

# City of Findlay

## City Planning Commission

Thursday, March 9, 2017 - 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:**

Lydia Mihalik  
Paul Schmelzer  
Dan Clinger  
Jackie Schroeder  
Dan DeArment

**STAFF ATTENDING:**

Judy Scrimshaw, HRPC Staff  
Matt Cordonnier, HRPC Director  
Brian Thomas, PE, PS, City Engineer  
Don Rasmussen, City Law Director  
Todd Richard, Zoning Inspector  
Erik Adkins, Zoning Inspector  
Matt Pickett, Fire Inspector

**GUESTS:**

Lou Wilin, Todd Jenkins, Dan Stone, John Whitson,  
Deborah Bucher, Jennifer Palmer, Jim Koehler, Allen  
Eckert, Dennis Hill

**CALL TO ORDER**

**ROLL CALL**

The following members were present:

Lydia Mihalik  
Paul Schmelzer  
Dan DeArment  
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 February 9, 2017 meeting. Dan DeArment seconded. Motion to accept carried 5-0-0.

## **NEW ITEMS**

**1. ALLEY/STREET VACATION PETITION #AV-01-2017 filed to vacate a portion of Lippincott Avenue between Fishlock Avenue and Williams Street.**

### **HRPC**

#### **General Information**

This request is to vacate the right of way of Lippincott Avenue between Fishlock Avenue and Williams Street. The area is zoned R-2 Single Family Medium Density. It is located within the 100-year flood plain. The City Land Use Plan designates the site as Single Family Medium Lot.

#### **Parcel History**

This right-of-way was discussed in 2003 when Hunter's Ridge Subdivision was being platted. At that time, the City did not want this used as an access to the subdivision due to the potential visibility issues with the bridge over Lye Creek.

#### **Staff Analysis**

The applicant is proposing to vacate this 60' wide unimproved right-of-way.

All abutting owners have signed the petition.

#### **Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2017 filed to vacate a portion of Lippincott Avenue between Fishlock Avenue and Williams Street.

### **ENGINEERING**

There are existing public utilities located in the existing right-of-way. Easements will need to be maintained. Part of the right-of-way around the bridge will need to be maintained so that there will be access to the bridge for maintenance and replacement when needed.

### **FIRE PREVENTION**

No Comments

### **STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2017 filed to vacate a portion of Lippincott Avenue between Fishlock Avenue and Williams Street subject to the following conditions:

- Easements will need to be maintained for public utilities located in the right of way (ENG)
- Part of the right-of-way around the bridge will need to be maintained so that there will be access to the bridge for maintenance and replacement when needed. (ENG)

### **DISCUSSION**

Jackie Schroeder asked what happens with the "T" where Lippincott goes into Williams Street at the east end. Paul Schmelzer said it is in dedicated right-of-way so the City will maintain it. Ms. Schroeder said she wondered what would happen some day when maintenance/resurfacing is done. Would the City redo it? Mr. Schmelzer said it would depend on whether it is being used for any access anymore or not. If it is not, the City could just tear it up and get rid of it. Once the Auditor splits the alleys between the parcels, it will end up as their property.

**MOTION**

Paul Schmelzer made a motion that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-01-2017 filed to vacate a portion of Lippincott Avenue between Fishlock Avenue and Williams Street subject to the following conditions:

- A modified legal description of the right-of-way for bridge maintenance. (CPC)
- Easements will need to be maintained for public utilities located in the right of way (ENG)

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

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

2. ALLEY/STREET VACATION PETITION #AV-02-2017 filed to vacate the first east/west alley north of Lippincott Avenue between Fishlock Avenue and Williams Street and the first north/south alley east of Fishlock Avenue from 1<sup>st</sup> Street south to Lye Creek.

**HRPC**

**General Information**

This request is located in the area generally bounded by Fishlock Avenue, Williams Street, First Street and Lye Creek. It is zoned R-2 Single Family Medium Density. It is within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Medium Density.

**Parcel History**

None.

**Staff Analysis**

The applicant is proposing to vacate these unimproved alleyways. There is a structure built across the right-of-way along Williams Street on the east side.

Once again, the abutting owners have signed the petition.

**Staff Recommendation**

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2017 filed to vacate the first east/west alley north of Lippincott Avenue between Fishlock Avenue and Williams Street and the first north/south alley east of Fishlock Avenue from 1<sup>st</sup> Street south to Lye Creek.

**ENGINEERING**

No Comment

**FIRE PREVENTION**

No Comments

**STAFF RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-02-2017 filed to vacate the first east/west alley north of Lippincott Avenue between Fishlock Avenue and Williams Street and the first north/south alley east of Fishlock Avenue from 1<sup>st</sup> Street south to Lye Creek.

## **DISCUSSION**

Dan Clinger asked why the vacation of the north/south alley would not go all the way south to the next east/west street. Paul Schmelzer said that the legal description is going to the center line of the creek. He commented that the property owners in this request are taking it to the limits of their parcels. If we went farther, we would be vacating property that is not a part of the request. Mr. Schmelzer said they have had discussion about unimproved alleys. He is perfectly fine with any vacation of these as requested by property owners because the City has no plans to improve them. He stated that vacating them when they are not a part of an actual request is not something he thinks we should do. Mr. Schmelzer said that he thinks it takes away some flexibility in regard to the potential development of the land should the landowner want to do it.

## **MOTION**

Paul Schmelzer made a motion that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-02-2017** filed to vacate the first east/west alley north of Lippincott Avenue between Fishlock Avenue and Williams Street and the first north/south alley east of Fishlock Avenue from 1<sup>st</sup> Street south to Lye Creek.

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

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

**3. APPLICATION FOR SPECIAL REVIEW #SR-01-2017** filed by Country Club Acres, 655 Fox Run Rd, Findlay for an approximately 12,000 square foot general retail building to be located at 10505 US 224 in Liberty Township.

## **HRPC**

### **General Information**

This request is located on the southwest corner of US 224 and CR 223. It is zoned B-2 General Business in Liberty Township. All surrounding parcels are also zoned B-2 in the Township. The parcel is within the 100-year flood plain. The City Land Use Plan designates the area as Regional Commercial.

### **Parcel History**

None

### **Staff Analysis**

The applicant is seeking input for a potential retail store locating on this property. Because this is a Special Review, no decision to approve or deny the request is required today. The plans must be presented to the City if they are requesting City utilities.

The proposed building is shown to be 12,000 square feet in size. The plan is showing 91 parking spaces, which exceeds the Township's requirement of 80 spaces at one per every 150 square feet. The City of Findlay requires one per every 375 square feet, which calculates to only 32 spaces.

Access is proposed from CR 223. It appears that it would be about 460' from the intersection of US 224. Access onto this County road is preferable. The location may require a variance from the County Access Management Regulations because of two (2) drive locations on a property across the road.

The site is in the floodplain. The Liberty Township Zoning Resolution has Flood Damage Prevention Regulations in Section 1417. The Township and County Engineer will have jurisdiction.

Retail is a permitted use in B-2 in Liberty Township. Without any more details, Staff has no other comments at this time.

### **ENGINEERING**

Access – Access to the site will be from County Road 223.

Sanitary Sewer – The sanitary service for the property will be provided by the existing 54” sanitary sewer located on the east and north sides of the property. This is the northwest corridor sewer and it is Hobas pipe. Hobas pipe and fittings need to be special ordered. It is recommended that any sanitary connections be made at one of the existing manholes. This will take less time to get the material and will be cheaper for the developer.

Waterline – The closest waterline is the existing 16 inch waterline located on the north side of US 224. Any proposed water services will need to be bored under US 224 to connect into the existing waterline.

Stormwater Management – The proposed grading plan does show a detention area located along the westerly property line. Since the property is not located in the City of Findlay, approval of the detention calculations will be the responsibility of the Hancock County Engineer.

MS4 Requirements – Since the site is not located in the City of Findlay, the site will not have to comply with the City of Findlay’s MS4 requirements.

### **FIRE PREVENTION**

The proposed structure is located out of FFD’s jurisdiction and was reviewed with Liberty Twp. Fire Chief Gene Stump. Please contact Chief Stump at 419-421-1087 if you should need additional information.

At least a 6” water main shall be extended to the south side of US 224 and a hydrant placed near the drive entrance of the proposed facility.

A 12,000 Sq. Ft. Mercantile Use Group facility would require a sprinkler system.

An 8,000 Sq. Ft. Mercantile Use Group used for the sale and display of upholstered furniture would require a sprinkler system.

Final location of the hydrant and/or Fire Department Connection (if needed) shall be determined by the Liberty Twp. Fire Department.

Apply for all necessary permits with Wood County Building Department.

### **DISCUSSION**

Paul Schmelzer commented that he knows this plan is probably very conceptual, but he advised to put the access point perpendicular to the roadway. Dan Stone replied that he has met with Ben Lindhorst and Doug Cade and talked about the access. They realize that they will need a variance. He said they prefer to have it as far south as they can.

Mr. Stone said there are two (2) main issues that they wanted to address today. One is the waterline. He asked if they would be required to extend it to the south property line and if so what is the size. Brian Thomas replied that he had talked to water distribution about that and they did not see the need for it. However, if fire wants it for a hydrant, then yes. Matt Pickett asked if they knew how far it was from SR 224. Mr. Pickett said that if it were over 600' it would be the difference. Dan Stone said he did not think it was quite that and he will verify. Mr. Pickett said they would need to discuss with Chief Gene Stump. Anything under 600' is good for a 6" line.

Dan Stone asked Judy Scrimshaw if they would have to comply with City landscaping. Ms Scrimshaw replied that she would review this under City standards, but it is up to the Commission if they want to require it as part of your approval to connect to the utilities. Mr. Schmelzer stated that he would agree with that. He said that City site plan standards are what they are looking at when it comes here.

Mr. Schmelzer commented that it is good to see that this property may go somewhere at last.

**4. APPLICATION FOR EXPANSION OF A NON-CONFORMING USE #NC-01-2017 filed by Brown Automotive Diagnostics and Repair, LLC, 1226 W Sandusky Street, Findlay to add a paved parking lot to the east of the business.**

**HRPC**

**General Information**

This request is located on the north side of W. Sandusky Street just east of Winthrop Drive. It is zoned R-3 Single Family High Density. Properties to the north, east and west are also zoned R-3. Properties to the south across W. Sandusky Street are zoned I-1 Light Industrial. It is not within the 100-year flood plain. The City Land Use Plan designates the area as Single Family Small Lot.

**Parcel History**

According to records in the Zoning Department, B & D Electric once operated in this location (1226 W. Sandusky) and it appears that it became a body shop in the late 1980's. It was zoned C Residential by the old code which did not permit such business either, so it has historically been a non-conforming use.

**Staff Analysis**

The repair business is located in a large outbuilding at the rear of the lot and the garage at the rear of the residence at 1226 W. Sandusky Street

The applicant is requesting to expand into the rear of the lot immediately east of the repair shop to create a parking lot. This lot (1220 W. Sandusky Street) is owned by the applicant also. They intend to split off the back 90' of that lot to add to 1226 W. Sandusky. They plan to create a paved parking area here. The next item on today's agenda is the site plan for that parking lot if this application is approved. Details of the site plan will be discussed then.

The zoning inspector had received a complaint some time ago about cars being parked in the yard, which led to this coming before Planning Commission.

The applicant had originally submitted an application to change the zoning to C-2 General Commercial to bring the business and new parking area in compliance. When informed by Staff that they could probably not give a favorable recommendation to a zone change in this location he decided to pursue the expansion of the non-conforming use.

Staff feels an expansion of the non-conforming use is the better option of the two for the situation. We would not recommend a C-2 zoning in the middle of a residential area. Although there is industrial zoning across the street, that is also a residential area and the new map will correct that.

If the auto repair goes out someday, it can only be replaced with a no more intense use as determined by Planning Commission. If it happens to go vacant for two years, then it will revert to only residential uses.

Staff has not received any comments from the neighboring property owners as of this date.

#### **Staff Recommendation**

**HRPC Staff does not recommend approval at this time of the APPLICATION FOR EXPANSION OF A NON-CONFORMING USE #NC-01-2017 filed by Brown Automotive to add a paved parking lot to the east of the business at 1226 W Sandusky Street. Staff has concerns about the intensity of the business and its proximity to residential uses. Additionally, we do not anticipate more commercial development on this section of West Sandusky. However, the parking lot would alleviate the violation of parking cars on the grass. Staff's recommendation could be altered by the neighboring property owner's view of the potential project.**

#### **ENGINEERING**

No Comment

#### **FIRE PREVENTION**

No Comment

#### **STAFF RECOMMENDATION**

**HRPC Staff does not recommend approval at this time of the APPLICATION FOR EXPANSION OF A NON-CONFORMING USE #NC-01-2017 filed by Brown Automotive to add a paved parking lot to the east of the business at 1226 W Sandusky Street. Staff has concerns about the intensity of the business and its proximity to residential uses. Additionally we do not anticipate more commercial development on this section of West Sandusky. However, the parking lot would alleviate the violation of parking cars on the grass. Staff's recommendation could be altered by the neighboring property owner's view of the potential project.**

#### **DISCUSSION**

Mayor Mihalik stated that it was just brought to her attention recently that there are issues as to whether the zoning code allows the Planning Commission to grant an expansion of a non-conforming use. She stated that it did at one point in time, but apparently, it does not today. Ms. Mihalik stated that what she would like to do is give some feedback on the proposal from the Commission and then perhaps with the help of the Law Director we can figure out what the path forward is for this. She stated that she just wants to be upfront with them on this and she apologized. She would like to go through the Staff review and if there are individuals here from the neighborhood she would like their input now also. She said that we might need to table this in the end until we can get our ducks in a row.

Mayor Mihalik asked Don Rasmussen to walk them through how the code limits this body on such a decision. Mr. Rasmussen stated that in the prior code there was language that discussed how to deal with non-conforming use. It involved notice to neighbors. That section was eliminated from the current code and that after the adoption of the current code there was no approval process for an expansion of a non-conforming use. Mr. Rasmussen thus stated that this was something that they could not approve. He stated that he feels the code has to have some ability to expand non-conforming uses as we go forward and change uses and districts. We need to go back, do a little more review of the code and perhaps adopt the provisions that we had in here before. Mr. Rasmussen's recommendation is that we are here, we have talked about it, but we table the issue and allow them to come back once we have revised the code.

Mayor Mihalik said the issue is that she does not know how it was adopted in the new code change that we did not have the ability to address these expansions of non-conformities. Things happen with zone changes, zoning maps that create issues that might make sense. We should have the ability to evaluate them. Ms. Mihalik stated that unfortunately, this was something she was not aware of until early this morning and apparently, it is something they cannot do.

Allen Eckert (1200 W. Sandusky) has lived to the east side of the Browns' house since 1993. Mr. Eckert stated that his main concern is his property value. He said that Mr. Brown has been parking cars behind the house for quite some time. He said he contacted Todd Richard who went out and spoke with Mr. Brown. Mr. Eckert said that he has continued to use that property as part of his business. He said he also has concerns about water and any contaminants that he may take off that pavement. He pointed out the location of his home in relation to the wood fence. Mr. Dennis Hill (1205 Putnam Street) stated that they brought in truckloads of dirt when they constructed the fence. He said that it is like a river between Allen's property and the fence when it rains. Mr. Hill stated that he had to put in another sump pump since the fence went up. Dan DeArment asked Mr. Hill where he lived. Mr. Hill replied that he lived to the north. He commented that the grade on the property coming from the south from Sandusky Street down to him allows the water to run down there. Mr. Hill said he saw the print of the parking lot and wondered why there is not a catch basin in it to tile the water out instead of having a detention pond. Mr. Hill said that every parking lot he sees in town has catch basins. He said he understands if there is a big rain, flood that he will have water. However, he feels even with a normal rain now he may have problems.

Dan Clinger asked if anyone has information about when the fencing was put up. Mr. Eckert stated that what had happened was the woman that lived there hauled in truckloads of dirt. He said he called about that to ask if that was allowed. He said her yard is probably 2-3 feet higher than up by the road than his yard. He knew that when he purchased the property. He has had to replace a basement wall due to water. Mr. Eckert said that right now his home value is his concern. Mr. Hill said his concern is the water coming down his yard.

Mayor Mihalik said that if we get to the point of reviewing the plan for the parking lot we can look at the drainage. Ms. Mihalik asked if there was anyone else that wished to speak on this issue. Mr. Hill said he doesn't understand why this meeting is during most people's working hours. Those people out working and paying taxes to run everything can't get out of work to come to these meetings. Paul Schmelzer replied that they do it during the normal course of business. He said there are a lot of consultants and other property owners who prefer to do this time. We also accept written comment, Mr. Schmelzer said. So you don't have to be here. You can correspond with this department. He said Judy and/or Todd are very good about taking phone records or comments from people and conveying those to the Commission.



They are entered into the record at the meeting and the Commission can weigh in on them. Mr. Hill replied that good old face-to-face conversation then is kind of out the door. Mr. Schmelzer replied that he did not know why he would say that. Mr. Hill said he feels it is important to hear from people and understand their point of view. Mr. Schmelzer said he thinks he is trying to make it sound like we would not set up another time to discuss with them. We can do that.

Mr. Schmelzer said that at this point they have an inability to legally approve the non-conforming use based on our code. He stated that he does intend as part of the comments for the Planning Commission review of upcoming zoning changes to introduce formal language giving flexibility back to the group. Mr. Schmelzer stated that part of the process was to require the notification of adjoining property owners in regard to the expansion of a non-conforming use and get their feedback. He stated that we essentially have that today for this issue. Barring any other discussion from the public, he said his recommendation for multiple reasons would be to deny the request today.

Dan DeArment seconded the motion. Dan Clinger said he would concur with this. He said it is a particular property that we would probably not want to see expanded into with the non-conforming use. Mr. Clinger stated that it is a very residential area. The owner has been brash enough to use it as part of his business without any approvals. He said he just does not think it fits in this area. Mr. Schmelzer stated that first of all they cannot legally do this today. Second, part of the language that he would introduce would require notification of adjacent property owners and that input. Mr. Schmelzer said that for the sake of the neighboring property owners and the applicant today, rather than tabling it, he already knows what that input looks like and that is an important part of his decision making process. Because he has that, he is ready to make his decision today.

Dennis Hill asked the mayor how it went 30 years running a business there. The Mayor replied that it is a case that historically has been that way. She said that according to the Staff report it was originally B & D Electric. Over time, it became a body shop. Mr. Schmelzer replied that over time zoning, codes evolve and these are more maturing communities. Therefore, this is a neighborhood where someone had started a business, no one really cared, and perhaps the zoning code changed the district. Paul Schmelzer said let us just assume that the City woke up tomorrow and decided to change the entire area to commercial. The residences would now be non-conforming uses. It would be extremely unfair of the City to say that you can no longer live in your house.

Mr. Cordonnier stated that in the old C Residential the B & D operation could have been permitted. He further commented that if this business goes out and stays vacant for two (2) years it cannot come back. Mr. Eckert stated that he knew the body shop was there when he purchased his home. However, he had the buffer of another residence between his property and that. Now he would lose that buffer.

Mayor Mihalik asked Todd Jenkins, representative for Brown Automotive, if he had any comments. Todd Jenkins replied that when his client went in he had two options: he could try for the non-conforming use expansion or try for a rezoning. They initially elected for the rezoning, and then pulled that on recommendation that it would be spot zoning. He said that in regards to a buffer, he understands the property value concerns. As far as storm water runoff, they were installing a detention basin. The Engineer had commented that they needed to verify where an outlet went and if they could not verify that they would take out to the storm sewer to Sandusky.

Mr. Jenkins said he is confident that the water will be collected and taken away from the surrounding properties. Mr. Jenkins commented that the property has been used to park with only grass and the intent is to make it comply. Mr. Hill said that if they can divert the water he does not have a problem. Mayor Mihalik stated that that would be addressed in site plan review. Depending on how the vote goes today, if and when we do the code change to allow CPC to grant an expansion, this item could come back and perhaps get to the plan review stage.

Mr. Clinger asked if the motion to deny could have a notation to require him to not use the property now and perhaps even fence it off so that it is not possible to get cars over there. Mr. Schmelzer stated that that would not be part of his motion. He said that we already have rules and laws regarding what he can use that property for and how it can be used. These should be followed and enforced.

Todd Richard said that Mr. Eckert has called him and he has communicated with Mr. Brown that he cannot park any vehicles on that property. Mr. Eckert said he took a picture today and there are 2 cars out back. Mr. Richard said they have to verify ownership of the vehicles. He said he has made it very clear to him that the property cannot be used for his business. Mr. Eckert responded that from the time Todd had called up to today, he has used the property. Todd Richard replied that he can send him notice.

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

**5. APPLICATION FOR SITE PLAN REVIEW #SP-02-2017 filed by Brown Automotive Diagnostics and Repair, LLC, 1226 W Sandusky Street, Findlay for a proposed parking lot.**

Todd Jenkins requested that the site plan be pulled from the agenda.

**6. APPLICATION FOR SITE PLAN REVIEW #SP-05-2017 filed by George M Whitson, 1706 Imperial Lane, Findlay for a proposed Holiday Inn Express Hotel to be located at 1920 King Ct, Findlay.**

**HRPC**

**General Information**

This request is located on Interstate Drive at the intersection with King Ct. It is zoned C-2 General Commercial. Properties to the north, east and west are also zoned C-2. To the south is zoned I-1 Light Industrial in Liberty Township. It is not within the 100-year flood plain. The City Land Use Plan designates the area as Regional Commercial.

The Final Plat of this subdivision was reviewed and approved on February 9, 2017.

### **Staff Analysis**

This proposal is for a 66,425 square foot, 112 room, four (4)-story hotel.

Upon submittal of the plan, the consultant for the developer had noted that the parking requirement in the zoning code would mean they had to provide 178 parking spaces and they could not fit that many on the site. Our code is lacking in a standard for hotels on their own and they are just lumped into the general C-2 requirement of one space per 375 square feet. This facility does not have banquet rooms or a restaurant/bar. Those items of course would increase the usage beyond guests spending the night. The plan shows 129 parking spaces. The applicant has filed with BZA for a variance on the parking standard and will be on their agenda tonight. Staff is researching the parking standards of other communities to devise a proposed amendment for our code to address this in the future.

Setbacks in the C-2 district are 30' in the front and rear and 15' on the sides. The building is located well beyond those minimums. The height of the building at the tallest point is 48'-8". The maximum permitted in C-2 is 60'.

There are two access points proposed onto King Court. King Court is a new cul-de-sac street platted for the use of the two (2) commercial lots that abut it.

A dumpster enclosure is shown in the southwest corner of the lot. The finishes of the walls of the enclosure will coordinate with the exterior finishes of the hotel. It is located over the sewer easement. The Engineer will address that issue in his comments.

A sign location is shown at the corner of King Court and Interstate Drive. It will be a monument sign. The elevation drawing of the sign indicates it will be 9'9" in height. The maximum height permitted is 8'.

Landscaping and Architectural details comply with City Zoning rules.

A photometric plan for the site shows much higher foot candle readings than permitted at several points around the property lines. The maximum permitted is 1 foot candle at a property line in a commercial district abutting other commercial. The plan says it was done for "estimation purpose only" and others would verify the layout in the field. So, can this change? I had inquired with the applicant's consultant on the pole height. He had replied that the pole and fixture are 25' in height and there will be 30" of the concrete foundation exposed for a total height of 27.5'. This will have to be lowered or submitted for a variance as well as the foot-candle readings.

### **Staff Recommendation**

HRPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-05-2017 for a proposed Holiday Inn Express Hotel to be located at 1920 King Ct, subject to the following conditions:**

- **Approval of variance on parking from BZA (HRPC)**
- **Reduction of height of sign or variance from BZA (HRPC)**
- **Reduction of foot candle reading at property line or variance from BZA (HRPC)**
- **Lowering of light pole total height to 25' or variance from BZA (HRPC)**

## **ENGINEERING**

Access – Access to the site will be from the proposed King Court.

Sanitary Sewer – The proposed sanitary service will connect into the existing 15” sanitary sewer located along the south property line. The proposed dumpster enclosure is shown over the existing sanitary sewer. This will prohibit sewer maintenance from being able to repair/replace the sewer if required. The dumpster enclosure needs to be moved so that it is not located within the existing sewer easement.

Waterline – The proposed water service is shown connecting into the proposed 8” waterline on King Court.

Stormwater Management – Detention for the site will be provided by the proposed detention area located at the west side of the property. The detention design does meet the City of Findlay requirements.

MS4 Requirements – The amount of erodible material that will be disturbed will be more than one acre so the site is required to comply with the City of Findlay’s Erosion and Sediment Control Ordinance.

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

- The dumpster enclosure location be moved so that it is located outside of the sanitary sewer easement.

The following permits may be required prior to construction:

- Sanitary Tap Permit
- Waterline Tap Permit
- Storm Tap Permit

## **FIRE PREVENTION**

-The 8” city main shall be extended to the end of King Ct. and a hydrant placed at the north drive entrance of the hotel and another placed at the end of the cul-de-sac.

-This structure will require a Knox box.

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

-Apply for all necessary permits with Wood County Building Department.

## **STAFF RECOMMENDATION**

Staff recommends that FCPC approve APPLICATION FOR SITE PLAN REVIEW #SP-05-2017 for a proposed Holiday Inn Express Hotel to be located at 1920 King Ct, Findlay subject to the following conditions:

- Approval of variance on parking from BZA (HRPC)
- Reduction of height of sign or variance from BZA (HRPC)
- Reduction of foot candle reading at property line or variance from BZA (HRPC)
- Lowering of light pole total height to 25’ or variance from BZA (HRPC)
- The dumpster enclosure location is moved so that it is located outside of the sanitary sewer easement. (ENG)
- The 8” city main shall be extended to the end of King Ct. and a hydrant placed at the north drive entrance of the hotel and another placed at the end of the cul-de-sac. (FIRE)
- Final location of the FDC shall be determined by FFD (FIRE)
- This structure will require a Knox box. (FIRE)
- Apply for all necessary permits with Wood County Building Department. (FIRE)

## DISCUSSION

Dan Clinger noted that the detention area for this project is not on the property. He asked if that is a regional detention facility. Mr. Jenkins replied yes. Mr. Clinger asked what the staff requirements for the hotel will be since we are being asked to reduce the parking. Todd Jenkins responded that they have 129 spaces which they believe will be more than they need. He stated that staff should be about 10 at the highest times. Therefore, with 112 rooms and a maximum of 10 employees they would have a few excess spaces. Mr. Schmelzer stated for clarification that there is no formal standard in the code for a hotel. He said that we need to look at these sites and the uses, and the type of intensity and whether there is large meeting space. It is a valid point. He said to some extent it is a "you" problem. But we have to look at it as a Commission and consider whether the request is reasonable. Mr. Schmelzer said it looks reasonable to him and it makes sense to go to BZA with their case.

Paul Schmelzer asked where they were at with the other little items. Todd Jenkins replied that he spoke with the architect and they will pull a smaller sign for the site. There are various sizes available through Holiday Inn Express. Mr. Jenkins said he has electrical looking at the foot candle issue and the pole height. They will reduce these to meet the code.

Mr. Jenkins stated that they will move the dumpster to the north so that the west edge of the enclosure will be on the edge of the easement line as opposed to being in the easement. He has talked with Matt Pickett about extending the 8" waterline on King Court and having a hydrant at the north drive as well as at the end of the cul-de-sac.

Mr. Schmelzer said this is not a formal motion but asked if the following motion would meet his intent. He would state to approve the site plan subject to: Variance approval for the parking, meeting all code requirements for signage, lighting and height of poles, and meeting the Fire Department requirements and dumpster relocation. Mr. Jenkins replied that that works.

Jennifer Palmer asked to speak. She stated that she and her sister, Deb Bucher own the business south of this. She stated that they are in favor of the construction, but have a couple of concerns to express. One was the dumpster location. She asked if it is going to the north. Todd Jenkins replied that it will move maybe 20' north. Ms. Palmer stated that her building is right there and occupied by Gillig Winery and a hair salon. There is outside seating at the winery so they did not want to have dumpster issues close to that.

Jennifer Palmer asked to clarify that the drainage is going to the west side. Mr. Jenkins responded yes. This will also include the lot east at the corner of CR 300 and Interstate. He said everything will be collected at the south line and go west to the pond. It is collected by a 30" storm sewer and drainage swale. Ms. Palmer asked what would happen to the open ditch there now. Mr. Jenkins replied that they will take in all of that so any surface water that can get to it can still travel and not just run off onto her property. The bulk of the developed flow is all going to get caught in the 30" storm sewer and taken west into that pond.

Ms. Palmer asked if there were any bright lights close to their building. Mr. Jenkins said there is a pole light about right in the middle of the property. The electricians will have to tweak the foot candles. She asked if there is anything on the southeast corner. Mr. Jenkins said he does not believe so.

Ms. Palmer asked if they have any idea when construction might start. Todd Jenkins replied that he thinks it will be within the next one to two months. The applicant replied that they are looking at June to start and it would be a 12-month build. Ms. Palmer asked if the noise and dust would interfere with their business particularly with outside seating. Mr. Jenkins said that they would work daylight hours. Deb Bucher asked if she had heard them say that some of the drainage would be detained on the property to the east. Mr. Jenkins said no, that property will also get collected in the storm sewer and be taken by the pipe to the pond to the west. Ms. Bucher asked if the lot to the east is a commercial lot open for development. Mr. Jenkins responded yes it is. He said the storm sewer that is going down there has been sized to take all the flow from these lots. Ms. Palmer asked if there would be any activity in the front lot during this construction. Todd Jenkins replied that it is possible they could use it for a lay down area for equipment and such. It is a possibility. Ms. Palmer then asked why they were building a new hotel when the same one is on the other side of the street. The applicant replied that they are on a 20-year franchise agreement and they demanded that either they pour an unreasonable amount of money into the current property or we build new. He said they preferred building new.

Matt Pickett said that he and Todd Jenkins had talked about access around the entire structure. He was able to determine that it could be done. He asked if moving the dumpster might interfere with that now. Mr. Jenkins replied no. The south drive will stay where it is. Instead of driving past parked cars, you will drive past the dumpster. Dan Clinger asked if that will reduce the parking. Mr. Jenkins said it should not. There will be a couple of odd out of the way spots, but they can use those for employees.

Jennifer Palmer asked if there were other hearings as construction went along. Mayor Mihalik replied no. Once the plan is approved they will come in to get permits, but that will be all. She stated that she is sure the Whitson family would be happy and willing to address any concerns as construction went along. They have always been a good corporate neighbor.

**MOTION**

Mayor Mihalik made a motion to approve **APPLICATION FOR SITE PLAN REVIEW #SP-05-2017 for a proposed Holiday Inn Express Hotel to be located at 1920 King Ct, Findlay** subject to the following conditions:

- **Approval of variance on parking from BZA (HRPC)**
- **Meeting all code requirements for signage, lighting and height of poles (HRPC)**
- **Dumpster relocation (ENG)**
- **Meeting Fire Department requirements (FIRE)**

2<sup>nd</sup>: Dan DeArment

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

## 1. REVIEW OF AMENDMENTS TO FINDLAY ZONING ORDINANCE

### DISCUSSION

Mayor asked if members of the Commission had had time to review this. They replied yes.

Todd Richard gave a summary of some of the items in the document. He noted that some lines are struck out and replaced with new wording. All are indicated in red in the markup copy.

Todd noted that we have given more discretion to CPC regarding uses that may not be specifically mentioned in the code. He said we also added that CPC can remove, add or replace conditions within conditional use section as necessary.

Storage containers are no longer allowed to be used as storage buildings. We did allow for special circumstances like after a catastrophic event where it may be appropriate for a temporary time, but generally, no more box trucks with axels removed sitting in the backyard.

He stated that clarification of the maximum storage unit area was added. Schools were added as a conditional use and a definition of schools was added.

Setbacks for signs from residential districts was removed mainly because we allow signs in residential districts anyway.

Todd Richard said that a borrow pit definition was included. This has been coming up recently because of the impending I-75 reconstruction. We have tried to tie it to industrial activity such as mining.

A definition of nuisance was added. A lot of clean up language was done.

Mr. Richard said we need to consider a parking standard for hotels. Signage standards for the Park and Open Space district need to be developed. We looked at what might be appropriate for the fairgrounds.

Given today's discussion on non-conforming use expansion, Mr. Richard said we had language in the old code that he thought was very clear as far as CPC's ability to expand a non-conforming use. He said it would be very easy to plug in the old language into this draft.

Dan Clinger asked who would deal with the language on the hotel parking. He sees this as two scenarios. One for the banquet facility type and one without like the Holiday Inn today. He asked if someone like City Traffic Commission would work on that. Mayor Mihalik replied that this Commission is the one to set that standard. Judy Scrimshaw said that she had looked at a few codes and had found ones with a breakdown for these situations. We can come up with examples for the scenario like today and also for the hotel that may have a full house and a wedding reception in their banquet facility. She noted that many also had perhaps 1.1 space per room. There are often the potential for two vehicles per room and that little extra cushion could help.

Dan DeArment asked about signs permitted in residential. He referred to the situation with Brown Automotive. Todd Richard replied that there are specific parameters. We see this mainly for churches and schools. So having a school in a neighborhood, the setback for a sign from residential area is somewhat contradictory. You can have a business abutting residential that must have 100' distance and their lot is only 75' wide. Therefore, there is no room for a sign. This mostly happens in older areas with blended commercial/residential. This will not mean electronic message centers. Those restrictions will still be in place.

Mr. Schmelzer asked if Planning and Zoning committee was reviewing these today as well. Todd replied yes. Paul Schmelzer asked if the borrow pit is a conditional use. He said he believes that these are currently permitted only in industrial areas. He said he feels they need to be conditional uses regardless of zoning district. Mr. Schmelzer said he would like us to relay that comment to Planning and Zoning, as he cannot attend that today. Todd Richard said the we did not want to mean any detention areas and confuse with borrow pit. Mr. Schmelzer replied that there could be situations where what was a borrow pit ends up turning into a detention area for a subdivision. However, if it is a borrow pit initially, it must come here for approval with conditions. Someday if it is properly developed, it could become a detention or retention pond.

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Lydia L. Mihalik  
Mayor

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