

City of Findlay City Planning Commission

Thursday, May 11, 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
Jackie Schroeder
Dan DeArment
Dan Clinger

STAFF ATTENDING:

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

GUESTS:

Lou Wilin, Mike Dunipace, Tom Shindeldecker, Diana Hersch, Ron Rooker, Jodi Mathias, Erik Adkins, Jeremy Kalb, McArthur Gilley, Meghan Smith,

CALL TO ORDER

ROLL CALL

The following members were present:

Lydia Mihalik
Paul Schmelzer
Jackie Schroeder
Dan Clinger
Dan DeArment

SWEARING IN

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

APPROVAL OF MINUTES

Jackie Schroeder made a motion to approve the minutes of the April 20, 2017 meeting. Paul Schmelzer seconded. Motion to accept carried 5-0-0.

NEW ITEMS

1. APPLICATION FOR ZONING AMENDMENT #ZA-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.

HRPC

General Information

This request is located on the east side of Central Avenue in the block between just north of Tiffin Avenue. It is zoned C-2 General Commercial. Lots to the south and east are also zoned C-2. To the west is zoned R-3 Single Family High Density and to the north is zoned R-2 Single Family Medium Density. It is not located within the 100-year flood plain. The City Land Use Plan designates the site as Single Family Small Lot.

Parcel History

Vacant lot that was once a part of land owned by the old Findlay Motel.

Staff Analysis

Habitat for Humanity wishes to construct a single family home on this parcel. The C-2 zoning does not permit residential uses so they must have it rezoned.

The C-2 zoning is a carryover from the time that it was a part of the motel site. The alley abutting the south side of the lot makes a logical break between the commercial and residential zoning.

The lot is 50' wide and can meet the minimum standard for R-2. The R-3 Single Family High Density is the best fit for Habitat Homes because of the square footage of the homes they construct. The R-2 District has a minimum of 1300 square feet of living space and Habitat normally constructs an average 1150 square foot home. Because the lot is just at the bare minimum width required for R-2 and there is R-3 across the street now we have no issue with recommending R-3.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial 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-02-2017 filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.**

DISCUSSION

McArthur Gilley, 2515 Foxwood Dr., spoke from the audience and said he had tried to buy that lot several times in the past. He stated that he owns two properties in front and Wayne Farthing owns the third one in front of this property. There is an alley that runs behind it. He stated that they are zoned C-2. Mr. Gilley said he has had his properties up for sale for some time and he feels that changing the zoning from C-2 to R-3 would hurt the evaluation of his property. He stated that Mr. Farthing feels the same way. Mr. Gilley said he is not against Habitat for Humanity by any means. He just doesn't know how they ended up with the property when a couple of people have tried to buy it and were not able to do so. Mr. Gilley said he would be interested in buying it from Habitat if they had a price.

Dan DeArment asked why this would negatively impact Mr. Gilley's property. Mr. Gilley said that the company he has his property listed with thinks that that property would add to the value of his in the front. He said Mr. Farthing is considering selling his as well and they felt that anyone interested would like to have the property across the alley. They thought they would get the alley vacated eventually. Closing the alley would be to their benefit and the value of their property.

Dan Clinger said he could see if the three properties were sold for commercial development together that that piece could make it more developable. Mayor Mihalik asked if the three lots were scraped and combined could new construction meet the setbacks. Ms. Scrimshaw replied that it could possibly, but it could not be anything very large. Todd Richard said it would take a combination of all probably to development. Mr. Schmelzer said that is why Mr. Gilley wants it to stay C-2. Mr. Schmelzer said that he normally looks at the instance of whether a use is less intense and it conforms to other parcels that are around the subject parcel that he is inclined to agree with the rezone. He said if this does move forward with a recommendation from this body, there is nothing that prohibits Mr. Gilley from making an offer to Habitat to purchase it while it is still going through the Council process. Ms. Scrimshaw questioned whether the City would recommend closing that alley as Family Dollar uses it as part of their access. Mr. Schmelzer commented that that would be another issue relative to site design at another time if ever. Mr. Gilley said that Mr. Farthing had said he had no issue with closing it. He stated that Family Dollar does use it but they have two (2) other accesses to their property. He doesn't think they need a third. Mr. Schmelzer said there is a lot that would be a part of new development there with cross access agreements, etc. in the case of development.

Mr. Gilley asked how long this process takes. Mr. Schmelzer stated that our recommendation goes to Planning & Zoning this afternoon, then it refers back to Council where it will have three (3) readings. Therefore, they are looking at roughly a month and a half.

MOTION

Paul Schmelzer made a motion that FCPC recommend to Findlay City Council to approve **APPLICATION FOR ZONING AMENDMENT #ZA-02-2017** filed to rezone parcel #570000202220 (Lot 3092 Dunn Add.) on Central Avenue from C-2 General Commercial to R-3 Single Family High Density.

2nd: Dan DeArment

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

2. APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

HRPC

General Information

This request is located on the south side of W. Hardin Street west of S. West Street. It is zoned C-2 General Commercial. All abutting properties are also zoned C-2. A portion of the front yard is within the 100-year flood plain. The City Land Use Plan designates the area as Downtown.

Parcel History

This site is currently a duplex.

Staff Analysis

According to City records, this duplex existed prior to Zoning.

Several of the surrounding parcels are also duplexes or even multi-family dwellings. This neighborhood has many residential conversions as well as offices.

The applicant would like to add on a 3-car garage with a 3rd living unit above it. New residential is not permitted in C-2. Zoning will be sure that all requirements for parking for three units will be met in the addition plans.

Staff Recommendation

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

ENGINEERING

No Comment

FIRE PREVENTION

No Comments

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

DISCUSSION

Mr. Clinger said he cannot see any hardship here in regard to why he needs to add a third unit. Ms. Scrimshaw stated that we are not really looking at that at this time. The rezoning would put him in compliance for his duplex. Mr. Clinger said it looks like a classic example of spot zoning to him. It is all commercial around him and he is doing it so he can build new. Ms. Scrimshaw replied that this is one of those areas that will likely be changed with the new zoning map. There are a lot of homes. We do not really want them to be C-2. Mr. Clinger said he can agree with that but he would not be inclined to rezone this right now if we plan to reclassify the whole area at some point. Dan DeArment asked when the area would be rezoned. Mr. Cordonnier said that we are in the middle of that discussion. It has taken longer than we would have liked. It is a very complex process with 20,000 parcels.

Mr. DeArment asked what the recommendation for that area would be. Mr. Cordonnier said that some sort of residential would be best. Matt explained that there is currently a large ring of C-2 surrounding the downtown that he believes that the City used the zoning map as somewhat of a future land use map at the time and they wanted to see expansion around the downtown so they zoned it commercial even though it was residential. It was not such an issue at the time since residential was permitted in C-2. In 2005 residential was taken out of the C-2 district and that changed the dynamics of everything. Mr. Cordonnier said that considering the uses here and our land use plan he feels that the rezoning is in line with our goals. Dan Clinger asked if there is a period for the map update. Could it be a year or two? Mr. Cordonnier stated that he hopes this year. Mr. Clinger said he would be inclined to wait until the change. Mr. Cordonnier said he personally does not have any issues with this as a "spot" zoning. He stated that when looking at calling something "spot" zoning part of the analysis is looking at what is actually there. In this case, when we look at what is actually there, the majority had nothing to do with commercial.

Mayor Mihalik commented that there are several multi-family units near this. She asked what the current state of this property is. Ms. Scrimshaw replied that it is a very large house and in good shape. Ms. Mihalik stated that the fact that the owner wishes to reinvest in the site and do it right, she is inclined to be in support of the change. Mr. Cordonnier reminded the Commission that this was a duplex in place before zoning was adopted in Findlay. The R-4 district is the only classification that will put them in conformance. Ms. Scrimshaw commented that if they cannot fit another building on the site and meet the parking requirements in the code, then the Zoning Department would not issue a permit. Mr. Cordonnier stated that giving him the R-4 zoning is returning his property to the rights that he had previously.

MOTION

Dan DeArment made a motion that FCPC recommend approval to Findlay City Council of APPLICATION FOR ZONING AMENDMENT #ZA-03-2017 filed to rezone 221 W. Hardin Street from C-2 General Commercial to R-4 Duplex/Triplex.

2nd: Jackie Schroeder

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

3. ALLEY/STREET VACATION PETITION #AV-03-2017 filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

HRPC

General Information

This alley is located just north of 6th Street. The area is zoned R-1 Single Family Low Density.

Parcel History

None

Staff Analysis

The applicant is seeking to vacate this unimproved alleyway running east from Graceland Avenue.

It appears that there was an error some time ago and fences have been constructed on the assumption that this alley was already vacated.
All abutting owners have signed the petition.

HRPC Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

DISCUSSION

Dan Clinger asked if the alley had ever gone farther than is shown or was a portion already vacated. Ms. Scrimshaw stated that she thought it did go farther east and that end was vacated.

Meghan Smith explained some of the research she had done in regard to a portion of the alley that was vacated back in 1964. At the time her family purchased the property, they came to the City to get a permit for a fence and were told the alley was vacated and they were granted the permit to put the fence in on what would be a portion of the alley. Ms. Smith said that the paperwork for the vacation was from back in 1912 and the description was not very clear and this alley was mistakenly listed as vacated. A neighbor recently wanted to erect a fence also and when she came up to the City, she was told that the record was wrong and the alley was still open.

Todd Richard confirmed that the wall maps in the Engineering Department do show it as already vacated. He stated that the wording in the ordinance was very unclear and one could easily construe that this was the alley being referenced. It is actually an alley farther north. Mr. Richard said that with the wall map and the sketchy legal description, he had made the determination at the time that the fence could be located where it is.

MOTION

Paul Schmelzer made a motion to recommend approval to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2017** filed to vacate the first east/west alley north of 6th Street running east from Graceland Avenue.

2nd: Dan DeArment

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

4. SITE PLAN APPLICATION #SP-08-2017 filed by Rusk OP Findlay, 2930 Centennial Rd, Toledo, OH for a proposed 2,640 square foot office/3,600 square foot warehouse for Everydry Waterproofing to be located at 1760 Romick Parkway.

HRPC

General Information

This request is located on the corner of W. Romick Parkway and S. Romick Parkway. It is zoned I-1 Light Industrial. All surrounding parcels are also zoned I-1. It is not within the 100-year flood plain. The City Land Use Plan designates the area as Industrial

Parcel History

This is a vacant lot.

Staff Analysis

The applicant wishes to construct a new building in the Deer Meadows Subdivision for Everdry Waterproofing. It will contain warehouse and offices.

Setbacks in I-1 are 50' front and 30' sides and rear. The building is situated toward the east side of the lot. The smallest setback shown there is 35'. The front of the building is approximately 115' from the right-of-way line, the west side is approximately 128' from the line and the rear is about 100' from the north line.

There are two ingress/egress points shown on the plan. One will be on the south side of the site and the other on the west side. Both drive aisles are the same 24' width. The warehouse is located at the north end so there will be truck traffic there and they will be able to maneuver through either access if necessary.

The dumpster enclosure is located toward the northeast corner of the site. It states that it is enclosed with a 14' x 32' fence. We assume that is the perimeter of the fence around the 12' x 30' pad. There is no indication of the type of fence or the height on the plan.

The plan states that there will be a maximum of 30 employees on a shift. The industrial zoning requires 1.1 space per number of employees. This calculates to 33 parking spaces required. The plan shows exactly 33 parking spaces on site.

The applicant stated that there would be no light poles on the lot, so no photometric plan was submitted.

The building will be mainly steel siding with some stone veneer wainscot around the office portion. The total height is well below the 60' maximum permitted.

Landscaping requirements are minimal in the I-1 District particularly when they only abut other I-1 properties. The plan does have perimeter landscaping around the office portion of the building and a few trees along the parking lot perimeter.

There is a sign location at the southwest corner of the lot. The applicant stated that this would be a monument sign. An application for the sign will be filed separately with the zoning department and they will ensure that it meets specifications of the zoning code.

Staff Recommendation

HRPC Staff recommends **approval of SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:**

- **Clarification of type and height of fence for the dumpster enclosure (HRPC)**

ENGINEERING

Access – The applicant is proposing two (2) drives. One drive will be on West Romick Parkway and the second drive will be on South Romick Parkway. Engineering would like to see the drive on South Romick Parkway moved to the east to keep access further from the curve to increase the visibility of vehicles coming around the bend.

Sanitary Sewer – The proposed sanitary service will connect into the existing sanitary sewer on the north side of South Romick Parkway. The Consultant needs to add some more grades to the sanitary lateral so that Engineering can make sure that there will be enough cover over it where it crosses the proposed swale.

Waterline – Water Distribution does not want the proposed water service to come off the same line that feeds the existing hydrant. The water service will need to run straight from the building to the existing waterline on the west side of West Romick Parkway and a new tap made.

Stormwater Management – Detention for the site will be provided by the existing regional detention area. This lot was included in the original design of the detention area.

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.

Sidewalks – There are no existing walks on West Romick Parkway or South Romick Parkway.

General – The Consultant needs to use the City of Findlay Standard Details and General Notes.

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

- Move the proposed drive on South Romick Parkway to the east so that it will be further from the bend.
- Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale.
- Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway.
- Use City of Findlay Standard Details and General Notes.

The following permits may be required prior to construction:

- Sanitary Tap Permit
- Waterline Tap Permit
- Storm Tap Permit
- Curb cut/Drive Permits x 2

FIRE PREVENTION

Apply for all necessary permits with Wood County Building Department
Provide address numbers that are legible from the street

STAFF RECOMMENDATION

Staff recommends approval of SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:

- Clarification of type and height of fence for the dumpster enclosure (HRPC)
- Move the proposed drive on South Romick Parkway to the east so that it will be further from the bend. (ENG)
- Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale. (ENG)
- Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway. (ENG)
- Use City of Findlay Standard Details and General Notes. (ENG)
- Provide address numbers that are legible from the street (FIRE)
- Apply for all necessary permits with Wood County Building Department (FIRE)

DISCUSSION

Mayor Mihalik asked Mike Dunipace if he had any issues with the comments made regarding his plan. Mr. Dunipace stated that they were concerned about the driveway location near the curve. He went over it with their site plan engineer and they still felt it was a reasonable way to lay out their parking and driveway situation. Mr. Dunipace said he believes there will be semi-trucks coming in and out for some of the raw materials. It would of course be easier for them to go straight. Mr. DeArment asked if there was any landscaping on the curve. Ms. Scrimshaw replied no. There are some trees indicated but not landscaping as far as heavy clusters. The trees are spaced like a street tree type scenario.

Dan Clinger said it looks like the drive is about 80' from the north/south right-of-way line. Mr. Clinger also commented that there is no lighting in the parking lot, but there will be some building lighting. Mr. Dunipace said there will be wall packs and those will light the parking areas somewhat. Mr. Clinger asked how that might affect any flood of lighting to the property line. Ms. Scrimshaw said she doubted it would have much effect. She then pointed out the location of the trees which are set back from the road quite a ways so they shouldn't interfere with sight lines.

Jackie Schroeder asked if the other items discussed by the Engineer are amenable to the applicant. Mr. Dunipace replied that it makes sense to him. Judy Scrimshaw asked the applicant if he knew what type of fence was going to surround the dumpster area. Mr. Dunipace replied that it would be either a slatted wood fence or chain link with the slats in it. Ms. Scrimshaw asked what the height might be. Mr. Dunipace replied that the standard is usually 7' or 8'. Ms. Scrimshaw stated that we would need that detail when they apply for their permits. Mr. Cordonnier stated that the City would want the wood fence rather than chain link with slats.

Mr. Dunipace said they could probably put a bit of a curve in the driveway to bring it over some to the east. Mayor Mihalik asked if the drive was moved to the east could it potentially conflict with development of the parcel to the east. Paul Schmelzer said he would be willing to move in Mr. Dunipace's direction and instead of having the requirement state that drive be moved to the east so that it is farther from the bend, if we could interpret it another way. He would like to say that we have the engineering department looking a reverse curve on that drive to move it further east and that be acceptable to the commission. He thinks that will avoid what the Mayor is alluding to and we still moving farther from the intersection which will be satisfactory to the engineer. He may lose a parking space and have to add one to the north. Mr. Dunipace said he could see moving it maybe 20' east with a slight curve that the trucks can still navigate.

Mayor Mihalik commented that the applicant had mentioned raw material earlier in the discussion. She wondered what type of raw material they are housing here. Mr. Dunipace replied that the main raw material is premixed concrete in bags that comes on pallets. The other would be plastic drain pipe. He also commented that truck traffic should not be heavy. May only be one a couple times a week. Mr. Dunipace asked if it would be too idealistic to have that as a one way in drive. It could solve the problem of the blind spot on the curve. He said he doesn't know how it is enforced, but it's a thought.

Mr. Schmelzer said he thinks it could be satisfactory to the Engineering Department. He said it Mr. Dunipace would want to take a look at that site consideration he thinks it would certainly be fine with the Planning Commission. It would certainly eliminate the concern that Engineering has about egress from that point. We can modify the condition to state that either they configure it so it is an entrance only or move it farther to the east. Mr. Dunipace said that made sense to him. Dan Clinger said he would be okay with a one way if it is left where it is.

MOTION

Paul Schmelzer made a motion to approve **SITE PLAN APPLICATION #SP-08-2017 for a proposed 2,640 square foot office/3,600 square foot warehouse for Everdry Waterproofing to be located at 1760 Romick Parkway subject to the following conditions:**

- **Clarification of type and height of fence for the dumpster enclosure (HRPC)**
- **The proposed drive on South Romick Parkway be configured as one-way ingress only or it be moved to the east so that it will be further from the bend. (ENG)**
- **Add grades to the sanitary service so that Engineer can confirm that there will be adequate cover where the service crosses the proposed swale. (ENG)**
- **Revised the proposed water service so that it connects to the existing waterline on the west side of West Romick Parkway. (ENG)**
- **Use City of Findlay Standard Details and General Notes. (ENG)**
- **Provide address numbers that are legible from the street (FIRE)**
- **Apply for all necessary permits with Wood County Building Department (FIRE)**

2nd: Dan Clinger

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

5. REVIEW OF DOWNTOWN DESIGN REVIEW DISTRICT GUIDELINES AND MAP

DISCUSSION

Matt Cordonnier explained that in October 2016 the Design Review Ordinance was taken to City Council. They referred it on to Planning and Zoning. Since October the Planning and Zoning Committee has held meetings about this ordinance. Today should be the final meeting of that Committee. He believes it is the eighth meeting on this matter. The plan is that it will be referred to City Council after that meeting and have its first reading in June with the third reading to be in July if all goes as proposed.

Mr. Cordonnier stated that it is before City Planning Commission because the current ordinance is in the Building section of the City Code and the plan is for it to be a part of the Zoning Ordinance now. All amendments to the Zoning Ordinance must go before this body for a recommendation.

Mr. Cordonnier further explained that this is an update to an existing ordinance that has been on the books since about 1993. He stated that one of the issues with the old ordinance is that it does not define a geographical area.

Some of the updates and highlights are:

- There is a seven (7) member board that will review exterior alterations and new site plans within the district.
- There will be Design Review Guidelines. These will be a separate booklet used as guidance to the Board
- They will issue a Certificate upon review. Without a Certificate, the City will not issue any other permits.
- The Design Review can be run concurrently with any other reviews such as CPC, Wood County Building Review, etc.
- Existing Residential single family, duplex and triplexes are exempt from Design Review
- All new construction would be subject to the Ordinance
- If an applicant is not satisfied with the decision of the Board, it can be appealed through the Board of Zoning Appeals (BZA)
- This update moves the focus from just historical preservation to general aesthetics. It also strengthens maintenance. The existing code just says that buildings shall be maintained so that they last into perpetuity. Items will now be listed and addressed such as paint, walls, windows, etc.
- The powers of the Board only extend to the exterior of the buildings

Dan Clinger asked what kind of teeth the City has for enforcement. Is it enforced by zoning? Is there someone that will follow up with clients? Mr. Cordonnier replied that it is in the zoning code so the zoning department will enforce. Dan DeArment asked if this it is common for a City our size to have these ordinances. Matt Cordonnier replied yes. He said that part of his research was looking at similar communities and the ordinances they had in place. City Councilman Grant Russel went to Urbana and visited them to discuss their ordinance. Matt talked with them also. He said that their largest regret was that they had not made a larger area initially. Mr. Cordonnier said they had told him that there was some newer development in the downtown but out of the area designated and so, they couldn't review the plans. Therefore, our council seems to want to cover that in their map. Mr. Cordonnier stated that Lima has a Design Review Board. Mayor Mihalik stated that we did have one.

The ordinance is still on the books but has not been enforced. Ms. Mihalik commented that we have had a lot of redevelopment in our downtown recently and we just want to make sure that that investment is protected. She said she thinks that one of the most important pieces of this legislation is the maintenance component.

Mr. Cordonnier said that when the original ordinance was being formulated, we had sent a copy of the ordinance and map out to all the building owners and business owners in the district. We also included a link to a survey to get their feedback. We have also received 10-12 letters of endorsement from large corporations and small business owners. We also had about 22 responses of which 20 were positive and the other 2 were positive with some questions. The biggest concern seemed to be whether this would slow down the process if they want to do something. Mr. Cordonnier replied that if it is fairly minor, there is an administrative review option. Something larger scale will basically have the same time line as if coming to CPC. The Board has the ability to meet beyond what their regularly scheduled meeting will be if needed.

Paul Schmelzer said he is 100% sure that this will not slow anyone down. The rules are not hidden. Just as any other section of the zoning code, you can look at the requirements. Mr. Schmelzer said the fact is that we already have law. Dan Clinger stated that he could see the maintenance portion of this being a difficult. He said that after the floods there were many of these issues that popped up. Mr. Clinger said he knows it falls on the zoning office, but asked if there a specific person to be this inspector so to speak. Todd Richard stated that they are working on that. Mr. Clinger asked if there are any consequences if the owner doesn't follow up with the recommendations. Mr. Richard replied that there is a penalty section as in the rest of the code.

Mr. DeArment commented that one of the downtown eyesores is the temporary construction fence at the Argyle lot. Does this ordinance give any way to clean that up? Mr. Clinger said another example would be down at Rosilli's and Cavin's where the wall needs to be addressed and the temporary scaffolding there is not going to protect anything if that wall comes loose. Mr. DeArment said let's go back to the fence. That could be there for 20 more years if it doesn't sell. Mr. Cordonnier said the ordinance only says that vacant lots were to be kept mowed and free of debris. Mr. DeArment asked if the fence is legal. Ms. Scrimshaw said she thought they would have to for liability alone. Todd Richard said the owner did not want people accessing it. He said there is a grade change between the sidewalk and the lot and they don't want someone stepping off and injuring themselves. Mr. Schmelzer said he thinks the question is if there is anything in the current code or this ordinance that would prohibit someone from putting up a chain link fence on a vacant parcel. Mr. Richard said that we have fence standards for developed sites in downtown. He looks at this as just a means to secure the area. He is not aware of any ordinance to prohibit this. Mayor Mihalik said she thinks the ordinance may help remedy the site. They can't eliminate the fence, but the site is not level and needs to be. It is a pit right now. Mr. Schmelzer says he can agree with that but, what if they level it, park a vehicle there, and want a fence around it. Can you put a chain link fence there? Mr. Schmelzer said he thinks we expect buildings to be aesthetic and maintained and we can address the ground condition of the parcel. He said he thinks Mr. DeArment has a good point. In other municipalities with secured sites sometimes you have to put up a solid wall. Mr. Schmelzer said he agrees that he doesn't think the chain link fence, given what we want the building owners to do, meets any standards. Matt Cordonnier said that his interpretation of the current zoning code is that the fence would be illegal. Mr. Schmelzer asked why it is there then. Mayor Mihalik stated that it existed prior to the code changes. Mr. Cordonnier said that he had not been alerted to look into this. He feels they have been allowed to have it for safety reasons.

Jackie Schroeder said she is only guessing but she would assume that it was only meant to be a temporary situation which has continued on and on. Mr. Schmelzer said he would be satisfied if the Design Review conditions would make that site be level and maintained and then under the current code the fence would not be permitted. Mr. Cordonnier asked Todd Richard if he agreed with his thoughts on that. Mr. Richard replied that when that fence went up we did not have any standards for fencing in the downtown area. The owner wanted to secure the site. We always anticipate that something will happen, but it has probably been six years now. Mr. Richard said that Mr. Cordonnier is right we do not allow chain link fence to be along Main Street facades, but it did exist prior to that zoning. Mr. Schmelzer stated that with the adoption of Design Review, they would have to address the site condition and the fence would be illegal.

Matt Cordonnier said that the other question was about the wall of a building being in a state of disrepair. That would be brought either by complaint or someone with the City noticing it to the Design Review Board. They would review and work with owner to resolve. They would get a timeline to work in and after that it would become a violation if not remedied in that timeframe.

MOTION

Mayor Mihalik made a motion to recommend approval to City Council to adopt **The DOWNTOWN DESIGN REVIEW DISTRICT GUIDELINES AND MAP**

2nd: Paul Schmelzer

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

Lydia L. Mihalik
Mayor

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