

# City of Findlay City Planning Commission

Thursday, August 13, 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  
Lydia Mihalik  
Dan DeArment  
Jackie Schroeder

**STAFF ATTENDING:** Matt Pickett, FFD  
Matt Cordonnier, HRPC Director  
Judy Scrimshaw, HRPC  
Todd Richard  
Don Rasmussen  
Brian Thomas

**GUESTS:** Tom Shindeldecker, Stephanie Inbody, Bob Engel, Jennifer Schumacher, Gary Harpst, Vahn Fogarty

### CALL TO ORDER

#### ROLL CALL

The following members were present:

Paul Schmelzer  
Dan DeArment  
Lydia Mihalik  
Jackie Schroeder

#### SWEARING IN

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

#### APPROVAL OF MINUTES

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

## **NEW ITEMS**

**1. ALLEY/STREET VACATION PETITION #AV-03-2015 filed to vacate the first north/south alley east of the Railroad tracks running between Midland Avenue and Garfield Avenue.**

### **HRPC**

#### **General Information**

This request is for the vacation of a 15' wide alley right of way.

#### **Parcel History**

None

#### **Staff Analysis**

The applicant is requesting to vacate a north/south alley between Garfield Avenue and Midland Avenue. The right of way is 15' wide and abuts 4 residences.

All four property owners have signed the petition. All of the property owners use the alley for personal access to garages at the rear of their lots.

#### **Staff Recommendation**

HRPC Staff recommends that FCPC recommend to Findlay City Council to approve **ALLEY/STREET VACATION PETITION #AV-03-2015 filed to vacate the first north/south alley east of the Railroad tracks running between Midland Avenue and Garfield Avenue.**

### **ENGINEERING**

No objections

### **FIRE PREVENTION**

No comments

### **STAFF RECOMMENDATION**

Staff recommends that FCPC recommend **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2015 filed to vacate the first north/south alley east of the Railroad tracks running between Midland Avenue and Garfield Avenue.**

### **DISCUSSION**

Stephanie Inbody, an abutting owner stated that the residents have had issues with speeding cars and heavy traffic that interrupts their properties and would just like to see it closed. Paul Schmelzer advised Ms. Inbody that they will have to set up their own easements, etc. to use the alley cooperatively.

### **MOTION**

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2015 filed to vacate the first north/south alley east of the Railroad tracks running between Midland Avenue and Garfield Avenue.**

2<sup>nd</sup>: Jackie Schroeder

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

**2. ALLEY/STREET VACATION PETITION #AV-04-2015 filed to vacate an alley running northeast from Hull Avenue between 622 and 624 Hull Avenue.**

**HRPC**

**General Information**

This is the first alley west of Milton Street.

**Parcel History**

None

**Staff Analysis**

The alley in this request is unimproved and dead ends into another unimproved alley.

Both abutting property owners have signed the petition.

The owners both use the front portion of the alley as their driveways and beyond the garages the alleyway is grass.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2015 filed to vacate an alley running northeast from Hull Avenue between 622 and 624 Hull Avenue.**

**ENGINEERING**

There is an existing 21 inch sewer located in the right-of-way. An easement for the existing sewer will need to be maintained

**FIRE PREVENTION**

No comments

**STAFF RECOMMENDATION**

Staff recommends that FCPC **recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2015 filed to vacate an alley running northeast from Hull Avenue between 622 and 624 Hull Avenue subject to the following:**

- There is an existing 21 inch sewer located in the right-of-way. An easement for the existing sewer will need to be maintained

**DISCUSSION**

None

**MOTION**

Lydia Mihalik made a **motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2015 filed to vacate an alley running northeast from Hull Avenue between 622 and 624 Hull Avenue subject to the following:**

- There is an existing 21 inch sewer located in the right-of-way. An easement for the

existing sewer will need to be maintained

**2<sup>nd</sup>:** Paul Schmelzer

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

**3. ALLEY/STREET VACATION PETITION #AV-05-2015 filed to vacate the unimproved portion of Wyandot Street running east between 721 and 801 Fishlock Avenue.**

**HRPC**

**General Information**

This street right of way runs east from Fishlock Avenue to an unimproved right of way of Williams Street.

**Parcel History**

None

**Staff Analysis**

All abutting property owners have signed the petition.

The home at 801 Fishlock Avenue has a driveway located within this right of way. The owner would like to sell the home and vacating the alley will allow them to get the driveway on the home lot.

The parcels to the east of the house are vacant ground.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-05-2015 filed to vacate the unimproved portion of Wyandot Street running east between 721 and 801 Fishlock Avenue.**

**ENGINEERING**

No objections

**FIRE PREVENTION**

No Comments

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-05-2015 filed to vacate the unimproved portion of Wyandot Street running east between 721 and 801 Fishlock Avenue.**

**DISCUSSION**

Daniel DeArment noted that the addresses were incorrect in the write up. The right of way is actually between 721 and 801 Fishlock. Ms. Scrimshaw verified the location of the homes and the addresses and will correct the comments and this report.

Mr. Vahn Fogarty spoke from the audience as the owner of the homes on Fishlock. He stated

that they and Jami Breitigam were in agreement on the vacation.

**MOTION**

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-05-2015 filed to vacate the unimproved portion of Wyandot Street running east between 721 and 801 Fishlock Avenue.**

**2<sup>nd</sup>:** Dan DeArment seconded.

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

**4. ALLEY/STREET VACATION PETITION #AV-06-2015 filed to vacate a north/south alley running between 715 and 717 Clinton Court, Findlay.**

**HRPC**

**General Information**

This is a north/south alley running south off of Clinton Ct.

**Parcel History**

None

**Staff Analysis**

Both abutting property owners have signed the petition.

This is an unimproved alley that dead ends into another unimproved east/west alley. Property to the south is owned by the City of Findlay.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-06-2015 filed to vacate a north/south alley running between 715 and 717 Clinton Court, Findlay.**

**ENGINEERING**

No Objections

**FIRE PREVENTION**

No Comments

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-06-2015 filed to vacate a north/south alley running between 715 and 717 Clinton Court, Findlay.**

**DISCUSSION**

None

**MOTION**

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-06-2015 filed to vacate a north/south alley**

**running between 715 and 717 Clinton Court, Findlay.**

**2<sup>nd</sup>:** Jackie Schroeder seconded.

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

**5. PETITION FOR ZONING AMENDMENT #ZA-09-2015 filed to rezone 115 E. Pine Avenue, Findlay from C-2 General Commercial to R-3 Single Family High Density.**

**HRPC**

**General Information**

This property in this request is located on the south side of E. Pine Avenue just east of N. Main Street. The property is zoned C-2 General Commercial and all abutting property is also zoned C-2. It is not located within the 100 year flood plain. The Land Use Plan designates the area as Single Family Small Lot.

**Parcel History**

None

**Staff Analysis**

The applicants are requesting to change the zoning to R-3 Single Family High Density because it is a single family home. This is a simple case of a zoning classification that makes no sense in the neighborhood. With the exception of the former Washington School building across the street to the north, everything surrounding this home is residential.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-09-2015 filed to rezone 115 E. Pine Avenue, Findlay from C-2 General Commercial to R-3 Single Family High Density.**

**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-09-2015 filed to rezone 115 E. Pine Avenue, Findlay from C-2 General Commercial to R-3 Single Family High Density.**

**DISCUSSION**

Jackie Schroeder asked if this is an area of the zoning map that will likely be changed when we do amendments to that. Judy Scrimshaw replied yes that this will probably be one of the areas amended to conform to the uses that are there. This is in that area of the first block off of Main Street that in the originally zoning had a commercial designation applied to it. Mr. Cordonnier stated that they are small lots that could never really develop as commercial.

Mr. Schmelzer asked why they were requesting the change. Mr. Richard replied that the

applicant was in the office for a fence permit and the C-2 district is more restrictive. He suggested that they apply for the single family zoning.

### **MOTION**

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-09-2015 filed to rezone 115 E. Pine Avenue, Findlay from C-2 General Commercial to R-3 Single Family High Density.**

**2<sup>nd</sup>:** Dan DeArment seconded.

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

### **6. FINAL PLAT APPLICATION #FP-02-2015 filed by Campbell Oil Company, 7977 Hills and Dales Rd., Massillon, OH for Campbell Oil-Findlay Plat No. 1.**

#### **HRPC**

##### **General Information**

This plat is located on the south side of W. Main Cross Street just east of the I-75 interchange. It is zoned C-2 General Commercial. All properties to the south, east and west are also C-2. Across the street to the north is zoned R-2 Single Family Medium Density. The City of Findlay Land Use Plan designates the area as Neighborhood Commercial. Much of the property is located within the 100 year flood plain.

##### **Parcel History**

This plat will be the site of Campbell Oil/Bell Stores as reviewed at the July, 2015 meeting.

##### **Staff Analysis**

The applicants are creating the Campbell Oil plat in order to consolidate multiple parcels that they own. A site plan at the July meeting will create a gas station/car wash/retail plaza on Lot 1 as proposed. The platting will clean up all the parcel and lot lines and allow them to combine platted subdivision lots with section ground.

Lot 2 is a 25' wide strip of land that goes south and then west to where the Interstate High Rise sign is located. It is currently in two (2) parcels, both of which are land locked. We asked the applicants why they left it separated from Lot 1 and they replied that they may wish to transfer it to an adjoining owner at some time. The problem with transferring it would be that they still have a sign on it and our zoning doesn't address "off premise" high rise signs.

If lot 2 is incorporated into Lot 1, it could be split off at a later time if they wished to sell it. If it were left out of the plat altogether, it would still be a couple of odd pieces that already exist but if the neighboring owner did purchase, he could physically add it to their parcel as both would still be section ground. The County Auditor won't add platted land to Section land. We normally have language put on the deed to say that it cannot be sold separate from whatever land it is attached to without going through the split process in that case. It will still have separate parcel numbers for the Auditor's purposes.

##### **Staff Recommendation**

HRPC Staff recommends approval of **FINAL PLAT APPLICATION #FP-02-2015 for Campbell Oil-Findlay Plat No. 1.**

## ENGINEERING

No objections

## FIRE PREVENTION

No Comments

## STAFF RECOMMENDATION

Staff recommends approval of **FINAL PLAT APPLICATION #FP-02-2015 for Campbell Oil-Findlay Plat No. 1.**

## DISCUSSION

Mr. Schmelzer asked what we are doing legally about the code not addressing an off premise sign. Ms. Scrimshaw replied that they still own it and it is permitted for them. Todd Richard replied that if they convey it to someone else, then we create an off premise sign. Mr. Richard commented that it is a nonconforming sign any way they look at it. Ms. Scrimshaw commented that the only “off premise” signs we acknowledge in the code are billboards. Our code addresses Interstate High Rise signs as being within a certain distance of the highway, but on land owned by the advertiser. She stated that if Campbell Oil has a place to put the high rise sign on their lot along Main Cross Street they could relocate it there. It would be like Wendy’s or Speedway on Trenton Avenue that have theirs on the store lot but not immediately adjacent to the interstate. Todd Richard stated that right now that sign is limited to face change only.

Brian Thomas stated that he is meeting with the design engineers after this meeting and to talk about a storm sewer running through the sight that needs relocating and when they get the location worked out they will need to show an easement on the plat.

Bob Engel, Vice President of Operations for Campbell Oil addressed the Commission. He stated that they don’t have a problem with platting this as just one lot. He said they were looking ahead and thought if in the future they wished to sell the strip it would be easier if it was separate. Jennifer Schumacher asked if that will rectify the situation of the sign being off premise. Todd Richard said the sign is still nonconforming but it would be an accessory sign. Ms. Schumacher asked if the face can still be changed. Mr. Richard replied yes. Mr. Engel asked if it could be added to and Mr. Richard replied no.

## MOTION

Paul Schmelzer made a motion to approve **FINAL PLAT APPLICATION #FP-02-2015 for Campbell Oil-Findlay Plat No. 1 subject to the following conditions:**

- **Add an easement to the plat for the storm sewer location**
- **Combine the strip parcel (Lot 2) with Lot 1 to have only one lot**

**2<sup>nd</sup>:** Lydia Mihalik seconded.

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

**7. REVIEW OF REVISED ACCESS PLAN FOR CAMPBELL OIL (#SP-19-2015) filed by Campbell Oil Company, 7977 Hills and Dales Rd., Massillon, Ohio.**



## **HRPC**

### **Staff Analysis**

The applicant has pulled the westernmost drive over as far west as the Limited Access will allow. They show an island in the center of the drive to separate traffic going in or out. This may help discourage semi traffic from using this drive. A curbed island was extended along the east side of the drive that will direct traffic farther into the access before they can turn in to the Campbell Oil site.

A few sketches of truck turning movements were submitted. It would appear that for the fueling trucks, using the two accesses closest to the east side makes the most sense.

Staff sees two (2) potential options for this site.

1. Close off access to Campbell Oil site from the westernmost drive completely and only use for the parcels to the south and west. If this option is used, then all three of the other accesses to the site could remain.
2. Keep access from the westernmost drive open to Campbell Oil and the other surrounding parcels. If this scenario is used, then we would eliminate the drive directly in front of the gas canopy.

### **ENGINEERING**

Access: The applicant has revised the drive layout so that the westernmost drive will more or less be used only by the property to the west and south of their property. They also provided truck turning information that shows that the two (2) easternmost drives are needed to get fuel trucks into and out of the site. Since the applicant has not provided any additional information to show why vehicles would need to use the drive directly in front of the canopy instead of one of the other drives, and having four (4) drives within 350 feet of each other seems excessive, we would still recommend the elimination of the second drive from the west of the site. This would still provide the separate access to the office building to the south of the site and would allow for fuel trucks to enter/exit the site.

### **FIRE PREVENTION**

No comments

### **DISCUSSION**

Paul Schmelzer stated he appreciated the applicants addressing the location of the westernmost drive. It has been moved as far west as allowed by the limited access easement. There was concern with the mixing of traffic, particularly trucks. He said the proposed configuration does help define it as a drive for the rear and western parcels. Mr. Schmelzer commented that it is his opinion that if they are going to isolate that drive so it is significantly changed from the way it is today and it appears to be much more dedicated to the south and west properties then he has no issue with them leaving a primary access point to their property. He stated that he sees the island as helping to discourage the use as a primary access to the Campbell site. If it is still for the use of the Campbell site as well then he thinks the island perhaps goes too far south. Someday when the property to the west develops, there will be a truck wanting to come in there so they need to be sure they keep it accessible for a truck (turning radius, etc.).

Mr. DeArment stated that the concern with the island going too far south is that a truck or car can

get trapped and not have room to recover from their mistake.

Gary Harpst spoke from the audience as representing the property to the south. Mr. Harpst said that he felt the farther south it went the less confusion there was about going to the south. He said that primarily cars going west and east into the easement at the same time. If I'm heading south there are cars pulling out of the gas station and ones coming in wanting to turn east and you literally have a four way traffic pattern going through the middle of this. So Mr. Harpst felt the farther south it was extended the more you reduced that traffic pattern.

Mr. Schmelzer said he still thinks that whatever develops on the site to the west should have the ability to cross over to the gas station site without having to go out and around. That is why he doesn't feel the separation should go all the way through. So there will be the potential for cross traffic. He said he does think having the ability to go through may be beneficial for both properties at some point.

Todd Richard asked the client if they had any directional signage proposed. Mr. Engel said that they do. Mr. Richard stated that they have some guidelines for that and they should speak with him about those.

**MOTION**

Paul Schmelzer made a motion to approve **REVISED ACCESS PLAN FOR CAMPBELL OIL (#SP-19-2015) subject to the following conditions:**

- **Engineering examining storm sewer issues**
- **Finalizing the alignment of islands for the westernmost drive. The latest proposal dated 07-13-15 and now labeled as Exhibit 1 is the approved version.**

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

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

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Lydia L. Mihalik  
Mayor

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