking at these issues. We want people to invest, redevelop these properties. If this is M-1 now, whenever we get the code done, it will be R-4. A lot of times these types of conversions want to take place and they don't have anywhere near the appropriate parking. Mr. Schmelzer said he knows there are some immediate issues, but these are issues that we have created.

Mr. Clinger said that in the M-1 there is a 500 square foot minimum living unit. Mr. Mills replied that the new unit will be 650 square feet.

MOTION

Lydia Mihalik made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-06-2015 filed to rezone 706 W. Main Cross Street from R-3 Single Family High Density to M-1 Multiple Family Medium Density.**

2nd: Jackie Schroeder

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

2. PETITION FOR ZONING AMENDMENT #ZA-07-2015 filed to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.

HRPC

General Information

This site is located on the south side of Romick Parkway in the Deer Meadows Subdivision. It is zoned I-1 Light Industrial. Land on the north, east and west side is also zoned I-1. Land to the south across the railroad track 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

This site is currently the location of a memorial built by the FOP.

Staff Analysis

The applicant wishes to rezone this parcel in order to construct a lodge building on the site. (The site plan is item #6 on today's agenda.) The industrial zoning does not permit such uses.

The Deer Meadows Subdivision was done as a combination Commercial/Industrial development. Lots in the northernmost part are zoned as Commercial. As stated above, the Land Use Plan shows the subdivision as Regional Commercial. Most of the lots in this subdivision are fairly small in relation to what other industrial lots are. A couple of the sites have had to purchase 2 lots in order to have the space necessary for their operations.

Staff Recommendation

HRPC Staff recommends that FCPC recommend **to Findlay City Council to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

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-07-2015 to rezone 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

DISCUSSION

None

MOTION

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-07-2015 filed to 1769 Romick Parkway from I-1 Light Industrial to C-2 General Commercial.**

2nd: Dan Clinger

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

3. REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial

HRPC

General Information

This land is located on the north side of E. Bigelow Avenue about midway between the railroad tracks and Crystal Avenue. It is zoned A-1 Agriculture in Marion Township. Land to the north and east is zoned I-1 Light Industrial in the City of Findlay. To the west is zoned M-1 Restricted Industrial in Marion Township. To the south is zoned a combination of B-3 General Business and R-2 Two Family Residential in Marion Township. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Industrial.

Parcel History

The site is the location of Jaqua's Gun Club and Range.

Staff Analysis

The land in this request is in the process of an expedited annexation. The City requires newly annexed land to have a zoning district assigned to it.

The applicant has requested I-1 Light Industrial to fit in with the surrounding industrial land. The City Land Use Plan agrees with this designation.

Staff Recommendation

HRPC Staff recommends approval of the **REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial**

ENGINEERING

No objections

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends approval of **REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial.**

DISCUSSION

Paul Schmelzer made the comment that this could have been included with the previous annexation but was not. This makes it fit in with the overall plans for the industrial park. The revenue sharing agreement between the City and the Township is in the process.

MOTION

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of REQUEST TO ZONE LAND UPON ANNEXATION TO THE CITY OF FINDLAY #ZA-08-2015 to zone 28.651 acres on the north side of E. Bigelow Avenue (Ranzau II annexation) to I-1 Light Industrial**

2nd: Jackie Schroeder

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

4. ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue.

HRPC

General Information

This is a 60' wide right of way running south off of Lima Avenue just east of the intersection of Lake Cascades Parkway. It also includes a 50' wide piece of right of way of Stadium Drive that ran west from Cord Street into Lake Cascades Parkway.

Parcel History

None

Staff Analysis

The rights of ways in this request are in the midst of land owned by Cooper Tire and Rubber Company. The street stubs are only used for Cooper business purposes. Cooper is the only abutting owner.

Staff Recommendation

HRPC Staff recommends approval of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue.**

ENGINEERING

No objections however several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved.

FIRE PREVENTION

Allow access to maintain sprinkler risers on the west side of building.

STAFF RECOMMENDATION

Staff recommends approval of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue subject to the following:**

- **Several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved. (ENG)**
- **Allow access to maintain sprinkler risers on the west side of building. (FIRE)**

DISCUSSION

Dan Clinger asked what happens if the company wants to expand a building over an area with underground utilities. He asked if they would have to reroute the utilities. Brian Thomas replied yes they could not build over them so they would have to relocate. Mr. Clinger asked if the utilities are only serving Cooper or would they be cutting off other persons. Paul Schmelzer stated that most of what is in this right of way is storm sewer. As a general rule, if there were lines here that served an area, they would have to reroute and make sure that the pressure and flow were maintained to serve that area.

Jackie Schroeder commented that there are existing street signs and stop sign there. She asked if these will be removed when the street is vacated. Mr. Schmelzer said the street sign could probably stay even if private. He said the stop sign could also if a matter of safety.

Dan Clinger asked if there was any need to barricade one end or the other. Mr. Schmelzer said no. Ms. Schroeder commented that she drove in there and there really isn't any reason for anyone else to be there.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION # AV-01-2015 filed by Cooper Tire & Rubber Company, 701 Lima Avenue to vacate Cord Street south of Lima Avenue subject to the following conditions:**

- **Several City and private utilities are located within these rights of way; easements will need to be retained for these utilities should the vacation request be approved. (ENG)**
- **Allow access to maintain sprinkler risers on the west side of building. (FIRE)**

2nd: Dan Clinger

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

5. APPLICATION FOR CONDITIONAL USE #CU-01-2015 filed by Moody Development Ltd., 321 Penbrooke Drive, Findlay, OH for a drive through Auto Wash to be located at 2215 Tiffin Avenue.

HRPC

General Information

This site is located on the south side of Tiffin Avenue west of the intersection of Spruce Court. The property is zoned C-2 General Commercial. Land to the north, east and west is also zoned C-2. Land to the south is zoned R-1 Single Family Low Density. It is not located within the 100 year flood plain. The Land Use Plan designates the area as Regional Commercial.

Parcel History

This is a former restaurant site. It has been Diamond River, Red Pig Inn and most recently LaScola.

Staff Analysis

The applicants are proposing a car wash on this site. Car washes are a conditional use in the C-2 General Commercial zoning district. They are requesting the Conditional Use today and will need to submit a formal site plan at a later meeting. Conditions listed in the City Ordinance are:

- Vacuums only permitted in the I-1 district
- Hours of operation can be 24 hours if attended
- Screening requirements must be met

Planning Commission can require other conditions they deem appropriate or if they feel the use is not appropriate in general for the site they can deny.

The applicant states that they intend to reuse most of the existing structure and modify it to create the car wash. New pavement will be required to create the lanes necessary for the new traffic patterns around and through the building.

The car wash is a staffed operation with limited hours of operation. When not in operation it will be secured at the access points with gates and the equipment will be turned off.

The applicant is having a noise study done for the site. This is not yet available.

We had a similar type of car wash developed on Trenton Avenue at Bolton recently. It is also in a C-2 General Commercial area. The main difference would be that the land to the rear of the Trenton Avenue site is zoned I-1 Light Industrial whereas this abuts an R-1 Single Family Residential area. The applicants are also planning to construct a car wash off Trenton Avenue west of WalMart. That site is completely surrounded by Commercial zoning and uses.

Without the noise study results, the fact that the site abuts residential property and due to the nature of all the other types of businesses along this corridor, Staff feels this is not the most suitable place for a car wash operation.

Staff Recommendation

HRPC Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue.**

ENGINEERING

No objections

FIRE PREVENTION

Apply for all necessary permits with Wood County Building Department

STAFF RECOMMENDATION

Staff recommends denial of **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue.**

DISCUSSION

Paul Schmelzer stated that he agreed with the HRPC recommendation. He said that even in light of the acoustical study that he didn't think it was an appropriate site. Dan Clinger said that he agreed primarily because it is a conditional use and does abut a residential area.

Phil Rooney came forward as a representative of Moody Development. Mr. Rooney said they have struggled with this stretch of ground for nearly 20 years since it was developed. Ever since it started there were conflicts on what could go there because it abutted a residential development. Mr. Rooney said that that residential development is only 400 feet from the busiest street in Findlay. He commented that if you look at the code, there is nowhere else to put a car wash except in C-1 or C-2. It is conditional in both. Mr. Rooney commented that yes the one on Trenton Avenue backs up to Industrial, but just east of that is residential. He said he doesn't understand why you can't put a commercial use on the busiest street in town just because there are homes behind it. Those people knew when they bought those houses that there was commercial abutting them. He doesn't think this will be any more noise than loading docks at GFS or Aldi's or the gas station down the street.

Paul Schmelzer said he disagreed on a couple of points. Many of those people lived there before Spruce Drive was installed and if you would ask them if they wanted commercial behind them they would have said absolutely not. Number two, he said, the buffer that was put in was supposed to be maintained by the commercial properties and has not been. He said they are now looking at a project to try to rectify that situation. Number three, he said, is this is a conditional use primarily because of the vacuums. Mr. Schmelzer also said that this could become a 24 hour operation if it is attended. None of the others are a 24 hour operation. Mr. Rooney asked then why would this one become so. Mr. Schmelzer stated that if it would become profitable to operate it could be. Mr. Rooney commented that this is a commercial area. It is the same story from 20 years ago when John Anning lived back there and didn't want signs up. You had to use very low rise signs or none in the rear.

Matt Cordonnier said he would contend that if this was proposed on the other side of the street we would not be having any of these concerns or issues. He said he just feels there are better places you can do this. Mr. Rooney asked why it is any different than a gas station. There will be cars driving in and out all the time. There is a gas station a few lots away. Mr. Cordonnier replied that a gas station does not have industrial blowers or vacuums. Mr. Rooney replied that they have done an acoustical study and it is not going to be that noisy. He said the board has ignored that. Mr. Schmelzer said he hasn't ignored it he just doesn't buy it. Mr. Schmelzer stated he also still does not feel it is appropriate for a potentially 24 hour use. He said that they may not be operating it as a 24 hour use right now but it could be. Phil Rooney said the Commission should make it a condition of approval to not operate 24 hours. Mr. Schmelzer said he was not sure if they could put a restriction on a business's hours of operation. Mr. Rooney replied that they have put conditions on a lot of things like times a sign can change a message, etc. Paul Schmelzer asked Law Director Rasmussen if it is legal to put restrictions on what hours they could operate.

A gentleman spoke from the audience. He said he could tell the Commission that this would not operate 24 hours. He said he has 19 of these and none are run 24 hours a day. Mr. Schmelzer said he is not saying that he does, but that the possibility does exist. The gentleman replied that there is zero possibility. Mr. Schmelzer responded that from a code perspective it is not impossible. Lydia Mihalik asked Mr. Rasmussen if we legally had that ability. Mr. Rasmussen said he didn't know if they do. The problem would be with a subsequent owner that comes in. They might purchase and want to run 24 hours. He said he doesn't know if this can be accomplished through zoning. Dan Clinger responded that even if you aren't running 24 hours, but maybe go to midnight and open at 6 a.m. that is an inconvenience for the neighbors.

Mr. Rooney replied that if the City can put the conditions as listed on a project they can put on others if they want to. Mayor Mihalik asked Ms. Scrimshaw if we had notified the adjoining property owners. Ms. Scrimshaw replied that she had sent the letters to the abutting owners. Only two of the residences are technically abutting this lot. She said she had not heard from anyone. The gentleman in the audience that had been speaking said he was still waiting for the time for audience members to speak. Ms. Mihalik replied that he is an applicant so he can come up front and speak at any time. The applicant said he swore to tell the truth and he will not be open 24 hours a day. And he stated that he will not sell the location. He stated his name as Jose Rivera of Orange Beach, Alabama.

Mr. Rivera stated he has 19 of these Zippy's carwashes. He said he does not operate 24 hours, he doesn't close at midnight, and he doesn't open at 6. Mr. Rivera said his hours are 8 to 8 summer hours and 8 to 7 winter hours. Mr. Rivera said this is the first he is doing in the north in Ohio. He has washes in Alabama, Texas, Georgia, and Tennessee. He said he has not, nor will he run 24 hours. He said it is not economical, it's not feasible. He said also that he deals with neighbors on a daily basis at all of their locations. He says most locations do back up to residential. Most of the time if residents come in and say they don't want his business there he moves on. Mr. Rivera said that here he hasn't seen anyone objecting to his application. Mr. Rivera said he has met the noise requirements; they have a street between them and the homes. He said if they have to they will take care of the barrier that was talked about that wasn't done. It doesn't matter to them, they will do it. Mr. Rivera stated that they are here to serve the public. He said everywhere they have gone they have wanted them there and they have served. He replied that the first one here just opened up a couple months ago. If you go by the decibel level of the vacuums is no louder than the blower in the restroom here. He said the vacuums are enclosed, the garbage cans are enclosed, and it is attended every day.

He said he hires 6 people that are there while it is open. He hires a local manager. He has part time help from the high school or college. He said he has had a couple issues with a couple cities where they had to get a supplemental use permit on a couple locations. He said even after they opened if a neighbor had an issue they have his cell number. He said they call him direct and say what has happened and we take care of it. If you don't take my word for it you can call any of those locations in Lufkin, Nacogdoches or Waxahachie, TX, Woodstock GA, or Cullman, AL and talk to them. Mr. Rivers said his company is an asset, they bring business, they join the local Chamber of Commerce, and they do what is right for the city. They don't want to bring an eyesore. He understands the vacuums in older car washes and they were often unattended and open 24 hours. He had those. He has either sold them or knocked them down and built the new versions. He stated that no one in the express car wash business is going to stay open 24 hours. He said it is just not lucrative. You cannot use these washes without an attendant. Mr. Rivera again stated that he did the acoustical study and brought the gentleman with him if there are questions. He stated that it does meet all the ambient noises there. He thought this would be a slam dunk and there would not be any issues. He commented that this is in commercial, it is on the busiest road, it meets the noise levels, and there is a street buffer behind them. He stated that he did not hear one negative comment from any neighbors today. He said if they are not here complaining, you don't live there, why would you care. Mayor Mihalik said in all fairness, they do represent the neighborhood whether or not we live there. Mr. Rivera replied that wouldn't they tell you if they were opposed to it.

Phil Rooney stated that the Conditional Use section already restricts hours of use. He said the Commission can just say a condition is that they can only operate certain hours. Mr. Schmelzer had Mr. Rooney quote the condition use section in regard to an attended facility can be open 24 hours. Mr. Schmelzer then replied that he did not see that he can limit the hours if it says it can operate 24 with attendants. Mr. Schmelzer told Mr. Rivera that he is not here trying to say that he is not telling the truth. He said his point is that he can't take his word and have it enter into the decision. Mr. Schmelzer said that once that use is there, they could modify the car wash someday. Mr. Rooney insisted that they can put conditions on the hours. Mr. Schmelzer asked Don Rasmussen if Mr. Rooney is correct in saying that he could place a condition on the hours of operation. Mr. Rivera asked that if he says he is attended until 8 and unattended until 11 could he do that. Mr. Schmelzer said the bottom line is the ambient noise level during business hours matches. If you are going to run the blowers at any point in time, that could be 24 hours a day, the decibel level would exceed that ambient noise level for the neighborhood. Mr. Schmelzer said that if they can restrict that and say you can only run your business during these hours, regardless of whether attended or not, then it will match the ambient noise level and then he doesn't care. Mr. Rooney again said he thinks it is fine to put an hours of operation condition on the property. Mr. Schmelzer said what if they come in and put coin operated vacuums that are accessible all day? Ms. Mihalik noted that it still also says that the vacuums are only permitted in I-1.

Matt Cordonnier quoted the Planning Commission section 1113.20.

The Planning Commission may apply conditions on the application if the effect is to:

1. Allow a less intensive use or zoning district than indicated in the application,
2. Reduce the impact of the development or;
3. Reduce the amount of land area included in the application.
4. Provide for the public's safety and general welfare.

Mr. Cordonnier said he interprets that to mean the Planning Commission has authority to place additional conditions for any of these four reasons.

Mr. Rasmussen stated that he still thinks we need to take a look at the actual code that says if attended it can have 24 hour operation. Sometimes it hasn't worked out very well where we tried to put some conditions like up by Glenwood School and those were violated. Mr. Rooney said if you look at 1161.15 it states these are factors you may want to look at but not definite restrictions. If the problem is that you don't want noise for the neighbors, the client is willing to do whatever is needed to make that happen. Mr. Schmelzer said his main issue is the ambient noise and as long as we can take care of it for any owner here he would be comfortable with the car wash. He can see it as an improvement over what is there now. If this use can be restricted somehow regardless of the property owner to what this gentleman has said will be the hours of operation, he would call it an improvement and be in favor of it. Mr. Schmelzer said he is just not sure we can place that restriction and it will be binding and if he will work with us on the screening then he can be comfortable with it. Mayor Mihalik asked what the mechanism is to ensure that if the car wash changes hands the hours of operation are the same. Mr. Rasmussen replied that it could probably be done in a deed restriction. Mr. Rooney said there will be a record of the use of this property with that condition in it. Mr. Rivera asked if any of the have ever been to a car wash that is open 24 hours. His is attended. He has doors that are closed and locked up. Phil Rooney said if you want a deed restriction that is fine, but he thinks the record of a condition of approval is a better mechanism. Paul Schmelzer said he thinks a deed restriction would be beneficial because during title work it will come up. Mr. Rivera said he had no problem with it.

Dan Clinger asked what the screening requirements would be here. He asked Paul if the screening he was referring to was on the south side of Spruce. Paul replied that it is. He explained that when that overlay was approved there were requirements for the buffer that was to be maintained by the association of the business owners. The association has since gone defunct. Ms. Scrimshaw stated that it was also a private street at the time. All efforts from this administration and he believes prior ones as well, to get that association to be responsible and get that buffer back in shape have failed. Mr. Rivera asked what the buffer consisted of. Mr. Schmelzer said it was supposed to be a pine row and mound. Mr. Rivera asked if they wanted him to put something on his property to give it more of a buffer. Mr. Schmelzer said if we can deal with the deed restrictions and restrictions on the hours of use, and he can sit down with Mr. Rivera and talk about what we plan to do with that entire buffer, and get some participation there that would be perfect. Mr. Rivera said he has no problem with that. He's here to work with the City.

MOTION

Paul Schmelzer made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-01-2015 for a drive through Auto Wash to be located at 2215 Tiffin Avenue with the following conditions:**

- **The hours of operation are restricted to not allow 24 hour operation**
- **Deed Restrictions on the land shall so state the limited hours of operation**
- **The applicants agree to work with the City on screening along Spruce Drive to the south of the site.**

2nd: Lydia Mihalik

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

6. SITE PLAN APPLICATION #SP-09-2015 filed by Fraternal Order of Police #20, PO Box 1395, Findlay for a lodge at 1769 Romick Parkway.

HRPC

General Information

This site is located on the south side of Romick Parkway in the Deer Meadows Subdivision. It is zoned I-1 Light Industrial. Land on the north, east and west side is also zoned I-1. Land to the south across the railroad track 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

This site is currently the location of a memorial built by the FOP. A request to rezone to C-2 General Commercial was the second item on today's agenda

Staff Analysis

The applicant is proposing to construct a 1600 square foot lodge building for the Findlay FOP #20 behind the existing memorial site.

Setbacks in the C-2 General Commercial district are 45' front yard, 30' rear yard, and 15' side yards. The building location exceeds all of these requirements.

Access to the site is through the existing drive for the memorial. The pavement will be extended to the south and 7 additional parking spaces will be added along the east side of the building. There are 20 existing parking spaces at the north end of the lot. The general parking standard in the C-2 District is one space per 375 square feet of area. This would only calculate to 5 required parking spaces. There is no signage indicated on the plans.

There is a landscape island at the northwest corner of the new parking area and foundation plantings indicated on the east side and part of the north side of the building. The code requires two (2) shrubs or ornamental trees per every 12 lineal feet of building circumference. At 164 lineal feet of circumference there are 14 required. The plan has 12 between the front and north side. Applicants need to add two more preferably on the north side as it is the visible "front" of the building. Due to the fact that there are storage units on the east side of the parking lot we see no reason to provide any screening here.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-09-2015 for the FOP lodge at 1769 Romick Parkway subject to the additional landscaping as required.**

ENGINEERING

Access – Existing access will remain in place

Water & Sanitary Sewer – Sanitary sewer and water services were built beneath the parking lot for the memorial. Both of these services will be extended to serve the proposed building. They will need both water and sanitary sewer permits. Lines were installed in 2005 but not connected. ERU's for sanitary will only be 1 (one) based on usage at current Fishlock facility.

Stormwater Management – Detention is provided by a regional pond so on site detention is not required.

Sidewalks – When the memorial site plan came through in 2005, sidewalk installation was a condition of approval. The city does not normally require sidewalks in industrial platted subdivisions. However, the applicant is requesting to change the zoning classification to General Commercial which normally does require sidewalks. There are no other sidewalks on the road at this time. The lots on either side of this parcel are developed for storage units. Would a sidewalk here serve any purpose?

Recommendation: Approval of the plan

The following permits may be required prior to construction:

- An approved Stormwater Pollution Prevention Plan
- Sanitary sewer permit
- Water tap permit

FIRE PREVENTION

- Apply for all necessary permits with Wood County Bldg. Dept.
- A Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed.

STAFF RECOMMENDATION

Staff recommends approval of **SITE PLAN APPLICATION #SP-09-2015 for Fraternal Order of Police #20 lodge at 1769 Romick Parkway subject to the following conditions:**

- **Addition of two (2) more shrubs or trees along the north side of the building (HRPC)**
- **Apply for all necessary permits Wood County Bldg. Dept. (FIRE)**
- **Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed (FIRE)**

DISCUSSION

Dan Clinger stated that depending on how the building is laid out or used it may require two means of egress and it only shows one. He stated as a comment from the aesthetic standpoint, with the nice memorial out there why not have an entrance on that side. With the 1600 square foot size you can have an occupancy load of more than 50 which would require the second exit.

Dan Stone replied that the drawings provided were a generic from the builder. They will address code issues on the final design.

Mr. Schmelzer commented on the sidewalk issue. We have had this question in the past and will have it again. Why do I have to put in a sidewalk when it doesn't go anywhere? If we never start then we never get a sidewalk anywhere. He questions the case of a parcel that is surrounded by industrial development that is already there. If the industrial was not developed he believes he would still want them to install the sidewalk in case there was a zoning change. In this instance with the industrial uses developed he does not see any reason to install the sidewalk at this time.

Judy Scrimshaw said she was confused on the sidewalk issue here. She had seen the minutes from before on this site and they stated that the sidewalk installation was a condition of approval. There is a conflict because the City has a sidewalk ordinance separate from everything else. In the subdivision regulations, it states that a subdivision, not designating residential, commercial, or industrial, shall have sidewalks. If you plat a subdivision the sidewalks are required. She said she could agree that one lot in the middle is not going to serve much purpose. Ms. Scrimshaw stated she would just like to see it go to everyone puts in sidewalks. In this day and age with everyone walking even in an industrial subdivision like Tall Timbers, it probably isn't unheard of that employees may go out for a walk on a nice day during lunch. Mayor Mihalik said she often thinks of going down E. Melrose and seeing people walking from the apartments to the gas station through the field. She said not everyone has the ability to travel by car. Ms. Mihalik said we should have sidewalks and any time we have the opportunity to put them in we should.

Jackie Schroeder stated that she noticed that the water and the sanitary both stub toward the south. She said she was wondering if there are any plans to do something on the rest of the lot. Dan Stone replied that when they first laid this out they had a concept of potentially doing another building. They are trying to keep everything open for potential growth whether parking or another building.

MOTION

Paul Schmelzer made a motion to approve **SITE PLAN APPLICATION #SP-09-2015 for Fraternal Order of Police #20 lodge at 1769 Romick Parkway subject to the following conditions:**

- **Addition of two (2) more shrubs or trees along the north side of the building (HRPC)**
- **Apply for all necessary permits Wood County Bldg. Dept. (FIRE)**
- **Knox Box will be required if a hood suppression system, sprinkler or fire alarm is installed (FIRE)**
- **Installation of sidewalks on Romick Parkway**

2nd: Jackie Schroeder

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

7. SITE PLAN APPLICATION #SP-10-2015 filed by Investek Holdings, LLC, 1090 W South Boundary, Suite 100, Perrysburg, OH for an apartment complex on Technology Drive.

HRPC

General Information

This site is located on the west side of Technology Drive south of Heartland Court. It is zoned M-2 Multiple Family High Density. To the north and east is zoned C-2. To the south is zoned M-2 Multiple Family High Density and land to the west is in Allen Township and has no zoning. It is not within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Office.

Parcel History

Findlay Commerce Park was originally platted as a PUD (Planned Unit Development). It was laid out for various Business, and Residential uses. The existing Horizon at Hillcrest apartment complex is on a part of Lot 1 also and was originally designated as Business. This part of Lot 1 was rezoned earlier this year to M-2.

Staff Analysis

This site is 19.333 acres in size. The applicant is proposing to develop the site as multiple family with a mix of ranch villas and 2 story apartments in one and two bedroom size. There will be a total of 152 rental units on the site and ten garage structures. No more than 40% of the site can be in impervious surfaces. We calculated the site to have approximately 37% of lot coverage. The number of units permitted is calculated on the net area of the site after the deduction of any dedicated right of way and private streets. The 152 units proposed is well under the maximum permitted.

All of the apartment buildings are more than 20' apart as required by zoning. Some of the garage structures on the north and south side of the development however are only separated by 18'. All required yard setbacks are met.

Parking is required on the basis of 2.5 spaces per dwelling unit plus one per every 2 units for visitors. This would calculate to 456 spaces for the complex. With the accessory garage buildings accounting for 104 spaces, each of the 48 ranch villa units providing a 2 car garage plus 2 spaces in the driveways for another 192 spaces, and general surface parking accounting for 163 spaces, the total parking provided is 517 spaces.

There is no freestanding signage indicated on the plan. We assume that some type of identification sign will be placed near the entry from Technology Drive. The location and detail will have to be approved by the zoning inspector prior to permit approval.

Elevation drawings show a combination of stone, brick and vinyl siding used for the facades of the structures. The apartment buildings are 2 story and the villas are single story. The landscaping plan shows the plantings being provided around the perimeters of the site, near the ponds and in the parking bump outs. There is no foundation planting plan provided.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive subject to the following conditions:**

- **Correct spacing between garage buildings**
- **Approved foundation planting plan**
- **Sign location and detail approved by zoning inspector**

ENGINEERING

Access – One (1) access is proposed onto Technology Drive

Water & Sanitary Sewer – Final locations of waterlines, sanitary and storm sewers, and easements are being discussed with Water Distribution and Engineering.

Stormwater Management – The site will be served by an existing regional detention facility.

Sidewalks – Sidewalks will be installed.

Recommendation: Conditional approval of the plan subject to review of utility locations and easements.

The following permits may be required prior to construction:

- An approved Stormwater Pollution Prevention Plan
- Water permit(s)
- Sanitary sewer permit(s)
- Storm sewer permit(s)
- Curb cut permit
- Sidewalk permit

FIRE PREVENTION

- Apply for all necessary permits with Wood County Building Department.
- The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building.
- If required to alter the proposed water lines, maintain proper hydrant locations as shown.
- A Knox Box will be required for the complex.

STAFF RECOMMENDATION

Staff recommends approval of **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive subject to the following conditions:**

- **Correct spacing between garage buildings (HRPC)**
- **Approved foundation planting plan (HRPC)**
- **Sign location and detail approved by zoning inspector (HRPC)**
- **Review of utility locations and easements (ENG)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**
- **The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building. (FIRE)**
- **If required to alter the proposed water lines, maintain proper hydrant locations as shown. (FIRE)**
- **Knox Box will be required for the complex. (FIRE)**

DISCUSSION

Dan Clinger stated he always has a concern when they have a drive entrance on a curve. He stated that in addition to that they have the higher density to the west side of the site and so there will be a high concentration of traffic going past the villas. If it was flipped with the apartments to the east side it would be better in his opinion. He said if the entry would be up across from Midwest Ct. it would be across from another intersection, it puts the entry on a straight part of the road and it puts the traffic for the apartments only past a few of the villas.

Dan Stone replied that the architects and developers agreed on this layout. He said he is concerned about pushing the entry up there. It cannot line up directly with Midwest Ct. it would have to be offset. He said they have positioned it site wise in a good spot. If the property across the road would ever develop, it would line up there.

Mr. Clinger said Bright Road is a good example of drives on curves. Mr. Stone said this cannot be compared with the traffic on Bright Road. Mr. Clinger agreed, but said once some trees are in the boulevards site lines can be impaired. Mr. Stone replied that the boulevards will be an issue with trees. There is so much fiber optic, electric and gas in there so there will probably not be much area suitable for planting. Mr. Clinger said if he was an owner of one of the villas, he would appreciate less traffic flow around his unit. That is why he came up with the idea of moving the entry drive. Mr. Stone commented that the big ditch there is going to be moved. There will be a 36' pipe there and if the main drive was there and there was a problem, they would have to tear up that drive.

Mr. Clinger had questions on the drainage. Mr. Stone stated that the pond was designed when the development started here. It was designed to handle everything from I-75 over. The ditch was cut to save some time and cost so now they will pick it up and bring it into the pond, then back out of the pond. This new pond is more of an aesthetic feature. Water will still go in and out of it and it will have a water feature.

Mr. Schmelzer asked about the description as being part of Lot 1. Ms. Scrimshaw said that Lot 1 was very large and now includes the 2 apartment developments and still has more land to the north. Mr. Schmelzer asked if there are separate legal descriptions. Ms. Scrimshaw replied yes, we wanted good legals for the zoning request to identify what is actually zoned for multi-family.

MOTION

Lydia Mihalik made a motion to approve **SITE PLAN APPLICATION #SP-10-2015 for an apartment complex on Technology Drive subject to the following conditions:**

- **Correct spacing between garage buildings (HRPC)**
- **Approved foundation planting plan (HRPC)**
- **Sign location and detail approved by zoning inspector (HRPC)**
- **Review of utility locations and easements (ENG)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**
- **The Fire Department Connections (FDC) locations shall be decided by FFD. Outside notification shall be a horn/strobe working on water flow only. The area in front of the FDC's shall be kept clear of landscaping, parking, etc. for each building. (FIRE)**
- **If required to alter the proposed water lines, maintain proper hydrant locations as shown. (FIRE)**
- **Knox Box will be required for the complex. (FIRE)**

2nd: Paul Schmelzer

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

Lydia L. Mihalik
Mayor

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