

CITY COUNCIL
Municipal Building, Room 114
318 Dorney Plaza
Findlay, OH 45840-3346

Telephone: 419-424-7113
Fax: 419-424-7245
Email: CityCouncil@ci.findlay.oh.us

PUBLIC HEARING MINUTES

A Public Hearing was held on Tuesday, December 18, 2018 at 6:55 PM in the Council Chambers, Municipal Building to rezone the Hengsteler Annexation from I-1 Light Industrial and C-2 General Commercial to just I-1 Light Industrial for the property situated in the City of Findlay).

Situated in Marion Township, County of Hancock, State of Ohio, and being a part of the SW ¼ of Section 5, T1N, R11E containing 36.689 acres of land (Hengsteler Annexation – Ordinance No. 2018-115).

Complete legal description is available in the Council Office.

Council President Monday asked if anyone wished to address Council.

Attorney Matt Klein represents the Hengstelers on the annexation application. Mr. Klein informed Council that when a property is requesting to be annexed into the City, it has to also have a zoning classification issued to it. The I-1 zoning classification has been requested to make it consistent with the property that is directly north and directly south of this property, making it consistent with the properties adjacent to it. Those properties have had the benefit of having the I-1 zoning classification, so the Hengstelers would like that same opportunity since they have similarly situated properties.

Councilwoman Frische asked what the two (2) adjacent properties are zoned as. Mr. Klein replied that the Hengsteler property sits on the corner of Crystal Avenue and Bigelow. One of the properties is to the northeast corner of Bigelow and Crystal which currently is I-1 zoning, and the other property directly south of the Hengstelers's property does not have a business on it, but also carries an I-1 zoning classification.

David Burns from the audience lives directly across the street from where the property that is being requested to be annexed in/rezoned. All of the houses on Crystal Avenue have large picture windows and do not want to look at a factory as they look out their window. It has always been residential. They have always been in the township, but now they want to make it industrial which opens up a broad area. A truck stop or adult book store could be put in. He is unsure what the pits are that are part of that zoning. He is concerned what will be going in there. Those do not belong in a residential area. There is a lot of land back in Tall Timbers that is open and he does not understand why it now has to be light industrial. It should remain residential.

Mayor Mihalik asked Mr. Burns what his address is. Mr. Burns replied 2740 Crystal Avenue.

Safety Director Schmelzer noted that an adult book store is a permitted use in an industrial zoning. Councilman Russel has a zoning book open and can confirm that.

Mr. Burns asked if the wind turbines allowed in that zoning. He also pointed out that when the wind blows just right, there are a lot of paint fumes come over from one of the factories in the Tall Timbers area which is on the other side of Bright Road. The area of this requested annexation was meant for housing. He is unsure where the idea of a Tall Timbers West came from. He asked why the empty lots in Tall Timbers are not being used first instead of coming across the street where there is housing.

Councilman Russel pointed out that adult book stores would not be permitted in I-1.

John Thomas from the audience informed Council that he resides at 2730 Crystal Avenue beside Mr. Burns. They have been dealing with this for most of the year. They had been addressing this with Marion Township, but feels as though they have abandoned them. Mr. Klein commented that the Hengsteler property wants to be zoned the same as the parcel to the east, and he talked about zoning to the north as being the same way. When Owens was built, they knew they did not have city water, but after it was built, then they stated they needed water. His neighborhood has been force-fed into things. They were forced to pay for Owens to have water. Mr. Klein talked about the zoning to the east, north and south, but not to the west which is his neighborhood and is residential. They want to stay residential. There is plenty of opportunities for growth around the City of Findlay. No one wants to look across the street from their home and see a factory or listen to lunch buzzers or brake buzzers, semis going in and out using jake brakes, the lighting that will affect homes in the area as their picture windows will be facing it. He does not want to see the windmills.

He asked if it is going to be zoned commercial, who will determine where the curb cuts will go. He asked if the City is going to cut the driveways for the factories that they do not know are going up yet, and if they will be cut right in front of their yards right across from their road and have semis pulling in and out like what is happening south of them. There is semi traffic up and down Crystal. He asked if that is fair to the property owners. He asked if the City cares because they are Marion Township and not part of the City of Findlay. There are a lot of other areas in Findlay to build factories besides right across from them.

Councilwoman Frische noted that her ward is in that area. She has heard from some residents within the City. She asked if semi traffic will be coming off of Crystal off or Bright Road. She asked if there is any plans for a company to go in there. She believes it's a rezone for them to be able to market that property. It would be best to have more white-collar jobs and not have a factory across the street, but are not to that point. Wind turbines are not permitted in city limits. Windmills are permitted which are much smaller. She does not want to see a wind turbine in their area either. She asked where the Economic Development is on what may go in on that property and asked if there is a rush or need to change the zoning right now. Mayor Mihalik replied that there is not a project associated with that parcel. When the City dedicated the right-of-way and built the extension of Production Drive, the intent was to connect it to all of those parcels so that it outlets onto Bright Road to eliminate the access to County Road 95 and Crystal Avenue. She does not know what the property owner has in store for this particular parcel. The reason Council is seeing it is because they are annexing it and it has to have a zoning classification assigned to it when it comes into the City of Findlay. Councilwoman Frische added that if a business were to come in, it would have to go through Regional Planning for a full approval process. Mayor Mihalik replied that it would have to go to the City Planning Commission for a site plan approval where they would evaluate the site plan based upon the standards that are in place for development. They would review access to the roads, traffic circulation, size of the building, landscaping requirements, amount of parking, etc. It would be a full site plan review. The City cannot require a site plan as a part of a zoning request of change, but would be evaluated according to the stipulations that are inside the zoning ordinance, which is different from Marion Township and Allen Township. Mr. Thomas replied that is what their concern is that they are still Marion Township that has not got annexed in yet. He asked if Findlay does not care about them when it will be time to develop it since they are not in the City limits.

Safety Director Schmelzer added that anyone who wants to be notified about any agenda item that came to City Planning regarding this property, can let them know and they will reach out to them to make sure they are aware of when that agenda item came in who will follow the City of Findlay zoning requirements. They have been very diligent in applying standards to use as well as zoning districts. No one on that board would simply say that someone is in the township and do not care about their existing property. There are requirements in the zoning code now that speak to the differences in landscaping requirements when different uses that are more intensive about residential uses that would weigh heavily on the decision of site design. The intent is to take the traffic out and away from Crystal Avenue and out to Bright Road. The City's zoning code in any industrial district does not permit a wind turbine the size of those that are permitted in the township, which is good and bad. Any of the future growth on industrial land (i.e. north of 99) is not currently permitted to have a wind turbine on it which sets us up for a debate between unzoned township property and properties that get initiated in the township versus what we can do when we have that property annexed. There have been discussions with that wind turbine company conditional uses within an industrial property so that Council can consider a wind turbine when it is appropriate. A wind turbine on that property is not appropriate. It is appropriate north of 99. When a type of conditional use zoning is being considered for an industrial use property, it would also go to the City Planning Commission where anyone can be notified of that as well.

Councilwoman Frische asked if the residents of Marion Township could be included on any notifications, not just who is present tonight. Matt Cordonnier from the audience replied that notification is sent out to a two hundred fifty foot (250') buffer around the site. They do not differentiate if they are within the City of Findlay or in the township. Notice goes to everyone within that buffer. Councilwoman Frische asked if all adjacent properties would be notified even if they are not present tonight. Mr. Cordonnier replied they were all notified when it went to the Planning Commission.

Mayor Mihalik referenced the situation of the residents of the Manor Hill neighborhood had an issue with a zoning change in which Council adopted changes of the notification premeditator for both the City Planning Commission and zoning changes by expanding the area that is notified. Also, a sign is now put up on the property that is up for consideration due to the response of concerns from residents. Property owners in the area of this property that is being considered for annexation, will know if and when a site plan is considered, conditional use, or other requests are made by the City Planning Commission for this particular property.

Councilman Hellmann asked if the Planning Commission could put up a no access for Crystal Avenue as part of their site plan review so that there would be no employee access onto Crystal and everything would have to come off of Bright Road down the road that is being contemplated and turn that into development so that there would be a no access agreement onto Crystal. Mr. Cordonnier replied that he will have to look into that. The curb cuts are established during the site plan review. There is no interest on the City's behalf additional curb cuts on Crystal Avenue for anything that is developed there.

Mayor Mihalik noted that when the City dedicated that right-of-way on Production Drive, everything that could potentially be developed in that area was taken into consideration. It is the intent of the City to consider access onto Production Drive, which is why they spent the time and effort to get it dedicated, to that particular area and push the traffic out onto Bright Road.

Councilman Harrington noted that Regional Planning and Planning and Zoning looked at the zoning request and did not look at any kind of site plan review. That was never discussed. It only included the zoning once its annexed into the City. He echoed the Mayor's comments that it is designed to come off of Bright Road. The only way it would even be considered off of Crystal Avenue is if unless there is a way that it could be worked out with everyone, including those here tonight complaining. At this point, that is not even an option.

Mayor Mihalik noted that she does not see anyone's presence here tonight as a complaint. It is great to have dialog with those that are impacted, as they are part of the process by voicing their concerns as property owners. The City is trying to balance the property rights of not only the residents, but also of those who own property to the south of them and ensure that everything is taken into consideration. Conversations at a City Planning Commission meeting on site plan review take place when considering a zoning change. The City cannot require anyone to adhere to a site plan relative to a zoning change. The process requires the City to bring a property in and give it a zoning designation and then it is reviewed a second and sometimes a third time for whatever it could potentially be proposed in that area where it has to meet the conditions that are affiliated with that particular zoning district which is what the City Planning Commission evaluates relative to a site plan review. That is how the City has handled development for a long time. There will be plenty of time for the public to comment, not only today, but moving forward.

Mr. Burns from the audience noted that he was not at the last meeting, but according to the newspaper, all the utilities and infrastructure is set for industrial out there. There is a big gas line going through there right up Bigelow and stops on the other side of Crystal which means they are prepared to put in the infrastructure. The infrastructure was not there before, but now it is. Mayor Mihalik replied that both water and sewer, and even roads, in that area are prepared for industrial expansion. The land use plan for calls for it. As Findlay continues to grow and looks for opportunities for industrial expansion or economic opportunity, that area is ripe for an industrial user mostly because of the way the system is designed. It is designed for a high water user because it helps with the flow and how that all gets processed. The property in that area has been designed for decades for industrial use. Mr. Burns asked how many acres in the Tall Timbers area is open. Mayor Mihalik replied that they are running out of acreage which is why there is Tall Timbers West which is just northwest of the Crystal Avenue residents where McLane, Campbell's, and a small parcel that is available that would suit a small user. The property to the south of Bigelow similar to what has been developed for the AutoLiv Nissan Brake property is for industrial. Just south of there is multi-family development. Mr. Burns pointed out that they cannot develop the field behind them

Mayor Mihalik replied that there is a waterline off of County Road 95 that serves those parcels, as well as, the Veoneer-Nissin Brake Systems that makes high-tech systems for brake pads and automatic sensing.

Council President Monday adjourned the Public Hearing at 7:26 PM



Clerk of Council
Denise DeVore



President of Council
R. Ronald Monday