

City of Findlay City Planning Commission

Thursday, May 12, 2016 - 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
Jackie Schroeder
Dan Clinger
Dan DeArment

STAFF ATTENDING:

Judy Scrimshaw, HRPC Staff
Matt Cordonnier, HRPC Director
Brian Thomas, P.E., P.S., Engineer
Todd Richard, Zoning Inspector
Don Rasmussen, Law Director

GUESTS:

Doug Jenkins, Tom Shindledecker, Dan Stone, Lou Wilin,
Deric Luginbill, Craig Spoon, Chuck Wilson

CALL TO ORDER

ROLL CALL

The following members were present:

Paul Schmelzer
Lydia Mihalik
Jackie Schroeder
Dan Clinger
Dan DeArment

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 14, 2016 meeting. Dan DeArment seconded. Motion to accept carried 5-0.

NEW ITEMS

1. SITE PLAN APPLICATION #SP-12-2016 filed by Pherson Properties Ltd., 1785 S. Romick Pkwy, Findlay for 2 additional storage units at 1763 S. Romick Pkwy.

HRPC

General Information

This request is located on the east part of Lot 12 in the Deer Meadows Subdivision on the south side of S. Romick Pkwy. It is zoned I-1 Light Industrial. Abutting land to the north, east and west is also zoned I-1. To the south is the Norfolk & Southern Railroad. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Regional Commercial.

Parcel History

A site plan was reviewed and approved on September 10, 2009. At the time, the plan was for a first phase containing one storage unit building. Possible future building locations were indicated on the plan. Two buildings along the west side of the lot were constructed in 2009 and there was no other activity on the site until now.

Staff Analysis

The applicant is now proposing to construct the final two storage unit building on the east side of the lot.

The Findlay Zoning Ordinance was recently amended and changed the side yard setbacks in I-1 to 30'. The original plan had shown a 25' side yard and the applicant wishes to maintain that distance with the new plan also. Because of this, he has submitted to BZA for a variance on the setback. This is on the agenda for tonight's meeting. This would be our only issue with the approval of the plan today.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-12-2016 for 2 additional storage unit buildings at 1763 S. Romick Parkway subject to the following condition:**

- Approval of variance by BZA for a 25' side yard setback on the east side of the lot.

ENGINEERING

Access – The applicant is not proposing any changes to the existing access to the site.

Water & Sanitary Sewer – The applicant is not proposing any water or sewer services for the proposed storage buildings.

Storm water Management – Detention for the site is provided by a regional detention basin that was sized to serve the site.

MS4 Requirements – The applicant will be disturbing less than one (1) acre, so the project will not be required to comply with the City of Findlay's Erosion and Sediment Control Ordinance. The applicant will still need to obtain a permit from the OEPA and will need to meet all requirements listed in the permit.

Sidewalks – There are no existing sidewalks on Romick Parkway.

Recommendations: Approval of the site plan.

The following permits may be required prior to construction:

- Storm Tap Permit

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends approval of SITE PLAN APPLICATION #SP-12-2016 for 2 additional storage unit buildings at 1763 S. Romick Parkway subject to the following condition:

- Approval of variance by BZA for a 25' side yard setback on the east side of the lot. (HRPC)

DISCUSSION

Dan Clinger stated that he had some concerns regarding drainage on the site. It appears to go to the ditch which may be difficult as flat as it is. It looks like it will put water on the FOP site. Brian Thomas said it does drain toward the FOP but the parking lot is graded so there is a low spot. There is a break that will allow part of the water to go in both directions so it will not all flow to the FOP site.

MOTION

Dan Clinger made a motion to approve SITE PLAN APPLICATION #SP-12-2016 for 2 additional storage unit buildings at 1763 S. Romick Parkway subject to the following condition:

- Approval of variance by BZA for a 25' side yard setback on the east side of the lot. (HRPC)

2nd: Jackie Schroeder

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

2. SPECIAL REVIEW APPLICATION #SR-01-2016 filed by Habitat for Humanity/Jean Dove to vacate road right-of-way on N. Blanchard Street.

HRPC

General Information

This request is located on the west side of N. Blanchard Street. It is zoned R-2 Single Family Medium Density. All abutting parcels are also zoned R-2. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The right-of-way in this request abuts a small mobile home park and other residential buildings.

Staff Analysis

The applicant is looking for feedback from the Commission in regard to vacating a triangular piece of right of way on the curve of N. Blanchard Street. Habitat for Humanity wishes to acquire the land in the mobile home park plus this right-of-way and potentially construct 7 homes.

The land was formerly a part of the Strothers Addition and were parts of four 50' x 200' lots. The north/south part of N. Blanchard Street was Vincent Street in the original plat and the east/west leg was Central Avenue until Blanchard Street was created. Former Lots 2511, 2510 and 2509 will have to be replatted in order to use the as building sites if the right of way is vacated.

HRPC Staff has no issues with the vacation of the right-of-way. The applicants have been informed that homes in this area will need to use the existing alleys for access to garages. The City does not want multiple driveways accessing onto Blanchard Street in this area. The curve of the road and speed of cars make this a potentially dangerous situation for cars trying to back out. Habitat does have a home plan with rear loading garages.

ENGINEERING

The application is for a partial vacation of right of way along North Blanchard Street. There are no public utilities located in the proposed vacation area. It is our understanding that the consultant has been asked to provide some information regarding sight distances around the curve. We have not seen this information but as long as the sight distance is not a problem, we would recommend approval of the vacation. While this recommendation of approval does not approve the location, size, etc. of the proposed buildings, we would also like to add some comments regarding the potential homes so that the applicant can be made aware of them now.

Access – All access for the proposed homes will need to come off of the alley located at the rear of the lots. No driveways will be allowed to access North Blanchard Street.

Water Service – The existing mobile homes are served by private waterlines on the property. Since they are private, the City does not have any records on their location, size or condition. We would recommend that any new water service be connect into the existing waterline on North Blanchard Street.

Sanitary Service - The existing mobile homes are served by private sanitary sewers on the property. These sewers run south to the existing sanitary sewer on Eben Avenue. There is not an existing sewer located on North Blanchard Street. The consultant will need to take this into account when looking into getting sanitary service to the proposed homes.

Storm water Management – The proposed homes will have less impervious area than the existing mobile home park so storm water detention will not be required.

MS4 Requirements – Since the overall project will be disturbing more than one (1) acre, the project will be required to comply with the City of Findlay's Ordinance 937 which list the requirements for Drainage, Erosion and Sediment Control. Engineering will need to see and approve a SWPPP for the project before construction will be allowed to begin.

Sidewalks – There are no existing sidewalks located on this side of North Blanchard Street. Sidewalks will be required to be construction as part of the project.

The following permits may be required prior to construction:

- Water Tap Permits
- Sanitary Tap Permits
- Curb Cut Permits

FIRE PREVENTION

No comments.

DISCUSSION

Dan Stone presented a plan from Habitat requesting the vacation of the right-of-way of N. Blanchard on the curve in order to create additional building lots. He provided an exhibit illustrating site distances for vehicles using the alleyways to enter onto Blanchard Street. He noted that one of the existing curb cuts that are currently used by the mobile home park will be eliminated if they are able to develop this for residences.

The Commission discussed the plan. It was noted that all the units would be required to have only rear access for any driveways from the existing alleyways. Ms. Scrimshaw noted that Habitat had supplied her with the information on floor plans with rear garages even though the concept drawings showed the front garage style.

Other items discussed were the need to rezone in order to build the size of homes they wished to construct or the option of going before BZA for a variance on the square footage. It was also noted that if the right-of-way is vacated, that area will have to be platted as lots.

The Commission was favorable for the request to vacate. Since this is just a Special Review no formal action is taken at this time. The applicant will need to submit a formal Alley/Street Vacation Request Petition to Council which will be given review at a future CPC meeting.

3. APPLICATION FOR ZONING AMENDMENT #ZA-03-2016 filed to rezone 123 Garfield Street from R-2 Single Family Medium Density to R-4 Duplex/Triplex High Density.

HRPC

General Information

This request is located on the south side of Garfield Street east of the first north/south alley. It is zoned R-2 Single Family Medium Density Residential. All abutting parcels are also zoned R-1. It is not located within the 100 year flood plain. The City Land Use Plan designates the area as Single Family Small Lot.

Parcel History

This is the site of a single family home.

Staff Analysis

We understand that the owner is asking for the zoning change in order to convert the property to a two family residence. The neighborhood is a mix of single family and multiple family dwellings. 119 and 125 Garfield abut this home on the west and east sides respectively and appear to be single family homes, the home directly south at 122 George Street is single family and 120 and 126 Garfield are also single family. 118 George is a single family home with what appears to be a garage apartment in the rear.

A duplex requires off street parking for four (4) vehicles. There is a driveway from Garfield but it is extremely narrow (approximately 7'-5") between a fence on the east side and the wall of the house. There is no rear alleyway for access to the lot.

There is a separate lot at the rear of the parcel with an old garage on it which is owned by the applicant as well. The applicant has shown a plan to demolish the garage and use the area for parking. He indicates that the access will be via the alley to the west and through the property at 119 Garfield. We do not have any evidence supporting an agreement with the owner at 119 Garfield to do this. There is a shed at the rear of 119 Garfield which is in the area indicated as the driving lane. The only off street parking for that home is at the rear also.

According to Todd Richard, this property was in the process of being converted without a permit and a stop order was placed on the previous owner. The current owner just purchased it on April 19 of this year and is trying to legitimize what was started.

It is listed as a single family home on the Auditor's website and is appropriately zoned for that. Due to the difficulties in getting this site to comply with standards for a two family unit we recommend denial of the application.

Staff Recommendation

HRPC Staff recommends denial of **APPLICATION FOR ZONING AMENDMENT #ZA-03-2016 filed to rezone 123 Garfield Street from R-2 Single Family Medium Density to R-4 Duplex/Triplex High Density.**

ENGINEERING

No Comment

FIRE

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend denial to Findlay City Council of **APPLICATION FOR ZONING AMENDMENT #ZA-03-2016 filed to rezone 123 Garfield Street from R-2 Single Family Medium Density to R-4 Duplex/Triplex High Density.**

DISCUSSION

Deric Luginbill, owner of the property in this request, stated that he has spoken with the owner on his west side about removing the fence between the driveways to make it easier for a vehicle to travel down that side of the home. Ms. Scrimshaw commented that in a street view from Google Maps there was a small car parked back by the garage. She stated that she would not have wanted to try to drive back there in her vehicle which is an SUV. If the fence was removed this would mean that they would technically have to drive on that neighbor's property in order to negotiate passing the house.

Mr. Luginbill stated that he had also discussed access from the neighbor to the east through his rear yard. He would then tear down the old garage and create parking spaces. Mayor Mihalik asked if he would only tear down the garage if he could do this option. Mr. Luginbill replied yes.

Dan Clinger commented that he had read in the Zoning code that up to 5 unrelated persons could live in a dwelling. He asked if that could mean that if there is a duplex, there could potentially be 10 persons here and even more cars. Todd Richard stated that that is possible.

Mr. Schmelzer asked if the abutting property owners had been notified. Ms. Scrimshaw stated yes. She had not heard from anyone prior to the meeting. Mr. Luginbill stated that he had a sheet in with his application that had signatures from all the neighbors that they had no problem with his request. Mr. Schmelzer said he did not have that. Ms. Scrimshaw replied that the application asked for a list of abutting property owners for notification purposes of Council. She often doesn't copy that for the Commission just to save paper. She does remember a list, but signatures are not required for a zoning petition except for the owner of the property to be zoned. To her knowledge the list did not have any information in regard to them signing as supporting the request. She would check to be sure.

The Commission asked what the Land Use Plan called for in this area. Ms. Scrimshaw replied that it was for Single Family Small Lot. From some field work and the Auditor's records she stated that several surrounding homes are still single family and of course there are many duplexes, etc. interspersed in the neighborhood. Depending on the wishes of Council, when the zoning map is amended, this area could either be a spotted pattern of multiple districts or remain single family with non-conforming uses.

Mr. Schmelzer asked Don Rasmussen what Council's options would be if they received a denial recommendation from CPC. Mr. Rasmussen replied that a super majority vote would be needed to overturn CPC's recommendation to deny.

MOTION

Paul Schmelzer made a motion to recommend that Findlay City Council deny APPLICATION FOR ZONING AMENDMENT #ZA-03-2016 filed to rezone 123 Garfield Street from R-2 Single Family Medium Density to R-4 Duplex/Triplex High Density for the following reasons:

- The request does not follow the existing Land Use Plan map
- The site has many difficulties that prohibit a solution to meeting the off street parking requirements
- There are too many open ended questions

2nd: Dan Clinger

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

4. APPLICATION FOR ZONING AMENDMENT #ZA-04-2016 filed to rezone 429 Walnut Street and 420-422 Prospect Street from C-2 General Commercial to R-4 Duplex/Triplex High Density.

HRPC

General Information

This parcel is located on the southwest corner of Walnut Street and Prospect Street. It is zoned C-2 General Commercial. Land to the east and west is also zoned C-2. To the north is zoned I-1 Light Industrial and to the south is zoned R-3 Single Family High Density. The project is located in the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

Parcel History

The parcel contains two (2) two family dwelling units.

Staff Analysis

The applicant is requesting to rezone the parcel to R-4 Duplex/Triplex to bring the existing structures into compliance with zoning.

When these units were constructed, the B-2 General Business district (now C-2 General Commercial) permitted residential units. Today, the C-2 district does not allow residential units. There are many locations around the City that have this conflicting zoning.

Further muddying this situation is the fact that there are two separate buildings on one lot. The owner intends to split the lot and create a separate parcel for each duplex. This will require BZA approval of variances on lot size and setbacks.

All of these issues came to light when the owner applied to refinance and the lender sought verification of the legality of the use.

Todd Richard did research on the existence of the duplexes and found possible lack of permits. Both appear to have existed since the 1970's. Because it is not legal to have 2 duplexes on one lot, the solution is to change the zoning district, split the lot in half and obtain variances on living space, setbacks, etc.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval of **APPLICATION FOR ZONING AMENDMENT #ZA-04-2016** filed to rezone 429 Walnut Street and 420-422 Prospect Street from C-2 General Commercial to R-4 Duplex/Triplex High Density subject to obtaining the required variances from BZA.

ENGINEERING

The building on Prospect Street shares a water service with the building at 429 Walnut Street. The City requires all separate buildings to have their own water service. We would recommend that any approval of this request include the condition that a new water service be installed for the building on Prospect Street.

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval of **APPLICATION FOR ZONING AMENDMENT #ZA-04-2016** filed to rezone 429 Walnut Street and 420-422 Prospect Street from C-2 General Commercial to R-4 Duplex/Triplex High Density subject to the following conditions:

- **Obtaining the required variances from BZA (HRPC)**
- **New water service be installed for 420-422 Prospect Street (ENG)**

DISCUSSION

Mr. Schmelzer asked if this area would be rezoned in the impending map amendment. Ms. Scrimshaw replied yes that these homes and others surrounding would be recommended for a residential zoning.

Mr. Wilson was asked if he had any issue with the need to separate the water services. Mr. Wilson said he would do what was necessary.

Dan Clinger questioned whether the parking was adequate for either building. Ms. Scrimshaw said that the newer duplex does have a 2 car paved drive on each side. It is not in the best shape and may be a little tight, but it was intended as such. The older home had a permit to convert to a triplex back in 1973 and the permit trail isn't clear on when it became a duplex. There is a garage and room for at least 2 in the driveway as well as a somewhat "illegal" gravel space along the street.

This item is also on the BZA agenda for tonight at 6:00.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **APPLICATION FOR ZONING AMENDMENT #ZA-04-2016** filed to rezone 429 Walnut Street and 420-422 Prospect Street from C-2 General Commercial to R-4 Duplex/Triplex High Density subject to the following conditions:

- **Obtaining the required variances from BZA (HRPC)**
- **New water service be installed for 420-422 Prospect Street (ENG)**
- **The lot be split with one dwelling on each part**

2nd: Lydia Mihalik

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

5. APPLICATION FOR CONDITIONAL USE #CU-01-2016 filed by T & B Enterprises of Findlay/Michael Matthes to permit a fitness facility to operate at 618 Rockwell Avenue.

HRPC

General Information

This project is located on the north side of Rockwell Avenue. It is zoned I-1 Light Industrial. All abutting parcels are also zoned I-1. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Industrial.

Parcel History

This is a vacant industrial building.

Staff Analysis

The applicant came to us last fall with a proposal to lease this building for his Cross Fitness business. He is currently in the strip center at Great Scot on Broad Avenue and has outgrown the facility. Due to the nature of the business he needs a large open space. At the time, such a business would not be permitted in the Industrial zoning. The owner of the building did not wish to rezone in case in the future he would need to lease as industrial again.

We informed Mr. Matthes that in the zoning amendments coming at the end of 2015 we intended to put language in industrial zoning in regard to permitting with Planning Commission review, any less intensive, non-objectionable uses. This is under the Conditional Use section.

The building is an industrial warehouse with approximately 7920 square feet of area. There are no new accesses proposed. Parking is available on the site as well as on the adjoining lot which is under the same ownership. There is an area approximately 185' wide across the front of the property which could accommodate 20 vehicles. We do not see any ill effects that the proposed business will have on the neighborhood which is a mix of industrial and residential.

Details of signage will need to be worked out with Todd Richard, City Zoning Inspector.

Staff Recommendation

HRPC Staff recommends approval of **APPLICATION FOR CONDITIONAL USE #CU-01-2016** filed by **T & B Enterprises of Findlay/Michael Matthes** to permit a fitness facility to operate at 618 Rockwell Avenue.

ENGINEERING

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends approval of **APPLICATION FOR CONDITIONAL USE #CU-01-2016** filed by **T & B Enterprises of Findlay/Michael Matthes** to permit a fitness facility to operate at 618 Rockwell Avenue.

DISCUSSION

Dan Clinger said he had no objections to the use but was concerned about the parking available. He said that the comments stated there was room for 20 vehicles based on the 185' width of pavement. He used a parking standard for recreational facilities in the zoning code and at one space per 300 square feet a minimum of 27 spaces is required. Mr. Clinger asked if the area beyond the fence could be used by the gym if needed. Ms. Scrimshaw said she knows it all belongs to the same person so that might be a possibility. She said she would check with the applicant to see if some type of an agreement might be possible.

MOTION

Paul Schmelzer made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-01-2016** to permit a fitness facility to operate at 618 Rockwell Avenue subject to following:

- **Confirmation of available parking**

2nd: Dan Clinger

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

Lydia L. Mihalik
Mayor

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