

# City of Findlay City Planning Commission

Thursday, December 10, 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  
Dan Clinger

### **STAFF ATTENDING:**

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

### **GUESTS:**

Jeff Myers, James Koehler, Lou Wilin, Doug Jenkins,  
Andrew Kalnitsky, Dan Stone, Mary Hada

### **CALL TO ORDER**

### **ROLL CALL**

The following members were present:

Paul Schmelzer  
Dan DeArment  
Lydia Mihalik  
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 November 12, 2015 meeting. Dan DeArment seconded. Motion to accept carried 5-0.

**NEW ITEMS**

**1. PRELIMINARY PLAT APPLICATION #PP-01-2015 for Hickory Lake 1<sup>st</sup>-3<sup>rd</sup> Additions**

**HRPC**

**General Information**

This request is located off the west side of TR 242 in Section 11 of Marion Township. It is zoned R-1 Single Family Residential. Land to the west is also zoned R-1 Single Family. To the south and east is A-1 Agriculture and to the north is zoned B-1 Institutions and Offices. It is not located within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

**Parcel History**

The Preliminary Plat was originally reviewed in June, 2014. Because it has been more than one year since approval it must be resubmitted.

**Staff Analysis**

The applicant is proposing a residential subdivision consisting of 36 building lots and three (3) cul-de-sac streets off the west side of TR 242.

Something that was missed back in 2014 and even last month at the HRPC review of the plat is that TR 242 is designated as a Secondary Thoroughfare on the County's Thoroughfare plan. Secondary thoroughfares require 80' of right-of-way. This means that the developer will need to dedicate 25' along the length of his subdivision for additional right-of-way on the west side of TR 242. That will mean an extra 10' has to be added to the right-of-way line as shown on the plat. The lots affected will still exceed the 100' of frontage that is required in the Marion Township Zoning Resolution.

**ENGINEERING**

No comments

**FIRE PREVENTION**

Provide a looped water system with hydrants properly spaced.

**STAFF RECOMMENDATION**

Staff recommends that FCPC approve **PRELIMINARY PLAT APPLICATION #PP-01-2015 for Hickory Lake 1<sup>st</sup>-3<sup>rd</sup> Additions with the following conditions:**

- Add 10' to the right-of-way dedication along TR 242 (HRPC)
- Provide a looped water system with hydrants properly spaced.

**DISCUSSION**

Dan Clinger asked Matt Pickett if he anticipated any water pressure problems for firefighting. Mr. Pickett stated that the point of the looped system is that if there is a break there is still a water source. He said this area does not currently fall under their jurisdiction but they are reviewing it as such. Mr. Schmelzer stated that that may be more of an engineering question and the answer is no or they would require them to loop it now.

Mr. Schmelzer asked if there are any issues with the additional right-of-way and if this puts the waterline in the right-of-way. Mr. Stone replied that it will put it just inside the right-of-way and his client has no issues with the additional right-of-way.

Jackie Schroeder stated that previously there were drainage issues with Forest Lake. This appears to be draining to the east. She asked if there are any concerns about the ditch this will drain into. Mr. Stone replied that it is the same ditch. He said this subdivision has three separate drainage areas. Some goes west, some goes south and some goes east. They were originally going to go south. They met with the Township, the County and some residents. They deemed it was not the best solution. The developer has been working with the property owners to the east to run it east directly to the ditch.

Dan Clinger asked if this has been to Marion Township or if it goes to them again. Mr. Stone replied that it does not go to the Township for approval. It has been through HRPC and as a courtesy they will submit a plan to them. They asked for it even though they have no jurisdiction over plat approval. He stated that this will be private roadways. The Trustees are aware of that. They are working with the County on drainage maintenance.

### **MOTION**

Paul Schmelzer made a **motion to approve PRELIMINARY PLAT APPLICATION #PP-01-2015 for Hickory Lake 1<sup>st</sup>-3<sup>rd</sup> Additions subject to the following condition:**

- Add 10' to the right-of-way dedication along TR 242 (HRPC)

**2<sup>nd</sup>:** Dan Clinger

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

## **2. FINAL PLAT APPLICATION #FP-03-2015 for Hickory Lake 1<sup>st</sup> Addition.**

### **HRPC**

#### **General Information**

This request is located off the west side of TR 242 in Section 11 of Marion Township. It is zoned R-1 Single Family Residential. Land to the west is also zoned R-1 Single Family. To the south and east is A-1 Agriculture and to the north is zoned B-1 Institutions and Offices. It is not located within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Large Lot.

#### **Parcel History**

The Preliminary Plat for Hickory Lake was reviewed in the previous case.

#### **Staff Analysis**

This first phase to be platted contains 11 lots and a 600' cul-de-sac street (Canadian Way).

As stated in the preliminary review, the right-of-way dedication along TR 242 needs to be increased by 10' to bring the west side of the centerline to 40'.

It appears that the street is to be public. We have heard back and forth between private and public in previous conversations. The status of the street needs to be verified now so the construction standards approved will be correct.

### **Staff Recommendation**

HRPC Staff recommends approval to FCPC of **FINAL PLAT APPLICATION #FP-03-2015 for Hickory Lake 1<sup>st</sup> Addition subject to the following conditions:**

- Dedication of an additional 10' of right-of-way along TR 242
- Verification of whether the street is public or private.

### **ENGINEERING**

For lots 13 to 17, it might be less confusing if the setback line was moved to coincide with the sanitary sewer easement.

### **FIRE PREVENTION**

Provide a looped water system with hydrants properly spaced.

### **STAFF RECOMMENDATION**

Staff recommends approval to FCPC of **FINAL PLAT APPLICATION #FP-03-2015 for Hickory Lake 1<sup>st</sup> Addition subject to the following conditions:**

- Dedication of an additional 10' of right-of-way along TR 242 (HRPC)
- Verification of whether the street is public or private. (HRPC)
- Provide a looped water system with hydrants properly spaced. (FIRE)

### **DISCUSSION**

Paul Schmelzer asked what they had resolved with the Township in regard to the private street. Dan Stone replied that according to what Mr. Cordonnier and Ms. Scrimshaw told them, the Subdivision Regulations state that the private street is set within an easement of 60' and not a dedicated right-of-way as they had done in the earlier Hickory Lake plat. It will be shown as an easement right-of-way and not a dedicated one now. Mr. Stone said the Township Trustees preferred that it not be a public road. The final plat will be modified to show this as an easement right-of-way that is owned maintained and operated by the association.

Mr. Schmelzer asked if the lot lines will be extended to the centerline. Mr. Stone said at this point his intent is not to do that. Mr. Schmelzer said that at some point they will have to delineate ownership of that real estate. Mr. Stone said it may have to be designated as a lot. Then ownership can be transferred or maintained by the developers. Dan Clinger asked if private streets are still constructed to City Engineering standards. Mr. Stone replied yes. Ms. Scrimshaw replied that the pavement would be, but they don't require curb and gutter. They must submit the construction drawings and have them approved by the Engineer.

Mayor Mihalik commented that one of the things they hear with these private roads is that 10-15 years from now and the development is completed, they start calling the City and asking why we don't plow their snow and why the City hasn't done any improvements. We hope these issues will be communicated properly to the owners in the beginning so there is not that confusion later.

Mr. Schmelzer asked if they intended to start this right away. Mr. Koehler replied that they intend to put in the storm sewer next week. He said they hope to have it done by April. Mr. Schmelzer asked if the construction plans the Engineer show the details as being for private streets. Mr. Thomas replied yes.

## **MOTION**

Paul Schmelzer made a **motion to approve FINAL PLAT APPLICATION #FP-03-2015 for Hickory Lake 1<sup>st</sup> Addition subject to the following conditions:**

- Language be attached to the notes stating that the right of way for the private street is an easement. (Mr. Schmelzer)
- Dedication of an additional 10' of right-of-way along TR 242 (HRPC)
- The water system will be looped when all phases are recorded. (FIRE)

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

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

**3. SITE PLAN APPLICATION #SP-28-2015 filed by Country Club Acres, Inc., 655 Fox Run Rd., Findlay for Senior Housing complex to be located at 11815 TR 145, Findlay**

## **HRPC**

### **General Information**

This request is located on the south side of TR 145 just west of Goldenrod Lane. It is zoned M-2 Multiple Family High Density. Land to the east and south is zoned C-2 General Commercial. Land to the north is zoned R-1 Single Family Low Density. To the west is zoned R-3 Single Family High Density. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Agricultural.

### **Parcel History**

Vacant land

### **Staff Analysis**

The applicant is proposing to construct a 3 story apartment complex for the 55 and over age group.

Front yard setback is a minimum of 40' in the M-2 district. Sides and rear yards are 35'. All setbacks are met or exceeded in the plan.

The M-2 District permits one unit per 3,500 square feet. The site is 6.592 acres which computes to 287,147 square feet. The site could potentially support a maximum of 82 units. The plan indicates that the complex will contain 62 units.

The M-2 District allows a maximum coverage of impervious surfaces (buildings, pavement, etc.) at 40%. The plan as presented has approximately 25% of impervious coverage.

Parking in the M-2 District is calculated at 2.5 spaces per unit plus 1 space per 2 units for visitors. 62 apartments units would require 186 parking spaces. The plans show a parking lot with a total of 94 spaces. The developer stated that in their experience with this type of housing, as many as 60% of the tenants will not own a vehicle, so the parking shown should be adequate. They have applied for a variance with BZA to reduce the parking requirements. Staff has looked at the Fox Run facility next door which is assisted living/nursing home. They have constructed parking for 102 vehicles at the front of the building and an additional 47 at the rear. At the time they were reviewed, the standard for such a facility would have only required 70 spaces, so they

did more than the minimum. The difference here is that this development is not assisted living or nursing home status. The tenants here are living totally independently. Findlay also does not have much in the way of public transportation other than a cab company and HATS. Staff has discussed a possible “banking” of parking. The developer would show where additional parking would fit into the site and based on how the situation plays out when the development is in operation, if there is a need for more parking, they will be required to construct it.

The landscaping plans submitted show various deciduous and evergreen trees on site, planting in islands of the parking areas and foundation plantings along the front areas of the building.

The building will be a combination of brick and siding. There is variation in the roofs. The main entry will have a covered porch with columns.

A lighting plan submitted shows adequate ranges at property lines abutting residential areas. According to a schedule on that page of the plan, the poles are 22’ in height with a 3’ base. This meets the maximum height permitted of 25’.

#### **Staff Recommendation**

HRPC Staff recommends **approval of SITE PLAN APPLICATION #SP-28-2015 for a Senior Housing complex to be located at 11815 TR 145, Findlay subject to the following condition:**

- **A variance in regard to parking from BZA (HRPC)**

#### **ENGINEERING**

**Access** – The applicant is proposing one (1) drive onto Township Road 145. The drive is located on the west side of the property to minimize the amount of construction that would need to take place inside the pipeline easement.

According to the Thoroughfare Map, Township Road 145 is a secondary thoroughfare which requires an 80 foot right-of-way (40 foot each half). The existing south half of the right-of-way is 22.5 feet. An additional 17.5 feet of right-of-way should be dedicated to bring the right-of-way up to the standard distance (this was also a requirement for the nursing home located west of the site).

**Water & Sanitary Sewer** – The applicant is proposing two (2) water services and one (1) sanitary service. Township Road 145 was repaved within the last couple of years so the water services will need to be bored under the road. The plans currently show a 3” domestic line for the building. Water Distribution cannot make a 3” tap. The tap will either need to be increased to a 4” tap or reduced to a 2” tap. Water Distribution will also require a detector meter on the fire line with a bypass line for testing purposes. The plan also currently shows a fire hydrant connected to the fire line, this is not permitted.

**Stormwater Management** – Stormwater detention is being provided by existing detention basin location on the south side of the property. The detention basin was sized to include this property. The parking lot is shown draining into the center island but there are no outlets shown from the island. I am not sure if this is being used as a raingarden or if the plans have just not been finalized yet. This will need to be addressed because as it currently stands, water will back up and will eventually spill out the drive and into the public roadway.

Sidewalks – There is a proposed four (4) foot sidewalk shown on the south side of Township Road 145. Per City standards, the walk needs to be extended through the proposed drive (8 inch thickness in the drive area).

**Recommendations:** Conditional approval of the plan subject to the following conditions:

- Dedication of an additional 17.5 feet of Right-of-way for Township Road 145
- Water services must be bored under Township Road 145
- Revising the size of the domestic tap to either a 2” tap or 4” tap
- A detector meter with bypass be installed on the fire line
- The fire hydrant cannot come off of the fire line
- The design engineer must address the parking lot drainage to the satisfaction of the engineering department
- The proposed walk must be extended through the drive

The following permits may be required prior to construction:

- An approved Stormwater Pollution Prevention Plan
- Sanitary Tap Permit
- 2 – Water Tap Permits
- Storm Sewer Tap Permit
- Sidewalk Permit
- Curb Cut Permit
- Street Opening Permit

### **FIRE PREVENTION**

-Provide an emergency access drive from the proposed drive and parking area around the south side of the structure. This will serve for proper building evacuation and apparatus placement in an emergency.

-The proposed hydrant placement is sufficient and since it is included on the underground fire line, an 8” fire line shall be installed due to the dead end main being over 300 feet.

-The Fire Department Connection (FDC) shall be a 5” Storz connection with a 30 degree elbow. An exterior horn/strobe shall be placed above the FDC working on water flow only.

-The final location of the FDC and hydrant shall be determined by FFD.

-This structure will require a Knox box.

### **STAFF RECOMMENDATION**

Staff recommends that FCPC **approve SITE PLAN APPLICATION #SP-28-2015 for a Senior Housing complex to be located at 11815 TR 145, Findlay subject to the following conditions:**

- A variance in regard to parking from BZA (HRPC)
- Dedication of an additional 17.5 feet of Right-of-way for Township Road 145 (ENG)
- Water services must be bored under Township Road 145 (ENG)
- Revising the size of the domestic tap to either a 2” tap or 4” tap (ENG)
- A detector meter with bypass be installed on the fire line (ENG)
- The fire hydrant cannot come off of the fire line (ENG)

- The design engineer must address the parking lot drainage to the satisfaction of the engineering department (ENG)
- The proposed walk must be extended through the drive (ENG)
- Provide an emergency access drive from the proposed drive and parking area around the south side of the structure. This will serve for proper building evacuation and apparatus placement in an emergency. (FIRE)
- The proposed hydrant placement is sufficient and since it is included on the underground fire line, an 8" fire line shall be installed due to the dead end main being over 300 feet. (FIRE)
- The Fire Department Connection (FDC) shall be a 5" Storz connection with a 30 degree elbow. An exterior horn/strobe shall be placed above the FDC working on water flow only. (FIRE)
- The final location of the FDC and hydrant shall be determined by FFD. (FIRE)
- This structure will require a Knox box. (FIRE)

### **DISCUSSION**

Dan Clinger asked Brian Thomas if when the detention for this area was designed if this had been zoned for multi-family. Mr. Thomas replied that it included a runoff coefficient of .8. The calculations submitted for this development were somewhere between .3 and .4. Mr. Thomas stated that even if they have to add additional parking they will still be under the .8%.

Mr. Schmelzer asked what leeway this body has per our zoning code in regard to parking standards. He thought there had been some language before about basing on current numbers of employees, etc. which he thought he had applied in industrial situations before. He asked if such language still existed in the current code. He said he understands there is a stipulation that they get a variance from the BZA. He said he thinks that without this body making some kind of recommendation on a variance to that body, he doesn't see a variance occurring. He stated that he doesn't see a hardship.

Mary Hada said that in their 20 years of experience with 3 story housing that they tend to average age 70. If they provide one parking space per unit it is more than adequate with seniors because even if it is more than one bedroom there tends to be only one person living in the unit. She stated that they tend to have excess parking even with only one space per unit. They are exceeding that number on the plan showing 94 spaces. They have demonstrated that they can bank more if needed. She said they do have operating reserves set aside per the Ohio Housing Financing Agency (OHFA) to have funds to do that.

Mr. Schmelzer said his second question is how does this "bank" work. More importantly, once this may no longer be a "Senior" facility and there is a parking deficit per the code, how does that get addressed? How does the bank work? Mary Hada replied that they have it outlined in a drawing. She stated that there is a restrictive covenant that is filed with the county that this is to remain as Senior Housing (55 and older) for at least 30 years. To date the company which develops, manages, etc. has not sold any property they have started.

Mr. Clinger said he assumes there are other government agencies involved in these developments. Do they have any parking requirements? Mary Hada replied yes, the Ohio Housing Finance Agency, when they submit the application for the tax credits, requires one per unit.



Mr. Cordonnier said that in conversations with the developers he had said that a good supporting documentation for them to present would be other similar developments which do not have local public transportation that they currently own and operate. Ms. Hada replied that they have done a lot of 3 story housing in rural areas. She said they can demonstrate that whether here or Indiana. She said their biggest concern is servicing their residents. If they didn't have adequate parking, they will have problems leasing. Mr. Cordonnier said he is a believer in that they know their clients' needs. He asked if they have any facilities that are now off the 30 years. She said no that the tax credit program hasn't been in existence that long yet. She said they have been developing for 21 years and they have long term projections. She stated they don't have any anticipation of selling anything. They cash flow very well. They have waiting lists.

Mayor Mihalik asked Todd Richard if when they go to BZA what will the hardship be. She said they have a green field site. They could design it however they like, so what can the hardship be? Mr. Kalnitsky commented that the easement on the property is a factor. They do not really want to build anything in that area if possible. If Marathon would have to do any maintenance on that pipeline, they will not fix the improvements; the apartments will have to do it. Mr. Myers said that there was a question on the placement of the building. We had wondered why they angled it on the site instead of running it parallel to the property line. He said the parking is still very expandable with the layout as it is. He stated that angling the building makes it a better product. Instead of looking straight into the facility next door or the detention area, they have a little better view of landscaping and green space. Mr. Myers said that they do have the 100 foot wide Marathon Petroleum pipeline easement for a 10' line at about a 3 foot depth. They are trying to minimize any impact on that pipeline as it crosses the property. The plans have done their best to minimize any grading or landscaping on top of that. They can build on that easement and they are working on an agreement with Marathon to have everything in writing with the site plan as shown. If they had to expand into that area they are subject to any costs with replacing any improvements. The hardship is that they do have detention on the south side of the property and the pipeline on the northeast side and they are trying to make a better product for the tenants and Findlay in general.

Mayor Mihalik asked if the pipeline went in after they acquired the property. Mr. Myers said no that pipeline has been there for quite some time. Ms. Mihalik said so you knew it was there when you were doing your due diligence and trying to see what would fit for your product. Mr. Myers said that is correct. He said the product they show is what they believe is best for the community and the site in general. Ms. Mihalik said then you assumed you would get a variance for half the parking requirement. Mr. Myers said they did not assume but they are certainly working to get that variance. They do not want to build a sea of parking either. He stated that the code is not really written specifically for senior housing, 55 and over. He said that would be the hardship as well. Mayor Mihalik stated that it is interesting to her that the facility next to them, Fox Run, which doesn't necessarily have a transient population where people are checking themselves in and out of the nursing home, is actually providing more parking than there were required. But you who are trying to develop a residential independent living facility would like to have half the amount of parking on your green site. Mary Hada commented that when she had been over to Fox Run numerous times, there is a vast amount of parking that is not used. She said she has been there at various times of day and there is a lot of cement that is not being used. She said she could maybe see it used once a year for a big party, but that is probably it. The other thing she wished to point out was that when they submitted their application to OHFA they have to put in a pro forma and do it to their standard.

She said when they were designing this they thought the 2 ½ was above and beyond what had ever been requested in other cities and they were meeting the OHFA one to one ratio and going above that so they hoped that would be adequate. It is affordable housing so the pro forma is pretty tight. OHFA monitors every expense and they have already approved that pro forma.

Dan Clinger said that in looking at the parking on the east side of the proposed parking could add about 27 spaces without cutting into the pipeline easement significantly. Mr. Schmelzer said he recalled a concept plan that was submitted when the City wrote a letter of support. He asked if they had a copy of that. Ms. Hada replied that she did but it is all written over. Mr. Schmelzer asked if he could see that. Mary Hada replied yes but to keep in mind that that was a unit analysis. When they turn that into the State they don't have full engineering done. They give them a sample site plan saying this is what they think they can do. They do not spend all the money for drainage studies, etc. when they don't know if they will be funded, so this is just a sample site plan for the application.

Mayor Mihalik replied that she sent a letter of support for the project understanding that it should be something similar to what was provided on this plan. In fact it is completely different. Mary Hada replied that the cottage style was removed and at the time the site went over the impervious area. It was not vetted through the City, it was just a sample. Mr. Schmelzer commented that there were 2 spaces per unit on this plan. It says 7 units and 140 parking spaces. Mr. Schmelzer said he wanted to know if there is flexibility for this body based upon a specific use like this in the zoning district.

Matt Cordonnier replied that Planning Commission has the authority to reduce the impact of a development. He said the short answer is he doesn't believe so. Mr. Schmelzer said he is interested in making sure we have Senior Housing available and he thinks from these discussions it would be prudent for the Law Director to take a look at this and make a determination of whether we have the ability to do that. He said he certainly can't see a Board of Zoning Appeals making a hardship determination without this body making a recommendation based upon what is in the code. He stated that detention is not a hardship; an existing pipeline is not a hardship. The fact that they won't repair your parking lot if they have to tear it up is not a hardship. Given the fact that he would like to come to a resolution legally and make sure they have the ability to do that, and given the other requirements that need to be worked out he would make a motion to table this request.

### **MOTION**

**Paul Schmelzer made a motion to table #SP-28-2015 filed by Country Club Acres, Inc., 655 Fox Run Rd., Findlay for Senior Housing complex to be located at 11815 TR 145, Findlay.**

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

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

Mr. Schmelzer stated that this is automatically on the agenda for next month. They will look at anything they wish to submit between these meeting dates. Mary Hada commented that she understands and this puts them a month behind. She wanted to clarify that it was never their intent to be deceitful in what they presented which is what she feels is being implied. They want to comply but they understand that with parking, if it's family or senior, it is two different animals completely. She said that whether you can make a legal decision as to whether the planning commission can make a decision at this time she doesn't understand if there's no Law Director who has ever given direction on this before. Are we the first for this? Mr. Schmelzer said he didn't know. He couldn't answer what planning commission has done with something like this prior. He said that hopefully Mr. Rasmussen can do some research on that. He said it was not his intent to insinuate anything; he was just trying to put the facts together so they could make a good decision. Ms. Hada commented that they are trying to build a nice product for this community and if anyone would tour any of their facilities, they would know that they build very high quality.

---

Lydia L. Mihalik  
Mayor

---

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