

Board of Zoning Appeals

December 10, 2015

Members present: Chairman, Phil Rooney; David Russell, Secretary; George McAfee; Doug Warren.

The meeting was called to order at 6:00 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

Case # 54140-BA-15 (11815 TR 145) was introduced. Mr. Richard read his comments as follows: Filed by the NRP Group, on behalf of Country Club Acres, regarding a variance to sections 1161.113A and 1161.11.3B.1 of the City of Findlay Zoning Ordinance. The applicant has proposed a project (senior housing) that is required to have at least 186 parking spaces. Only 94 spaces have been proposed.

This project has been reviewed by the City Planning Commission this morning and was tabled due to deficiencies on the plan. The staff had met with the NRP Group and it was evident that there would be a parking issue.

The code requires 2.5 spaces per living unit and 1 space for every two units for visitors. All multi-family housing has the same parking requirement, regardless of the age of the tenant population. In some cases, there may only be one car needed for each living unit.

There are some other requirements to consider that may be similar in the use. For example, the parking requirement for a retirement community is one space per non-assisted live-in room; 1 space per 3 assisted live-in rooms and/or nursing home rooms; and 1 visitor space per 8 rooms. Perhaps this standard should be given some consideration.

The City needs some guarantee that the tenant population will always be an older one that is more likely to have fewer vehicles. This is a 30 year use of this type housing type. There is concern, after that time, this would turn into a more traditional apartment complex with higher parking needs.

There was some discussion regarding fair housing laws and how this complex could restrict age. Mr. Richard said that it was important that the tenant age of this complex remained older in order to accommodate the parking for this type of development.

This type of housing does not fit within the intent of typical apartment housing. Perhaps the code could be amended in the Office/Institution District to allow this type of housing and then assign a specific parking standard to that type of housing. There would be a better guarantee that the use would remain the same in the future because it would take a zone change for other types of housing to occupy the property. At some point, the applicant would have to seek a zone change.

The proposed project will contain independent living- there will be no assistance to the resident, including nursing care. There will be a property manager and maybe a maintenance worker.

We recognize the applicant has built other facilities like this in the Midwest and knows what parking standard is appropriate. There is nothing wrong in considering an industry standard as a guideline. The site is isolated from other neighborhoods and there is no concern that resident's cars would be lined up along a street.

There have been some thoughts regarding "banking" the parking so that more parking could be installed in the future, if warranted. Perhaps the requirement could be recorded on a deed.

Whatever condition that is placed on the variance will have to be recognized by the City Planning Commission.

On the other hand, the Board can deny the request and require that all parking requirements be met. Arguments can be made regarding any hardship here.

Mr. Douglas had a question regarding age requirements for the complex.

Andrew Kalinsky, of the NRP Group, 5309 Transportation BLVD, was sworn in. There was some discussion regarding the age requirements for this housing project.

The age requirements were an important part of this discussion because of the guarantee needed that the population of this development would remain as one that does not need multiple vehicles for each dwelling unit, therefore, keeping the parking issue into perspective.

Mr. Kalinsky submitted a plan with the banked parking. He said that his company was interested in this option.

Mr. Warren asked why the parking requirement could not be met.

Mr. Kalinsky stated several reasons: (1) a certain amount of tax credits were given that created the budget, so funds are limited. The investors then purchase the tax credits and more money is not contributed to the project. A construction loan is obtained to build the project and once the project is complete, the loan is paid off with the tax credit.

Mr. Warren recognized that three spaces per unit for his type of housing might be too much. People are working later in life and the need for multiple vehicles might be necessary.

Mr. Kalinsky stated that the Ohio Housing Financing Agency only requires a one space for each unit ratio.

Mr. Warren thinks that meeting only half of the parking requirement is disregarding the code.

Mr. Rooney wanted to know what the old code required.

Mr. Richard was not sure, but he thought it was 2 spaces per unit before the code was re-written.

Mr. Kalinsky stated that his company's experience indicates most of the residents are over 70 years old. They have built many of these types of projects and parking has never been a problem. Kent, Ohio was

one example. Maybe on a Sunday or a holiday, parking could be a slight problem, but they have proposed 1.5 spaces per unit.

Mr. McAfee questioned if the pipeline easement was a hardship.

Mr. Kalinsky said it is an issue and they have reached out to Marathon and they are trying to have an agreement to have a license to do what is needed.

Mr. McAfee asked about the banking issue and how that is enforced.

Mr. Richard said that if we noticed cars in the grass or we got complaints, we could execute what is recorded on the deed.

Mr. Kalinsky suggested a memorandum of agreement about how more parking would be provided. A title search would reveal the condition.

Mr. Warren asked about proposing a 4 story building.

Mr. Kalinsky stated that he has no control over the number of stories. They have built numerous 3 story buildings.

Mr. Richard said the maximum height is 50 feet.

Mr. Kalinsky is convinced the proposed parking is the right ratio. They do not want to short their residents parking spaces.

Mr. Richard said that we need to have some mechanism to enforce the condition.

Mr. Warren said the easement is not an issue. It won't keep them from paving. He wanted to know what is the "show-stopper"?

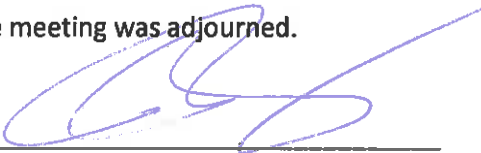
Mr. Kalinsky said that the budget is certainly a main issue.

Mr. Warren suggested two spaces be provided for each unit. Less than 100 spaces is not enough.

Mr. McAfee made a motion to require 2 spaces for each dwelling unit and a plan showing "banked" parking for the remainder of the requirement. The City Law Director is to prescribe the recording method and review the instrument prepared by the applicant that is to be used to enforce more parking in the future. The motion was seconded by Mr. Warren. The motion passed 3-0. Mr. Rooney abstained.

Mr. Rooney made a motion to approve the minutes from the November 12, 2015 meeting. The motion was seconded by Mr. McAfee seconded the motion. The motion to approve the minutes passed 4-0.

The meeting was adjourned.



Chairman



Secretary