

City of Findlay City Planning Commission

Thursday, June 9, 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 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
Matt Pickett, Fire Inspector

GUESTS:

Roger Best, Tom Shindeldecker, Dan Stone, Lou Wilin,
Brooke Weininger, David Preston, Yufeng Jin, Mike
Paradiso, Marcus Price, Dan Lepley, Mark Blunk

CALL TO ORDER

ROLL CALL

The following members were present:

Paul Schmelzer
Lydia Mihalik
Jackie Schroeder
Dan DeArment

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 May 12, 2016 meeting. Jackie Schroeder seconded. Motion to accept carried 4-0.

NEW ITEMS

1. SITE PLAN APPLICATION #SP-13-2016 filed by Leonard Clouse Trust, 4382 W. TR 90, New Riegel, OH for a 3,500 square foot addition to Fastenal, 7478 Rettig Rd., Findlay.

HRPC

General Information

This request is located on the west side of Rettig Road in Liberty Township. It is zoned B-2 General Business in the Township. All abutting land is also zoned B-2. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Regional Commercial.

Parcel History

This is the current site of Fastenal.

Staff Analysis

The applicant is proposing a 3,500 sf addition to the west side of the existing business. The addition will fit into an existing grass area and will not change the current accessibility or traffic patterns on site. The use stated in the application is product staging for shipping/receiving.

The addition matches up with the established building lines of the existing structure. It does not encroach into required rear yard setbacks.

The height of the addition is equal to the height of the lowest portion of the existing building. At 15' it is well below the maximum height permitted of 30'.

Staff Recommendation

HRPC Staff recommends approval of **SITE PLAN APPLICATION #SP-13-2016 for a 3,500 square foot addition to Fastenal, 7478 Rettig Rd., Findlay.**

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 changes to the water or sewer services due to the building addition.

Stormwater Management – The site is located in Liberty Township so the County Engineer will be reviewing the site plan for compliance with the Stormwater regulations.

MS4 Requirements – The site is located in Liberty Township so the applicant 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 (if applicable) and will need to meet all requirements listed in the permit.

Sidewalks – There are no existing sidewalks on Rettig Road.

Recommendations: Approval of the site plan.

FIRE PREVENTION

Facility is outside FFD's jurisdiction. After consulting with Liberty Twp. FD Chief Gene

Stump, he requested the installation of a Knox box. Please consult with Chief Stump at 419-421-1087 for additional information.

STAFF RECOMMENDATION

Staff recommends **approval of SITE PLAN APPLICATION #SP-13-2016 for a 3,500 square foot addition to Fastenal, 7478 Rettig Rd., Findlay.**

DISCUSSION

Mr. Schmelzer asked if there were any questions from the applicant's representative. Mr. Paradiso stated no.

MOTION

Paul Schmelzer made a motion to approve **SITE PLAN APPLICATION #SP-13-2016 for a 3,500 square foot addition to Fastenal, 7478 Rettig Rd., Findlay subject to:**

- **Installation of a Knox box per fire department regulations (FIRE)**

2nd: Dan DeArment

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

2. APPLICATION FOR CONDITIONAL USE #CU-02-2016 filed by Best Construction/Dave Preston to use 1421 Tiffin as a mixed use Office/Residential.

HRPC

General Information

This request is located on the south side of Tiffin Avenue between Woodworth Drive and E. Circle Drive. It is zoned O-1 Institutions and Offices. Abutting land to the north, east and west is also zoned O-1. To the south is zoned R-1 Single Family Low Density. It is not within the 100 year flood plain. The City Land Use Plan designates the area as Neighborhood Commercial.

Parcel History

This is currently the site of a single family home.

Staff Analysis

Mr. Preston has made an offer to purchase this property and is applying to have a mixed use of Office/Residential. In the O-1 Institutions and Offices District this is a Conditional Use. The Conditional Use section 1161.15 T states that the primary use is office or commercial and that the residential use is on an upper floor. The residential square footage must also not exceed 50% of the office or commercial use.

This is a ranch home so there is no upper floor. Currently, the prospective owner wishes to use a 15' x 14' area for his wife's massage business. He indicated that at some point they may convert the entire home into a business, but for now they want to live and work there.

Using the parking standards in the code, if the entire home would be a business, there would be 5 parking spaces required. With 2 in the garage an area for 3 additional spaces would be needed. Mr. Preston has shown an area south of the garage where he can potentially fit in 3 additional

spaces. Parking could also be added in the front area of the home as was done in a prior case on the opposite side of the street a number of years ago or as the Hair Salon in this vicinity did.

The district does allow for signage. A low profile sign of no more than 32 sf would be allowed subject to review and approval of the zoning office.

This is a use that has been granted as a Home Occupation in various locations in the City, however the O-1 zoning does not allow for Home Occupations since it is really meant for office/commercial. This portion of Tiffin Avenue has been viewed as a transitional area for many years and residential uses are actually non-conformities now. The state of flux in this area has and will continue to present various non-traditional scenarios for this body to consider.

Staff Recommendation

HRPC Staff recommends approval of **APPLICATION FOR CONDITIONAL USE #CU-02-2016 to use 1421 Tiffin as a mixed use Office/Residential subject to the following conditions:**

- **That FCPC grant the conditional use to permit the mixed use requested**
- **That FCPC allows an exception from the requirements in regard to residential being on an upper level and the size of the residential in relation to the commercial**

ENGINEERING

The only concern that Engineering has is the width of the drive along the west side of the building. At the northwest corner of the building, the existing drive is 9 feet wide. Per the zoning code, the drive must stay at least 5 feet from the property line. This means that the absolute widest that the drive can be made at this location is approximately 11 feet. This is not wide enough for two vehicles to pass each other and with the drive going around the building, it will be difficult to see if a vehicle is coming from the other direction.

FIRE PREVENTION

No comments.

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-02-2016 to use 1421 Tiffin as a mixed use Office/Residential subject to the following conditions:**

- **That FCPC grant the conditional use to permit the mixed use requested**
- **That FCPC allows an exception from the requirements in regard to residential being on an upper level and the size of the residential in relation to the commercial**

DISCUSSION

Brian Thomas noted that he had misread the code as far as side setbacks. Those only pertain to parking lots. According to Ms. Scrimshaw a driveway can go up to a property line. So there is the potential to widen the drive to about 18' which is snug for two cars to pass, but that will be the owners issue to deal with.

Dan DeArment stated that he had pulled into the driveway and there is nowhere to turn around. Backing out onto Tiffin Avenue is pretty dangerous. He asked Mr. Preston if he planned on having any way for vehicles to turn around on the site to go out forward. Mr. Preston said that is one of the things he is considering. He said he could easily add a couple of parking spots in the front and they could pull in, back out and turn around to go out. He stated that there is room in the rear to go into the garage and back out and turn around to go forward out of the site also.

Paul Schmelzer said we seem to be trying to figure out a parking design and that is really not the question today. The question is whether this body has an issue with permitting the conditional use. Options can be discussed with the engineering department in regard to standards that apply for proper parking. He would attach a condition to the Conditional Use approval that parking would be provided that conform to our zoning standards. Mr. Schmelzer said he agrees with Judy Scrimshaw about the area being in transition. He expects it to continue to evolve. He said he doesn't have an issue with the use proposed.

MOTION

Paul Schmelzer made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-02-2016 filed by Best Construction/Dave Preston to use 1421 Tiffin as a mixed use Office/Residential subject to:**

- **An adequate parking plan approved by the Engineering and Planning department.**

2nd: Jackie Schroeder

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

3. ALLEY/STREET VACATION PETITION #AV-03-2016 filed to vacate an unimproved right-of-way of Connell Avenue running east from Fishlock Drive.

HRPC

General Information

This request is for the vacation of an existing platted 60' wide right-of-way Connell Avenue.

Parcel History

None.

Staff Analysis

This is an unimproved piece of road right-of-way running east off of Fishlock Avenue.

One of the applicants actually has a driveway located within the right-of-way.

The applicants are only asking to vacate back to the first north/south alleyway. Council normally prefers to vacate the entire distance to an intersecting street particularly in the case of an unimproved right-of-way. We would recommend that it be taken to the intersection of the Williams Street right-of-way.

One of the abutting owners has not signed the petition. DuWayne Chambers owns parcel #590001005815 on the north side of the portion of right-of-way in the petition. Because he has not signed a Public Notice of Consideration to Vacate has to be advertised in the Courier for 6 weeks. The petitioner must pay for the advertising. Anyone wishing to address Council concerning the petition may then do so at any of the 3 readings which Council must give the Ordinance.

Staff Recommendation

HRPC Staff recommends that FCPC **recommend approval to City Council of ALLEY/STREET VACATION PETITION #AV-03-2016 filed to vacate an unimproved**

right-of-way of Connell Avenue running east from Fishlock Drive.

ENGINEERING

There are no City Utilities located in the existing right-of-way so Engineer has no concerns with the vacation request.

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to City Council of **ALLEY/STREET VACATION PETITION #AV-03-2016** filed to vacate an unimproved right-of-way of Connell Avenue running east from Fishlock Drive.

DISCUSSION

Paul Schmelzer asked if the applicant understood that when a right-of-way is vacated that half goes to each abutting property owner. Marcus Price said that he had spoken with his neighbor, Mrs. Sadler, 1700 Connell Avenue. He said that they have been sharing parking in this right-of-way for quite some time. She has a very short driveway in front of her garage which doesn't allow for extra parking. He discussed issues they have had with their children as far as safety when cars decide to cut through here even though there is no pavement. They often travel very fast. They maintain the area; their kids play there. He would like to see it become just a shared driveway access for themselves and Mrs. Sadler.

Mr. DeArment expressed concern that Mr. Chambers may be losing access to his lot. Ms. Scrimshaw commented that he owns multiple lots. He has some other land that could connect it to another right-of-way. Some of the alleys and right-of-ways that he abuts are also unimproved. The property is all flood plain. Mr. Price said he has spoken with Mr. Chambers. It seemed like he had actually forgotten about the property. He said Mr. Chambers said he has had some issues with the City and Council. He had about a 2-hour conversation that didn't seem to get them anywhere and he did not sign his petition. He said he doesn't have any issues with it, but has some other items he wants to take care of before. Mr. Price said he was going to come today but had another appointment at 9.

Mr. Schmelzer said it would be one thing if they had all the parties in favor. He is not comfortable vacating right-of-way to an undeveloped parcel regardless of it being in a flood plain. They purchased a platted lot with right-of-way. If you had all the parties involved in favor he said, he would feel differently. Mr. Price said he is prepared to go through the process as required without the signature. Mr. Schmelzer asked that if the item was tabled today that he could possibly come up with a signature. Mr. Price replied that yes he would pursue it if the petition is tabled.

MOTION

Paul Schmelzer **moved to table ALLEY/STREET VACATION PETITION #AV-03-2016 filed to vacate an unimproved right-of-way of Connell Avenue running east from Fishlock Drive.**

2nd: Dan DeArment

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

Mr. Price asked for confirmation of what his next step is. Mr. Schmelzer replied that he is automatically on next month's agenda as a table item. If he comes forward with new information to present at that meeting it can be brought off the table for discussion. The Commission can then vote and pass it on to Planning & Zoning Committee of Council and the process will go from there.

4. ALLEY/STREET VACATION PETITION #AV-04-2016 filed to vacate the first north/south alley east of S. Main Street abutting Lots 1164-1167 and Lot 1191 in Byal's 2nd Addition.

HRPC

General Information

This request is for an existing paved alley running north from E. Lima Street to the first east/west alley.

Parcel History

None

Staff Analysis

All abutting property owners have signed the petition.

The alley serves as rear access to some of the homes abutting it. The portion north of the alley to W. Lincoln Street is already vacated.

Because all the owners are in agreement to vacate Staff is in favor of the vacation.

Staff Recommendation

HRPC Staff recommends approval of **ALLEY/STREET VACATION PETITION #AV-04-2016 filed to vacate the first north/south alley east of S. Main Street abutting Lots 1164-1167 and Lot 1191 in Byal's 2nd Addition.**

ENGINEERING

There is an existing 4" waterline located in this alley that comes from Lincoln Street and dead ends at the rear of 725 South Main Street. As part of an alley improvement project that is going to be constructed later this year, the water line was going to be connected into the 6" waterline on Lima Street (to increase water pressure, flow and quality) and the alley was going to be milled and repaved. If this alley is vacated, we will still extend the waterline to help the properties that have services off of it but will only perform trench repairs instead of repaving the alley. An easement for the waterline 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-04-2016 filed to vacate the first north/south alley east of S. Main Street abutting Lots 1164-1167 and Lot 1191 in Byal's 2nd Addition.**

DISCUSSION

None

MOTION

Paul Schmelzer made a **motion to recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-04-2016 filed to vacate the first north/south alley east of S. Main Street abutting Lots 1164-1167 and Lot 1191 in Byal's 2nd Addition subject to maintaining an easement for the City.**

2nd: Dan DeArment

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

5. APPLICATION FOR SITE PLAN REVIEW #SP-14-2016 filed by Tolson Enterprises, Inc., 6591 W. Central Ave., suite 100, Toledo, OH for a drive up window at 1123 Trenton Avenue, Findlay.

The applicants requested that this item be pulled from the agenda. They no longer wish to pursue the plan.

6. APPLICATION FOR PRELIMINARY PLAT #PP-03-2016 for Southridge Estates 3rd Addition.

HRPC

General Information

This plat is located on the south side of Findlay on the northwest corner of the intersection of Goldenrod Lane and TR 145. It is zoned R-1 Single Family Low Density. Land to the north and east is also zoned R-1. To the south is zoned R-3 Single Family Small Lot and M-2 Multiple Family High Density. To the west is US 68/SR 15. It is not within the 100 year flood plain. The Land Use Plan designates the area as Single Family Large Lot.

Parcel History

The last action in this subdivision appears to be in 2005 when Lots 28-37 were replatted.

Staff Analysis

This plat is shown in two phases that will complete the development. Katarina Lane and Paige Lane will be extended to intersect with TR 145 to the west and south respectively.

There are 46 new lots proposed. Lots 107-109 on the north side of Katarina Lane and west of Paige Lane in Phase 4 will need to be adjusted to meet current minimum standards of 10,000 square feet. Section 1111.04 (a) (5) of the City Subdivision Regulations state that excessive lot depth to width ratio shall be avoided. A depth to width ration of 3 to 1 shall normally be considered a maximum. If the lots cannot be adjusted to comply, a variance from CPC will need to be obtained.

There is a large remainder lot located along the curve of the road on the west side which should

be labelled with some lot number or letter.

Staff Recommendation

HRPC Staff recommends that FCPC **approve APPLICATION FOR PRELIMINARY PLAT #PP-03-2016 for Southridge Estates 3rd Addition** subject to the following:

- **Adjust Lots 107-109 in Phase 4 to be a minimum of 10,000 square feet (HRPC)**
- **Label Lot along the curve with the Detention pond (HRPC)**
- **Reconfigure Lots 82, 94 and 95 or obtain a variance from CPC (HRPC)**

ENGINEERING

No comments.

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR PRELIMINARY PLAT #PP-03-2016 for Southridge Estates 3rd Addition** subject to the following:

- **Adjust Lots 107-109 in Phase 4 to be a minimum of 10,000 square feet (HRPC)**
- **Label Lot along the curve with the Detention pond (HRPC)**
- **Reconfigure Lots 82, 94 and 95 or obtain a variance from CPC (HRPC)**

DISCUSSION

Ms. Scrimshaw noted that the lots that are excessively deep are due to the large pipeline easement running through the subdivision. It of course renders those areas mainly undevelopable giving good reason to grant a variance.

Mr. Schmelzer asked if formal variance or if the Planning Commission takes a look at it and approves the plan with that notation. Ms. Scrimshaw replied that there is a formal variance procedure in the Subdivision Regulations. They come before this body for those variances. If you want to grant it as part of this application, that may be up to you. This item is just a Preliminary Plat which does not get recorded. It can be listed as a condition today and as phases come in for final plats you can address them.

MOTION

Paul Schmelzer made a **motion to approve APPLICATION FOR PRELIMINARY PLAT #PP-03-2016 for Southridge Estates 3rd Addition** subject to the following conditions:

- **Adjust Lots 107-109 in Phase 4 to be a minimum of 10,000 square feet (HRPC)**
- **Label Lot along the curve with the Detention pond (HRPC)**
- **Reconfigure Lots 82, 94 and 95 or obtain a variance from CPC (HRPC)**

2nd: Dan DeArment

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

7. APPLICATION FOR FINAL PLAT #FP-04-2016 for Southridge Estates 3rd Addition.

HRPC

General Information

This plat is located on the south side of Findlay on the northwest corner of the intersection of Goldenrod Lane and TR 145. It is zoned R-1 Single Family Low Density. Land to the north and east is also zoned R-1. To the south is zoned R-3 Single Family Small Lot and M-2 Multiple Family High Density. To the west is US 68/SR 15. It is not within the 100 year flood plain. The Land Use Plan designates the area as Single Family Large Lot.

Parcel History

A Preliminary Plat for this subdivision was reviewed in the previous item on today's agenda.

Staff Analysis

This final plat contains 17 lots. Katarina Lane is extended to the west and Viburnum Court, a short cul-de-sac street extends south from Katarina Lane. A temporary cul-de-sac is shown at the end of Katarina Lane.

Lot 88 is over the 3 to 1 width to depth ratio. If the lot cannot be reconfigured to comply, a variance will be required from CPC.

The lots need to be labeled with the square footage.

Staff Recommendation

HRPC Staff recommends that FCPC approve **APPLICATION FOR FINAL PLAT #FP-04-2016 for Southridge Estates 3rd Addition** subject to the following conditions:

- **Correct Lot 88 to be under the 3 to 1 depth to width ratio or obtain a variance from CPC**
- **Label lots with the square footage**

ENGINEERING

Engineering has some comments on the construction drawings and will be working with the consultant to get the comments addressed.

Recommendations: Conditional approval of the plat subject to the construction drawings being modified to the satisfaction of the Engineering department.

FIRE PREVENTION

No comments.

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR FINAL PLAT #FP-04-2016 for Southridge Estates 3rd Addition** subject to the following conditions:

- **Correct Lot 88 to be under the 3 to 1 depth to width ratio or obtain a variance from CPC**
- **Label lots with the square footage**
- **Modification of construction drawings per the City Engineer**

DISCUSSION

None

MOTION

Lydia Mihalik made a motion to approve **APPLICATION FOR FINAL PLAT #FP-04-2016 for Southridge Estates 3rd Addition subject to the following conditions:**

- **Correct Lot 88 to be under the 3 to 1 depth to width ratio or obtain a variance from CPC**
- **Label lots with the square footage**
- **Modification of construction drawings per the City Engineer**

2nd: Paul Schmelzer

Dan Stone asked for clarification that the approval included a variance from the 3 to 1 ratio for Lot 88. Mr. Schmelzer stated yes.

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

8. PETITION FOR ZONING AMENDMENT #ZA-05-2016 filed by Jean Dove/Habitat for Humanity to rezone Lots 2509-2516 in the Strothers Addition from R-2 Single Family Medium Density to R-3 Single Family High Density.

HRPC

General Information

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

Parcel History

The site is currently a small mobile home park.

Staff Analysis

The applicant is requesting the zoning change to accommodate homes to be constructed by Habitat for Humanity.

The R-2 zoning district has a minimum of 1300 square feet for a new home. Habitat Homes are more in the range of 1100-1200 square feet. Their options would be requesting a variance for each home or change the zoning.

The only difference in the zoning districts is the minimum square footage of the home and size of the lot. The Land Use Plan is in agreement with an R-3 zoning also.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-05-2016 to rezone Lots 2509-2516 in the Strothers Addition from R-2 Single Family Medium Density to R-3 Single Family High Density.**

ENGINEERING

No Comments

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-05-2016 to rezone Lots 2509-2516 in the Strothers Addition from R-2 Single Family Medium Density to R-3 Single Family High Density.**

DISCUSSION

None

MOTION

Paul Schmelzer made a motion to **recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-05-2016 filed by Jean Dove/Habitat for Humanity to rezone Lots 2509-2516 in the Strothers Addition from R-2 Single Family Medium Density to R-3 Single Family High Density.**

2nd: Jackie Schroeder

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

9. PETITION FOR ZONING AMENDMENT #ZA-06-2016 filed by Roger Best, 15491 Brookview Trail, Findlay to rezone part of Lot 349 in the Hunter's Creek 11th Addition from R-2 Single Family Medium Density to CD Condominium.

HRPC

General Information

This request is located on the south side of Kennsington Drive just east of Fishlock Avenue. It is currently zoned R-2 Single Family Medium Density. Parcels to the east and west are also zoned R-2. To the north and south is zoned R-1 Single Family Low Density. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Medium Lot.

Parcel History

The parcel was originally in a PUD (Planned Unit Development).

Staff Analysis

The applicant is requesting the zoning change to accommodate the construction of a condominium development. A site plan for the development is the next item on today's agenda

In the original PUD, this lot was designated for condominium development. A portion of Lot 349 was divided into parcels and rezoned to R-2 Single Family in 2009. Those homes are along the east side abutting Tarra Oaks. When the new zoning code went into effect, all PUD's were voided and the land was given a zoning classification in line with the land use plan and the surrounding developments.

The applicant would like to use the CD Condominium District in order to go back to a plan for condominiums.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-06-2016 filed by Roger Best, 15491 Brookview Trail, Findlay to rezone part of Lot 349 in the Hunter's Creek 11th Addition from R-2 Single Family Medium Density to CD Condominium.**

ENGINEERING

No Comments

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-06-2016 filed by Roger Best, 15491 Brookview Trail, Findlay to rezone part of Lot 349 in the Hunter's Creek 11th Addition from R-2 Single Family Medium Density to CD Condominium.**

DISCUSSION

Judy Scrimshaw noted that she had provided a copy of an email from a neighbor which came in at 2:45 this morning in regard to this item.

Mr. Schmelzer commented that he was a fan of the PUD's back in the day. They have however been scrapped and he is not opposed to these requests. He feels that it is not out of line for the developer to want the designations that these parcels had when initially developed. He said he didn't see anything in the proposed plan that is a drastic departure from what was initially proposed for the parcel. Ms. Scrimshaw noted that it looked like the old plan may have had one more condo unit than the current one does. She further noted that it does meet the current requirements of the Condo District as far as lot size.

Mr. Schmelzer said he read the email and just looking at the number of homes on the east side of the development they seem to be exactly the same. There is definitely not an increase in density. This was a use that was afforded to the property prior to the zoning code change.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-06-2016 filed by Roger Best, 15491 Brookview Trail, Findlay to rezone part of Lot 349 in the Hunter's Creek 11th Addition from R-2 Single Family Medium Density to CD Condominium.**

2nd: Dan DeArment

Dan Lepley, 1248 1st Street, stood up to speak. He said his concerns are primarily flood control. Flooding is already a problem in the area. The open field helps somewhat with the problem, but if it is developed, he wonders where all the water will go. Paul Schmelzer stated that he understands his concern, but he is sure that a representative of the Engineering Department would be happy to go over the details with him. He assured him that we have a healthy set of

flood plain standards that we have to follow. Mr. Schmelzer said the rezoning request in relation to flooding concerns is not an issue.

Mr. Lepley said if he understands correctly, this was originally the plan for this area. Mr. Schmelzer replied yes. He explained that under the old zoning of PUD, the developer could show a plan of how he wished to develop the acreage. The City accepted it and created a zoning district specific to that parcel. When the City changed its zoning code, that PUD element was eliminated. It left this parcel and others in town without a zoning district that allowed them to do what they had originally proposed. He said that he thinks this Commission has been pretty consistent in looking at what properties could have been used for before and matching them to a district that would allow them to do it.

Mr. Lepley said his only other question is if this is single family condominiums or multi-family. Ms. Scrimshaw stated that yes these are single unit condominiums. Basically each one is like a single house. The term villa is used for these.

Mayor Mihalik noted that the site plan is the next item on the agenda and perhaps his concerns will be addressed in that review.

Dan Stone stated that for clarification, this area is not in the flood plain. So, flood plain requirements will not apply to this. It was removed from the flood plain with the original plans for the full development of Hunter's Creek.

Mark Blunk, 1224 1st Street, asked to speak next. He pointed out the location of his home and stated that the field is in his backyard. He referred to a home on Fishlock that had put in a pond and did not take care of the dirt properly in his opinion. Now all of his water comes into Mr. Blunk's yard. He said he noticed Mr. Best hauling in loads of dirt. He is worried about his property value. It may not be in the flood plain, but his back yard is a swamp after a big rain.

Dan Stone said he spoke with Roger Best right before this meeting today. Mr. Stone said there is storm sewer running along the back here. He said that one of the things they talked about was a low spot. Mr. Stone stated that there is an existing sanitary sewer that runs east and west back there. Mr. Stone said they can make a field adjustment, put a T in and try to position a catch basin to assist picking that up. He said that ideally they would run the storm sewer along the property line, but with the parallel sanitary sewers they can't do that. They may be able to punch a catch basin and put it back in here and regrade the whole back area so it drains to the three catch basins. He noted that one thing that Mr. Best has been good at in the past is adding additional catch basins to rear yards. Mr. Best doesn't want drainage issues in his development either, so he will work with Engineering to try to find the best solution.

Mr. Lepley asked where the water ends up once it goes to the catch basins. Dan Stone stated that it will go east into the pond, then through the storm sewer to Lye Creek.

Mr. Schmelzer stated that this is an issue that will be addressed in the construction drawings which the Engineer must approve.

Mr. Schmelzer said his only question now is what is the deal with the pond we talked about. Is it in the flood plain and needed a permit? Todd Richard said he would have to see if it is in the flood plain at all.

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

10. APPLICATION FOR SITE PLAN REVIEW #SP-15-2016 filed by Roger Best, 15491 Brookview Trail, Findlay for a condominium development on part of Lot 349 in the Hunter's Creek 11th Addition.

HRPC

General Information

This request is located on the south side of Kennsington Drive just east of Fishlock Avenue. It is currently zoned R-2 Single Family Medium Density. Parcels to the east and west are also zoned R-2. To the north and south is zoned R-1 Single Family Low Density. It is not located within the 100 year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Medium Lot.

Parcel History

The parcel was originally in a PUD (Planned Unit Development). A request to rezone to CD Condominium District was reviewed in the previous item.

Staff Analysis

The applicant is proposing to construct 15 Villa style single family units on the remainder of Lot 349. The County Auditor lists the lot as 3.255 acres. The CD zoning requires 7,000 sf of land per unit. The 15 units proposed are well below the maximum of 20 that could be allowed.

Setbacks in the CD district are 25' front, 15' side, and 30' rear. The plan meets these requirements. All units must have a minimum of 10' building separation. The buildings meet or exceed this.

Circulation through the development will be by a private drive. There are two parking areas providing spaces for 13 guest vehicles.

Two different floor plans were submitted. All units are single story with 2 car garages. The floor plans indicate 1300+ to 1600+ square feet living space. The minimum required is only 800 square feet.

Staff Recommendation

HRPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-15-2016 for a condominium development on part of Lot 349 in the Hunter's Creek 11th Addition.**

ENGINEERING

Engineering has a set of these plans from 2007 that were approved. These drawings are the same as the ones that were previously approved.

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.

The following permits may be required prior to construction:

- Water Tap Permits
- Sanitary Tap Permits
- Storm Tap Permits
- Curb Cut Permits
- Sidewalk Permits
- Public Infrastructure bonding and inspection fees

FIRE PREVENTION

No comments

STAFF RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-15-2016 for a condominium development on part of Lot 349 in the Hunter's Creek 11th Addition subject to the following condition:**

- **Compliance with MS4 requirements as in City of Findlay Ordinance 937 (ENG)**

DISCUSSION

Brian Thomas stated that they may want to add the condition regarding working out the drainage concerns on the south property line with the Engineering Department.

Matt Pickett said that he tried to reconfigure the hydrants as best he could. He said that Mr. Stone did a great job on that. Dan Stone commented that he tried to position the hydrants on high points of the waterline to try and help with blow out and try to maintain what they typically want.

Mr. Schmelzer asked about the "road" that will go out to Tarra Oaks. Will that be private as well? Mr. Stone replied yes. When they had platted those lots on the east side, they had left an easement between two lots for the future drive. So it was recorded as an easement on the plat.

MOTION

Lydia Mihalik made a motion to approve **APPLICATION FOR SITE PLAN REVIEW #SP-15-2016 for a condominium development on part of Lot 349 in the Hunter's Creek 11th Addition subject to the following conditions:**

- **Compliance with MS4 requirements as in City of Findlay Ordinance 937 (ENG)**
- **The developer work with the Engineer on the drainage concerns on the south property line (ENG)**

2nd: Dan DeArment

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

Lydia L. Mihalik
Mayor

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