

# FINDLAY CITY COUNCIL AGENDA

**REGULAR SESSION**

**JANUARY 2, 2019**

**COUNCIL CHAMBERS**

## **ROLL CALL of 2018-2019 Councilmembers**

### **ACCEPTANCE/CHANGES TO PREVIOUS CITY COUNCIL MEETING MINUTES:**

- Acceptance or changes to the December 18, 2018 Public Hearing minutes to rezone 606 Howard Street rezone via Ordinance No. 2018-116.
- Acceptance or changes to the December 18, 2018 Public Hearing minutes to rezone the Hengsteler Annexation via Ordinance No. 2018-115
- Acceptance or changes to the December 18, 2018 Regular Session City Council meeting minutes.

**ADD-ON/REPLACEMENT/REMOVAL FROM THE AGENDA:** – none.

**PROCLAMATIONS:** - none.

**RECOGNITION/RETIREMENT RESOLUTIONS:** - none.

**PETITIONS:** - none.

**WRITTEN COMMUNICATIONS:** - none.

**ORAL COMMUNICATIONS:** - none.

### **REPORTS OF MUNICIPAL OFFICERS AND MUNICIPAL DEPARTMENTS:**

**Officer/Shareholders Disclosure Form from the Ohio Department of Commerce Division of Liquor Control** Rod & Cynthia Nelson Enterprises, LLC dba The Findlay Social, located at 330 South Blanchard Street, Findlay, Ohio for a D2 liquor permit. This requires a vote of Council.

John E. Dunbar, Chief of Police – Rod & Cynthia Nelson Enterprises, LLC dba The Findlay Social, Findlay, Ohio. A check of the records shows no criminal record on the following:

Rodney J. Nelson  
Cynthia S. Nelson

**Board of Zoning Appeals Minutes** – December 13, 2018.

### **Mayor Lydia Mihalik – Mayor appointments to various Boards and Commissions**

Mayor Mihalik is requesting the following appointments to the following Boards and Commissions:

Design Review Board – requires Council confirmation

Pat Ball  
Hardy Hartzell  
Tim Mayle  
Sharon Rooney  
Terms will expire on December 31, 2021

Hancock Regional Planning Commission Board – requires Council confirmation

Donald Bledsoe  
Paul Craun  
Christopher Moody  
Jody O'Brien  
Christie Ranzau  
Terms to expire December 31, 2020

Parks and Recreation Board – does not require Council confirmation

Mike Slough  
Term to expire on December 31, 2021

Street Designation Committee – requires Council confirmation

Dale Gillespie  
Term will expire on December 31, 2020

### **Service Director/Acting City Engineer Thomas – annual street resurfacing/curb repairs 2019 project no. 32890300; E Bigelow Ave waterline replacement project no. 35790200; S Blanchard St waterline replacement project no. 35790100**

These three (3) projects are included in the 2019 Capital Improvement Plan. Engineering would like to be able to bid these projects as soon as possible in an attempt to receive the best pricing available. I am requesting authorization to advertise for bids and enter into a contract for construction of the projects and that startup money be appropriated into the projects. Legislation authorizing the Service Director to advertise for bids and enter into contracts for construction and to appropriate and transfer funds is requested. Ordinance No. 2019-003 was created.

FROM:	CIT Fund – Capital Improvement Restricted Account	\$ 5,000.00
TO:	Annual Street Resurfacing/Curb Repairs 2019, <i>Project No. 32890300</i>	\$ 5,000.00
FROM:	Water Fund	\$ 55,000.00
TO:	East Bigelow Avenue Waterline Replacement, <i>Project No. 35790200</i>	\$ 50,000.00
TO:	South Blanchard Street Waterline Replacement, <i>Project No. 35790100</i>	\$ 5,000.00

**Service Director/Acting City Engineer Thomas – 2019 Capital Improvement Plan**

The proposed version of the 2019 Capital Improvement Plan is nearly complete and is anticipated to be finalized sometime during the week of December 31, 2018. The opportunity to present the proposed 5-year plan at the next Appropriations Committee meeting is requested. Copies of the plan will be ready for pick up on Friday, January 4, 2019. If the Appropriations Committee meets on Tuesday, January 8, 2019, this will give members time for review prior to the meeting. Otherwise, finalized copies will be provided at the meeting. Needs to be referred to the Appropriations Committee.

**City Planning Commission agenda – January 10, 2019; minutes – December 13, 2018.**

**COMMITTEE REPORTS:** - none.

**LEGISLATION:**

**RESOLUTIONS**

**RESOLUTION NO. 001-2019** (*Internet auctions - authorization to use*) **requires one (1) reading** **first reading**  
A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, AND DECLARING AN EMERGENCY.

**ORDINANCES**

**ORDINANCE NO. 2018-068** (*Zoning personnel enforcement rights in right-of-way*) **requires three (3) readings** **tabled after third reading on 8/7/18**  
AN ORDINANCE ENABLING THE CITY OF FINDLAY ZONING DEPARTMENT PERSONNEL ENFORCEMENT RIGHTS WITHIN RIGHT-OF-WAY AREAS WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-097** (*credit card policy*) **requires three (3) readings** **tabled after second reading on 10/2/18**  
AN ORDINANCE APPROVING THE BANK CREDIT CARD POLICY ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

**ORDINANCE NO. 2018-121** (*2018 annual sewer televising project*) **requires three (3) readings** **third reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-122** (*Blanchard River/Stanford Pkwy waterline replacement project*) **requires three (3) readings** **third reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-124** (*Emergency Management Services contract renewal*) **requires three (3) readings** **third reading**  
AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO DEVELOP AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, PURSUE A PROFESSIONAL DEVELOPMENT TRAINING PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-125** (*elected officials salaries*) **requires three (3) readings** **third reading**  
AN ORDINANCE ESTABLISHING THE SALARIES FOR THE MAYOR, AUDITOR, AND DIRECTOR OF LAW OF THE CITY OF FINDLAY, OHIO, BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2023 AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT WHERE TO , AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-127** (*WPC clarifier 1&2 rehab, project no. 35681500*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-132** (*701-807 Adams St; 700-714 Putnam St rezone*) **requires three (3) readings** **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS 701-807 ADAMS STREET AND 700-714 PUTNAM STREET REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY RESIDENTIAL" TO "M2 MULTIPLE FAMILY RESIDENTIAL DISTRICT".

**ORDINANCE NO. 2018-133** (*Eastern Woods-Birchaven Ln rezone*) **requires three (3) readings** **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS BIRCHAVEN LANE/EASTERN WOODS LOT 2 REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "M2 MULTIPLE-FAMILY HIGH DENSITY".

**ORDINANCE NO. 2019-001** (*appropriations for current expenses & other expenditures for 2019*) **requires three (3) readings** **first reading**  
AN ORDINANCE TO MAKE APPROPRIATIONS AND TRANSFERS WHERE NECESSARY FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FINDLAY, OHIO, DURING FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2019-002** (*Sewer Fund*) **requires three (3) readings** **first reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2019-003** **requires three (3) readings** **first reading**  
(*annual street resurfacing/curb resurfacing/curb repairs for 2019; E Bigelow Ave waterline replacement; S Blanchard St waterline replacement*)  
AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2019 CAPITAL IMPROVEMENT PLAN, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

***UNFINISHED BUSINESS:***

OLD BUSINESS  
NEW BUSINESS

# City of Findlay

Lydia Mihalik, Mayor

## POLICE DEPARTMENT

John E. Dunbar, Chief of Police  
318 Dorney Plaza, Room 116 • Findlay, OH 45840  
Phone: 419-424-7194 • Fax: 419-424-7296  
www.findlayohio.com

December 18, 2018

The Honorable Council:

A check of the records of this office shows no criminal record on the following:

Rodney J. Nelson  
Cynthia S. Nelson

Rod & Cynthia Nelson Enterprises LLC, DBA The Findlay Social, 330 S. Blanchard Street, Findlay, Ohio 45840.

Sincerely,



John E. Dunbar  
Chief of Police

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6806 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

<b>7466045</b>		<b>NEW</b>	<b>ROD &amp; CYNTHIA NELSON ENTERPRISES LLC DBA THE FINDLAY SOCIAL 330 S BLANCHARD ST FINDLAY OH 45840</b>
PERMIT NUMBER		TYPE	
ISSUE DATE			
<b>12 11 2018</b>			
FILING DATE			
<b>D2</b>			
PERMIT CLASSES			
<b>32</b>	<b>044</b>	<b>A</b>	<b>C16436</b>
TAX DISTRICT			RECEIPT NO.

FROM **12/13/2018**

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.

**RECEIVED**

**DEC 18 2018**

**MAYOR'S OFFICE**



MAILED **12/13/2018**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **01/14/2019**

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A NEW 7466045**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF FINDLAY CITY COUNCIL  
MUNICIPAL BLDG RM 114  
318 DORNEY PLAZA  
FINDLAY OHIO 45840-3346**

# Board of Zoning Appeals

## December 13, 2018

**Members present:** Chairman, Phil Rooney; Doug Warren; Kerry Trombley; Brett Gies (alternate).

The meeting was called to order at 6:02 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

**Case # 57368-BA-18 (215 Woodley Terrace)** was called and was recognized as being withdrawn by the applicant.

**Case # 57886-BA-18 (2475 Crystal Avenue)** was called and it was determined there was not a quorum. Mr. Rooney and Mr. Gies have a conflict of interest. There will be an attempt to have a quorum for the December 20, 2018 alternate meeting date.

**Case # 57935-BA-18 (221 Garfield Avenue)** was called. Mr. Richard reviewed the case as follows: Filed by James Warner on behalf of Madcass, LLC. The applicant is proposing a new single family dwelling that will be 5 feet from the front lot line. Section 1122.05E.1 of the City of Findlay Zoning Ordinance requires a 15-foot front yard setback. Additionally, the dwelling will have a 3-foot side yard setback, when a 5-foot side yard setback is required, as prescribed by Section 1122.05B.

This is a vacant lot that was supposed to have been rezoned to the R-3, Single Family, High Density district in November. The map for the entire city did not get completed and instead of filing for a zoning amendment, which is a lengthy process, the applicant is seeking these variances. Once the map does indeed, get changed, the variances will be a nonfactor because the applicant is proposing to build the new home according to the present development standards of the R-3 district.

James Warner, 1971 W. Sandusky Street, was sworn in. He reviewed his project and stated that he would meet a 5-foot side yard setback instead of the proposed 3-foot setback that was originally proposed.

Now the request only involves one variance for the front yard setback.

John Henschen, 219 Garfield Avenue, was sworn in. He was satisfied with the request and had no opposition.

No other comments were made regarding this case.

Mr. Warren asked if the porch was open and Mr. Warner indicated the porch would be roofed, but would have a railing and no wall enclosure.

Mr. Warren made a motion to approve the variance request, provided the owner obtained the zoning permit within 60 days.

Mr. Trombley seconded the motion.

The motion passed 3-0.

**Case # 57936-BA- 18 (229 Garfield Avenue)** was called. Mr. Richard reviewed the case as follows: Filed by James Warner, on behalf of Madcass, LLC. The applicant is proposing a lot split from 225 Garfield Avenue that will cause both lots to be nonconforming. Section 1122.06A of the City of Findlay Zoning Ordinance requires lots to be at least 7,500 square feet in area. The lot split will result in one lot being 4,622 square feet in area and the other with an area of 6,818 square feet. Section 1122.06B requires lots in this district to be at least 50 feet wide. One lot will be 43.84 feet. A new dwelling will also be placed on a lot that will be 7.5 feet from the front lot line. Section 1122.05E1 requires a 15-foot front yard setback.

This land once housed a single family dwelling and a nonconforming auto repair establishment. The applicant is creating a third lot that is creating some development difficulties within this zoning district. Once again, this property was to have been rezoned to the R-3, Single Family, High Density district in November. The map for the entire city did not get completed and instead of filing for a zoning amendment, which is a lengthy process, the applicant is seeking these variances. Once the map does, indeed, get changed, the variances will be a nonfactor because the applicant is proposing to build the new home to the present development standards of the R-3 district. The new lots will also meet the current standards in place for the R-3 district.

James Warner, 1971 W. Sandusky Street, was still under oath. He again explained his intentions.

Mr. Trombley made a motion to grant the request, provided the permit was issued within 60 days.

Mr. Warren seconded the motion.

The motion passed 3-0.

Mr. Gies (alternate) was asked to participate in the approval of the November, 2018 minutes since he was present for that meeting.

Mr. Rooney made a motion to approve the minutes.

Mr. Gies seconded the motion.

The motion to pass the minutes was approved 3-0, with Mr. Trombley accounting for the third vote.

The meeting was adjourned.

  
Chairman

  
Secretary

# Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310  
Findlay, OH 45840

Telephone: 419-424-7137 • Fax: 419-424-7245  
www.findlayohio.com

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

Brian A. Thomas, P.E., P.S.  
Service Director

December 27, 2018

Honorable City Council  
City of Findlay, Ohio

Dear Council Members:

This letter will serve as my request for your confirmation of the following individuals to the respective Boards or Commissions:

Design Review Board

*Requires Council confirmation*

*Term will expire on December 31, 2021*

Pat Ball

Hardy Hartzell

Tim Mayle

Sharon Rooney

Hancock Regional Planning Commission

*Requires Council confirmation*

*Term will expire on December 31, 2020*

Donald Bledsoe

Paul Craun

Christopher Moody

Jody O'Brien

Christie Ranzau

Parks and Recreation Board

*Does not require Council confirmation*

*Term will expire on December 31, 2021*

Mike Slough

Street Designation Committee

*Requires Council confirmation*

*Term will expire on December 31, 2020*

Dale Gillespie

I trust that you will concur with my choices and confirm my appointments. Thank you for your consideration.

Sincerely,



Lydia L. Mihalik  
Mayor



# Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310  
Findlay, OH 45840  
Telephone: 419-424-7137 • Fax: 419-424-7245  
www.findlayohio.com

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

Brian A. Thomas, P.E., P.S.  
Service Director

Honorable City Council  
Findlay, OH 45840

December 26, 2018

RE: Annual Street Resurfacing/Curb Repairs 2019, Project No. 32890300  
East Bigelow Avenue Waterline Replacement, Project No. 35790200  
South Blanchard Street Waterline Replacement, Project No. 35790100

Dear Council Members:

The three (3) above mentioned projects are included in the 2019 Capital Improvement Plan. Engineering would like to be able to bid these projects as soon as possible in an attempt to receive the best pricing available. I am requesting authorization to advertise for bids and enter into a contract for construction of the projects and that startup money be appropriated into the projects.

By copy of this letter, the Law Director is requested to prepare the necessary legislation to authorize the Service Director to advertise for bids and enter into contracts for construction and to appropriate and transfer funds as follows:

FROM:	CIT Fund- Capital Improvement Restricted Account	\$5,000
TO:	Annual Street Resurfacing/Curb Repairs 2019, Project No. 32890300	\$5,000
FROM:	Water Fund	\$55,000
To:	East Bigelow Avenue Waterline Replacement, Project No. 35790200	\$50,000
	South Blanchard Street Waterline Replacement, Project No. 35790100	\$5,000

If you have any questions, please feel free to contact me.

Sincerely,



Brian Thomas  
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director  
Jim Staschiak II, Auditor

# Office of the Mayor

Lydia L. Mihalik

318 Dorney Plaza, Room 310  
Findlay, OH 45840  
Telephone: 419-424-7137 • Fax: 419-424-7245  
www.findlayohio.com

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

Brian A. Thomas, P.E., P.S.  
Service Director

Honorable City Council  
Findlay, OH 45840

December 26, 2018

RE: 2019 Capital Improvement Plan

Dear Council Members:

The proposed version of the 2019 Capital Improvements Plan is nearly complete. I anticipate that it will be finalized sometime during the week of December 31, 2018. Therefore, I am requesting the opportunity to present the proposed 5-year plan at the next Appropriations Committee Meeting.

As we have done in the past, there will be copies of the plan ready for pickup on Friday, January 4, 2019. Assuming the Appropriations Committee will meet on Tuesday, January 8, 2019, this will give members time for review prior to the meeting. Otherwise, finalized copies will be provided at the meeting.

Please note that this schedule can be changed to better fit the committee members schedule if needed.

Sincerely,



Brian Thomas  
Service Director/Acting City Engineer

pc: Don Rasmussen, Law Director  
Jim Staschiak II, Auditor

**City of Findlay**  
**City Planning Commission**  
City Council Chambers, 1<sup>st</sup> floor of Municipal Building  
Thursday, January 10, 2019 - 9:00 AM

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**SWEARING IN**

**APPROVAL OF MINUTES**

**NEW ITEMS**

1. **PRELIMINARY PLAT APPLICATION #PP-01-2019** filed by Krystal Ridge, Inc., 655 Fox Run Rd, Findlay for Krystal Ridge 2<sup>nd</sup> Addition.
  
2. **APPLICATION FOR SITE PLAN REVIEW #SP-01-2019** filed by Blanchard Station Housing Partners, LLC, 12125 Pleasant Valley Rd, Chillicothe, OH for Blanchard Station Apartments to be located on the west side of Bishop Lane on Lot 73 in the Krystal Ridge 2<sup>nd</sup> Addition.

**ADMIMISTRATIVE APPROVALS**

**ADJOURNMENT**

# City of Findlay City Planning Commission

Thursday, December 13, 2018 – 9:00 AM

## 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:**

Mayor Lydia Mihalik  
Jackie Schroeder  
Brian Thomas  
Dan DeArment  
Dan Clinger

**STAFF ATTENDING:**

Todd Richard, Zoning Inspector  
Jeremy Kalb, Engineering Project Manager  
Matt Cordonnier, HRPC Director  
Judy Scrimshaw, Development Planner  
Matt Pickett, Fire Inspector  
Jodi Mathias, Zoning Inspector  
Erik Adkins, Zoning Inspector

**GUESTS:**

Tom Shindledecker, Tom DeMuth, Lou Wilin, Tony Scanlon, John Vorst, Pat Wright, Todd Jenkins, Dan Stone, Brett Gies, Precia Stuby, John Grossestreuer, Jim Gould, Bruce Baker, Theresa Albers

**CALL TO ORDER**

**ROLL CALL**

The following members were present:

Mayor Lydia Mihalik  
Dan Clinger  
Dan DeArment  
Jackie Schroeder  
Brian Thomas

**SWEARING IN**

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

**APPROVAL OF MINUTES**

Dan DeArment made a motion to approve the minutes of November 14, 2018. Brian Thomas seconded. Motion carried 5-0-0.

**NEW ITEMS**

**1. PETITION FOR ZONING AMENDMENT #ZA-15-2018 filed to rezone a portion of Lot 2 in the Eastern Woods Subdivision from C-1 Local Commercial to M-2 Multiple Family High Density.**

**CPC STAFF****General Information**

This request is located on the south side of Birchaven Lane. It is currently zoned C-1 Local Commercial. Land to the west is zoned M-2 Multiple Family. To the east and south is zoned C-1 Local Commercial. To the north is zoned O-1 Institutions and Offices. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Planned Mixed Use Development (PMUD).

**Parcel History**

This site is a vacant parcel.

**Staff Analysis**

In 2009, the west portion of this lot containing 8.893 acres was rezoned to C-Residential. This converted to the M-2 Multiple Family district when the zoning code rewrite was adopted in 2012.

At this time, the applicants wish to add some acreage to that Multi-Family area in order to proceed to develop this as a multi-family use.

**Staff Recommendation**

CPC Staff recommends that Findlay City Planning Commission recommend **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-15-2018 filed to rezone a portion of Lot 2 in the Eastern Woods Subdivision from C-1 Local Commercial to M-2 Multiple Family High Density.**

**ENGINEERING**

No Comment

**FIRE PREVENTION**

No Comment

**RECOMMENDATION**

Staff recommends that FCPC recommend **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-15-2018 filed to rezone a portion of Lot 2 in the Eastern Woods Subdivision from C-1 Local Commercial to M-2 Multiple Family High Density.**

## **DISCUSSION**

Ms. Scrimshaw noted that the map on the screen is incorrect. The map in the Commission's book is the correct shape of the rezone.

Dan Clinger asked what the intended use is, whether multi-story or single story. Todd Jenkins replied that there will be 3 or possibly 4 stories. There will be two buildings. The ponds made the west part difficult to develop for much, thus the reason to zone more to the east as Multiple Family.

Mr. Clinger said he would like the minutes to reflect that there is a survey submitted with the area delineated. Ms. Scrimshaw confirmed that is correct and the map in their packets is from that survey.

## **MOTION**

Dan Clinger made a motion to recommend **approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-15-2018 filed to rezone a portion of Lot 2 in the Eastern Woods Subdivision from C-1 Local Commercial to M-2 Multiple Family High Density.**

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

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

**2. PETITION FOR ZONING AMENDMENT #ZA-16-2018 filed to rezone Lots 1889 through 1894 in the Portz Addition and Lots 1369 through 1376 in the Jones & Adams Addition from R-3 Single Family High Density to M-2 Multiple Family High Density. (Old St. Michael School property on Adams Street)**

## **CPC STAFF**

### **General Information**

This request is located on the west side of Western Avenue between Adams Street and Putnam Street. It is zoned R-3 Single Family, High Density. Land to the south and west is also zoned R-3. Land to the north is zoned R-3 Single Family High Density and C-1 Local Commercial. Land to the east is zoned C-1 Local Commercial. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

### **Parcel History**

This parcel was the site of St. Michael Catholic School for many years. The School was closed by the Church many years ago. Since that time, it was used temporarily as Church offices and then leased to a charter school. After the buildings were demolished, it served as a temporary parking lot.

### **Staff Analysis**

The property has been sold and the new owners would like to develop the site for Multi-family housing.

With a church, a hall and a somewhat multi-family use at Hope House that are all zoned C-1 Local Commercial, the neighborhood is a mixed bag right now. Staff believes that Multi-family can provide that transition between potential Commercial development and the older single-family neighborhood.

### **Staff Recommendation**

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-16-2018** filed to rezone Lots 1889 through 1894 in the Portz Addition and Lots 1369 through 1376 in the Jones & Adams Addition from **R-3 Single Family High Density to M-2 Multiple Family High Density. (Old St. Michael School property on Adams Street)**

### **ENGINEERING**

No Comment

### **FIRE PREVENTION**

No Comment

### **RECOMMENDATION**

Staff recommends that FCPC recommend approval to Findlay City Council of **PETITION FOR ZONING AMENDMENT #ZA-16-2018** filed to rezone Lots 1889 through 1894 in the Portz Addition and Lots 1369 through 1376 in the Jones & Adams Addition from **R-3 Single Family High Density to M-2 Multiple Family High Density. (Old St. Michael School property on Adams Street)**

### **DISCUSSION**

Dan Clinger asked what type of development the owner is thinking about. He inquired if they had looked at doing M-1 instead of M-2 on the site.

Tony Scanlon replied that they do not have firm plans at this time. He said the intent would probably be multi-story similar to their project downtown at W. Front and S. West Streets. Possible 3-story townhome development with some possible 2-story. They are not at the point of any firm plans yet. Mr. Clinger said he thought that M-1 might put them around 26 units and M-2 could be around 40 units. Ms. Scrimshaw responded that she thinks 35 is the max for this site in M-2 based on the square footage of the parcel. That assumes they can meet all the other standards in the zoning code as well. Mr. Scanlon replied that it would probably be slightly below that.

Dan DeArment asked Staff if the multi-family use is a more intense use of the property than a school. Matt Cordonnier said he would say that there is no specific standard as to which one is more intense. He stated it is kind of apples and oranges. A school can generate 10s to 100s of cars dropping off and picking up at specific times where multi-family in terms of trip generation, is spread over longer periods of time. He stated that there is no planning standard that says one is more intense than the other.

Jackie Schroeder commented that some residents have expressed concerns regarding traffic patterns in the area. She said she is also curious with the situation of Lima Avenue being closed now and it has probably pushed usage of Sandusky Street and Main Cross up. She asked what the City's plans are for traffic patterns and improvements in that area.

Brian Thomas stated that 3 years ago the City had started talking with the Railroad and Rail Commission about putting in a signal at Sandusky and Western. He said they are making some headway based on some emails earlier this week. The big hold up is the location of the rails in the area. The signal must be connected with the railroads so the situation of someone being trapped between gates doesn't happen. The Rail Commission and the Railroad both like to work on their own schedules, and that drags things out. The last he heard, the Railroad is in favor of it, so it may be moving forward. Mr. Thomas said he doesn't know if that means 2019, 2020. That would probably help the traffic issues some. He said he knows there was some concern about the conditions of the roads. The road study they do now does give them a better way to look at the planning for the roads.

Jackie Schroeder asked if there is anything happening at Main Cross and Western. Mr. Thomas replied no. That corner is very tight with buildings so if anything would happen, some property acquisition would be involved.

Dan DeArment asked if the City or the Railroad pays for that project. Is there funding being requested? Mayor Mihalik replied that RDC (Railroad Development Commission) would be a partner with the City. The City would have a small portion, but there is grant funding available.

Dan Clinger asked again about the maximum number of units. Judy Scrimshaw replied that based on the square footage and the requirement of 3500 square feet per unit, that 35 was the number for M-2. Getting the full 35 also takes into account the maximum percentage of lot coverage allowed. It may work out to 35, but you don't necessarily get to have 35 if the other factors cannot be met. It will all depend on the design. Mayor Mihalik stated that anything that happens if and when the zoning is changed, will have to come before Planning Commission for full review. We will look at traffic circulation, setbacks, parking requirements, etc.

Ms. Mihalik asked Mr. Scanlon if he could give them an idea of style, things like garages under a 3-story unit, types of exterior finishes. Something to give the neighbors a sense of what may go there. Mr. Scanlon replied that they will probably be similar in style and construction to the units at Front and S. West Streets. There will be garages underneath a portion of them. In preliminary discussions with Engineering we kind of settled on an entry from Western where the old one used to be and one on Adams where the school had one in the past also. He said we are all aware of the traffic at W. Main Cross and Sandusky now.



This puts it kind of midway between those. The mayor commented that we have landscaping requirements. Drainage may be a concern to some neighbors and that will also be looked at in the site plan stage. Mr. Scanlon commented that the site has adequate facilities on multiple sides of the property.

Matt Cordonnier asked if the units are to be market rate or subsidized in any way. Mr. Scanlon replied that they will be market rate.

John Grossestreuer, 820 Putnam Street, spoke first. He asked what the goal of the Planning Commission is. Mayor Mihalik responded that the Commission reviews the applications relative to the standards that we have in place and to try to promote solid development. She would say it is not necessarily a goal, but a mission. The mayor stated that we evaluate projects as they come through based on the code and take into consideration comments from the public as well.

Mr. Grossestreuer asked if they disagreed that people in the neighborhood should have concerns. Mayor Mihalik said she doesn't agree with that comment.

Mr. Grossestreuer said he has concerns about the units. They look good on the outside. They are 3-story, they are narrow, and they aren't handicapped accessible, so only younger folks would live there. He said he feels that 3 stories in an area like theirs would be out of place. He said he is concerned about water and sewer. He said he disagrees about the traffic from a school. A school doesn't operate 365 days a year. Busses come and go twice a day and they are done. He said he would prefer 14 single family homes there. He asked what M-1 zoning meant. If M-2 permits 35, what would M-1 allow? He also asked about variances he had seen recently regarding number of parking spaces. Mr. Cordonnier said that he is submitting a proposal to Council to change the number of parking spaces required. Our code seems to be high compared to most communities. A number of developers recently have said we require way too much parking. His new proposal would go to 2 per unit and 1 additional for every 10 units. Mr. Cordonnier stated that we want to have enough parking so people are not parking on the streets, and avoid having way too much parking creating potential drainage issues.

Mr. Grossestreuer said that is a concern when he looks at the lot and that 35 units would need 105 parking spaces. He said he doesn't think there were that many on it now. Ms. Scrimshaw noted that garages count as parking places also. Mr. Scanlon commented that in his preliminary work he looks at 105 spaces for the 35 units and it takes up a lot of the land. He stated that they would prefer to be somewhere in between the 2 or 3 spaces. That would enhance the project with more green space, landscaping, etc. Mr. Grossestreuer asked if the parking would be in the middle of the site. Mr. Scanlon replied yes.

Matt Cordonnier said that he has a number on the units permitted in M-1 although he puts the caveat on it that we don't have the exact information on hand. We believe that M-1 would allow about 23 units.

Mr. Grossestreuer asked what if there is a problem with storm sewers. Does the developer pay for that? Mayor Mihalik stated that when a developer takes on a project like this in an infill situation that the developer is responsible for accounting for storm water on the site. They are responsible for any on site detention that is necessary, for connecting to existing infrastructure. There are many requirements when you do a project like this. That is why Staff form planning, engineering, and fire are all involved. Mr. Grossestreuer asked who is liable to the existing property owners when all the planning doesn't work out. The Mayor stated that we don't want to approve anything that has a negative impact on the surrounding neighbors and she believes that Ohio Drainage law prevents them from making things more difficult for the neighbor.

Joyce Albers, 718 Putnam, spoke next. She stated that once the alley behind their house was closed, the school had allowed them access to the rear of their lots. She stated that the alley was closed to protect the children at the school. She wondered if the alley could be reopened to allow them access to gates at the rear of their yards, etc. Mayor Mihalik said they could look at avenues for that. She thought the developer might be willing to arrange something depending on how their site plan sets up that would allow them to have an access easement. Mr. Scanlon said they are conscious of that access and one way or another, they are comfortable that they can accommodate that. Mr. Scanlon noted that half of that alley is theirs. It may not be enough, but perhaps they could allow a few feet of the existing pavement to use. Ms. Mihalik stated that one of the benefits of working with a developer that is local is that they are more willing to have these conversations.

Pat Wright stated that she lives in the red roofed house visible on the aerial at 724 Adams Street. She stated she is very concerned about 3 floors. To her that is a monster. She feels it will take away light, sight, it will add all kinds of people. She said she isn't sure if townhouses are leased or sold. Mr. Scanlon replied that these are rented. Ms. Wright commented that then there will be turnover of tenants and children. She asked if there will be green space on the site besides just landscaping. Ms. Scrimshaw replied that in this zoning, they can only cover 40% of the lot with pavement and buildings. They have to have some grass. Ms. Walters said she is just concerned that this is just too many and too tall of buildings for that area. She would personally prefer single family homes. She stated that things are really busy in the area now with the K of C, the Church, and Hope House. They constantly hear noise from the fire department, the sheriffs, law enforcement, and emergency services. She stated that it is a mess down there come 5:00. Western Avenue and W. Main Cross are just plugged with travel in the morning to school and work. Ms. Wright commented that people cut through the K of C lot and down side alleys to try to avoid traffic at the light. She said it will be obnoxious trying to get out where they want to build. She said she is just afraid that if they pass the M-2 they won't have much to say about what happens there. She stated she was surprised that Staff agreed, but Staff doesn't live there. A modest development would be great. She was in favor of a dog park on the site. She hopes everyone takes a good look at this.

Mayor Mihalik stated that when we evaluate these potential zone changes and site development there is a set of standards we have to utilize. If a development meets those standards it is difficult for the Commission, unless given good reason, to just say no. There is the right of personal property and developing. If what they are suggesting is consistent with what we have done in the past and what meets the intent of the zoning code it is difficult.

Matt Cordonnier commented that the purpose of Planning Commission is trying to balance the rights of those that are already there with the property rights of the potential developer. He stated that he thinks the worst case scenario for the City and the neighborhood is that this property stays undeveloped for that next 20 years. He said he is excited that someone wants to redevelop it. It will ultimately be beneficial to the neighborhood and to the City. Now we'll have to see how we do this without negatively affecting the neighborhood, but still keeping it a viable project. Mr. Cordonnier stated that from the concerns he heard today, looking at the height of the buildings and how they fit in with the neighborhood character is one factor. There are no existing 3-story buildings here. It's a balancing act. The third story helps make the site economically viable for the developer. He wonders if there is something they can work on to help make the scale of the buildings fit into the neighborhood as well as possible.

Tony Scanlon commented that they are not far enough along with their design to be able to say a lot now. They don't know for sure what this will pan out to be. One of their thoughts on the 3-story building is that if they have more of a basement level that will be really be about a 2 ½ story look. He said they are thinking about some 2-story buildings and he envisions those being along Adams Street. He has not started to work with their architect yet, but he feels like perhaps he is already envisioning some of these things.

Mr. Cordonnier stated that what is before us today is a request for Multi-Family zoning. The developer is not required to say or show a plan of exactly what they are going to do. We have to be comfortable with the idea of Multiple Family. We will really dig in at the site plan stage and address compatibility and traffic circulation, etc.

Mr. Cordonnier responded that the Planning Commission does have a decent amount of authority to dictate conditions of approval at the site plan stage. Dan Clinger commented that either M-1 or M-2 have a 50 foot height limit. If they come in with a 50 foot high building we don't have an opportunity to make exceptions with that. Mr. Cordonnier said he thinks they do. Due to the circumstances, if you show good, sound, reasonable judgement and fairness he thinks it could be upheld. Mr. Clinger asked Mr. Scanlon if he knew the height of the buildings on Front Street. Ms. Scanlon said he doesn't remember now, but they are less than 50 foot.

Mr. Cordonnier noted that we cannot put conditions on zoning. That is illegal.

Mr. Thomas asked for clarification on the greenspace that was mentioned earlier. In the R-3 zoning, the maximum lot coverage under roof is 50%. That does not include driveways, patios, etc. In M-2 the maximum lot coverage is 40% impervious area including the buildings, parking, drives and all. Mr. Cordonnier stated that that is correct. So, there is more greenspace required with the Multi-Family use than what you could end up with in Single Family.

Mayor Mihalik said that in thinking about what the neighbors are saying and thinking about compromise, the heights of the building may be one thing. Maybe there is a give and take on density that would be more palatable to residents. She asked the developer if they have taken a look at that or evaluated M-1. Mr. Scanlon said he doesn't think they plan on going the maximum permitted. Mr. DeArment asked if M-1 is a deal breaker. Mr. Scanlon said he thinks it would be.

Dan Clinger asked if the townhomes would be 2 or 3 bedrooms. Tony Scanlon replied that they would be 2 bedroom with 2 ½ baths, relatively high end. Pat Walters asked about front setbacks and if there might be any plans to widen Adams Street a little. She stated that many residents on Adams don't have off street parking. Mr. Scanlon stated that setbacks are relative to the public right of way line. He said he believes the sidewalks are right behind the curb in that area. There is posted no parking on that side of the street he believes. They do not plan on any street parking for the tenants. It will provided on site as required. Ms. Scrimshaw stated that the Western Avenue side would have a 40' setback, Adams and Putnam would have 25' from the right-of-way.

Jim Gould stated that he owns three (3) homes on Putnam Street (721, 729 and 837). His concern is with where traffic will exit. He would hope it would not be on Putnam Street. Right now they are dealing with a lot of traffic going through an alley near his properties. If there was an exit there for apartments it would make it worse. Mr. Scanlon replied that in their preliminary discussions, they did not feel it made sense to have any access to Putnam Street. Mr. Gould said he does not know how a planning commission can make an informed decision on something like this without some type of sketch showing where buildings or drives may be, how much greenspace there will be, etc. Mr. Gould asked about a parcel on the site that had been state owned property. Tony Scanlon replied that that was actually deeded to the City at one time to allow them to put trailers on the site. He stated there was a reversionary clause in the deed that when that use ceased it was reverted back to its original condition. The deed he has does not reflect other ownership. It was all in the Bishop's name for St. Michael's. Mr. Gould said that his properties at 721 and 729 Putnam both abut the alley and he would not want any drives coming out behind those homes. Ms. Scrimshaw asked Mr. Scanlon if there was any intention of putting any traffic from the development into the alley. Mr. Scanlon replied no.

Matt Cordonnier commented that if someone comes in for a zone change and shows a plan saying this is what they will do, it gets changed based on that, and then they turn around and do something completely opposite. The M-2 district is a very narrow classification. In the commercial district, there is a great range of uses allowed. An applicant requests C-2 saying they are going to build a new mall, everyone thinks that is great and the City approves the zoning, but they are under no obligation to follow through with that plan. In the M-2, you pretty much know what you can get. We cannot legally hold anyone to a preliminary sketch that they show us.

Brian Thomas clarified that we cannot require details at this time, but once they are zoned and want to build, then they have to come back to Planning Commission and have all the details to be reviewed. Mr. Cordonnier stated that the neighbors would be notified again for that review. The sign will go back up on the property again.

Michelle Landis, 823 Adams Street, stated she is not in favor of this. She said she does not think there has been enough thought given to the amount of traffic. She stated she travels daily from Adams Street four blocks to Front Street. Depending on the time she leaves it can take her 20 minutes to get there. She said she was very surprised to see that the fire department had no comment on this item. Things are so stacked up on Main Cross, Western and Sandusky. People fly through the alleys, you cannot get out.

If you need to get an emergency vehicle through there, there will be substantial delays at times. Any type of delay in fighting a fire is going to put more of the neighborhood at risk. She said she doesn't know if Matt Pickett can tell them how fast a fire grows by minute. Cars are backed up on Main Cross all the way back to I-75 sometimes. Even if people want to get out of the way for an emergency vehicle, there is no way they can at times. Ms. Landis said it doesn't matter if it's 22 or 35 units, you will add substantially to this problem. Getting out on Western Avenue will be a problem for anyone living there. As a long time resident, she has seen issues with emergencies and this will only make it much worse. Ms. Landis added that since the 2007 flood, she has two sump pumps that run constantly. She doesn't see how some type of partial basement parking could work.

Mr. Gould stated that during the flood, at the sewer grate near the corner of the alley had water just beginning to come into the street. Even though they are not in the flood zone, the sewers and storm water drains were backing up. Glessner was already under water at the time. This whole area is marginally at the flood zone.

Matt Cordonnier clarified for the group that what the Planning Commission does today is a recommendation to City Council. City Council ultimately makes final decision on the zoning. That is done over three readings at City Council. It was asked when this will start. Ms. Scrimshaw suggested checking the City's website for the agendas of Council. The abutting owners will get notification for the public hearing which is whenever the third reading takes place.

Dan Clinger commented that the options are that you see the property lay undeveloped and unmaintained for decades. He said his preference may be to see R-3 zoning instead of M-1 or M-2. Do we want to see this develop or see it sit idle? No one has presented any other plans. Dan DeArment said it is complicated by the general traffic problem. He asked how much a solution with the railroad might help the situation. Brian Thomas replied that he cannot say that that will make it better. Mayor Mihalik said that things are very complicated right now with I-75 construction, the closure of Lima Avenue and just the fact that the City is growing. When exits are closed for any given amount of time things are exasperated. It is hard to generalize normal traffic in this area right now. It even goes back to when Marathon was under construction and shuttling people back and forth. Nothing has been normal back to that time. Once construction is done, there should be an improved traffic condition, but as Brian said, we can't determine for certain how it will pan out. Ms. Mihalik stated that we have had more multi-family projects brought to this commission in the last 18 months than we've ever had. There is a market for it. There is a potential 140 units be looked at for downtown. This seems to be where the market is trending. Young professionals seem to prefer to rent now rather than buy. Mayor Mihalik said she is excited about infill development. It is good for the City because there is existing infrastructure there, there is not a need for the City to extend it. We definitely have a need for housing. The two things on their mind right now in order for us to be a viable community are housing and people.

The comment was made that a gentleman doesn't disagree that we need development. He questioned why when there was the old Whiskey Venue property available down on Main Cross, which had more acreage, would be more suited for this type of development, and was half the price of this one, why they wouldn't have tried putting their 22-35 units there. He said it had sold recently and they probably only got \$150,000 for it. Now we want to jam this down in a residential area.

Pat Walters asked if this could be tabled until they can give us a drawing of some type to look at. Ms. Mihalik said we can't require them to bring in a plan. Ms. Walters said she understands that we can't hold them to anything. She knows there have been times when an item was tabled. Mr. Cordonnier said that if we were at the site plan stage and there were significant concerns, we could table it and say we need to work out these issues before approval. With a rezoning, he is not sure how that would work.

Mr. Gould stated that once the zoning is done and they meet all the conditions, there isn't much the City can do, correct? If they are doing something that is allowed, they can't deny them or they will have a law suit. If you have approved the zoning, you have approved them to build according to the regulations. Mr. Cordonnier responded that if they are zoned multi-family, they can build multi-family. According to the Planning Commission rules in the zoning code, the Commission has discretion. They are not required to approve the maximum density or intensity of the allowed use. The Commission can also determine if a specified use is appropriate for the site. They can add, subtract, or substitute any condition of approval. At the time of rezoning we cannot say that "we will rezone you on condition that you only build no more than 15 units". They could take that to court and win in five minutes. At the time of site plan review, the Commission has the ability to use their discretion to place conditions or limit size, etc. Just because the code says you can build x amount of units, does not mean the Planning Commission has to allow to build that number.

Tom Shindeldecker commented that when a zoning petition comes to Council, it is never passed without going for the three full readings. He stated that if it is on the agenda for December 18, they don't have to be there to protect their interest because it will be on the agenda for both meetings in January.

Tony Scanlon said that hearing the comments in the audience, he wants to state that they are conscious of their concerns: the access, the height of the buildings, parking. They certainly want to enhance the neighborhood and not do anything to harm it. His partner, Mr. Vorst has been building custom homes in Findlay since 1980. They certainly do not want to do something they can't be proud of.

**MOTION**

Dan DeArment made a motion to **recommend approval to Findlay City Council of PETITION FOR ZONING AMENDMENT #ZA-16-2018 filed to rezone Lots 1889 through 1894 in the Portz Addition and Lots 1369 through 1376 in the Jones & Adams Addition from R-3 Single Family High Density to M-2 Multiple Family High Density. (Old St. Michael School property on Adams Street).**

**2<sup>nd</sup>:** Brian Thomas

**VOTE:** Yay (4) Nay (1) Abstain (0)

**3. APPLICATION FOR SPECIAL REVIEW #SR-02-2018 filed by Bruce Baker, 826 Washington Street Apt. 204, Findlay to operate a Boutique Movie Theater in a Multi-Family building. A garage addition, fencing and possible carports are also proposed.**

**CPC STAFF****General Information**

This request is located on the northeast corner of Washington Street and Marshall Street. It is zoned M-2 Multiple Family. To the north is also zoned M-2. To the south, east and west is zoned R-3 Single Family High Density. A portion of the north end of the lot is in the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Small Lot.

**Parcel History**

This site was originally Adams elementary school. In 2003, this was approved as an RDO (Residential Development Option). When the new zoning code was adopted in 2012, the RDO's were made obsolete and it was converted to R-3 Zoning to match the surrounding area. In November, 2017 the site was rezoned to M-2 Multiple Family to bring it back into compliance with the intended use.

**Staff Analysis**

The applicant has submitted for a Special Review. This means that no formal action is required of City Planning Commission today. The main objective is to get feedback that will allow the applicant to decide if he wants to pursue a formal site plan application.

There are a couple of additions that the owner would like to do on the property. One is a single car garage at the front of the building. It appears that it will fall within the 25' required front yard setback.

They are also requesting to place a fence in the front yard. By the letter of the code, a fence is permitted up to 36" in height within a front yard. The applicant will have to keep the fence no higher than 36" in that 25' required front yard. The fence in the front yard setback must also be 50% open. (Something like a picket fence) He proposes that it get taller beyond that point going up to the maximum allowed of 8 feet.

Another fence is proposed on the rear property line between this property and the Alexander Place development. This will also have to be 50% open and no more than 36" high for the first 25' from Marshall Street.

A section of roof is proposed on the east side. It is stated that this is only to help a drainage issue where two roofs meet and it continues to leak. Will there be anything under this roof?

At the rear of the building (north side), it appears that a carport or garage area is being added to serve the dual purpose of using the roof area as decks for the upper level.

A request to operate a "boutique" theater in the building is also for consideration. The applicant states in his narrative that he wishes to invoke a mixed use of the property. In certain categories of the zoning code, mixed uses are permitted. The Multi-Family districts do not list any types of mixed uses as permitted or conditional. The Conditional Use section in Staff's interpretation, means only that items such as daycare facilities, churches, schools, nursing homes, etc. could be approved to be constructed in an area zoned M-2 as long as they meet any conditions that Planning Commission deems necessary. Mixing Commercial Recreation within a multi-family building is not permitted in our interpretation.

### **ENGINEERING**

No Comment

### **FIRE PREVENTION**

If a sprinkler system is applicable for the facility, the site plan shall show the proposed underground fire line.

Apply for all necessary permits with Wood County Building Department.

### **DISCUSSION**

Mr. Baker confirmed that there is a room under that new roof area where the leaks are occurring.

Brian Thomas asked if he is correct in assuming that the proposed garage is to be tucked up front with a new driveway onto Washington. Mr. Baker replied yes. He pointed out a wide sidewalk and said that is basically where the driveway would go. He stated it would be built to mimic the existing building. He pointed to the apartment area that he lives in. He stated that his wife has MS and this would provide a way for her to get in and out to the car easier as her disease progresses. Dan DeArment asked if it would be possible to put the garage in that building. He said he is concerned about how this will look. Mr. Baker stated that that was the gymnasium when it was a school. It is already an apartment and he lives in it. That would mean parking the car in his living room. He said that the majority of it will be tucked in the corner with only a small portion sticking out and a single garage door. Dan Clinger stated that when he looked at it on site, he would be eliminating his front door. Mr. Baker pointed out the doorway toward the north end of the building. There are other apartments beside his and they can all be entered at that door and walking down a hallway. Mr. Clinger asked if those apartments are complete. Mr. Baker replied that they were finished and inhabited prior to him purchasing the building. He is in the process of recommissioning them. The roof was in poor condition and caused water damage. He has replaced the roof and gutted the other units.



Mayor Mihalik asked about the concerns of operating a movie theater in a residential area. Mr. Baker said that perhaps he doesn't want to do that now. He explained the layout of the original four-room schoolhouse. There have 16-foot ceilings. The prior owner had started work on these units and stopped. He has been in the audiovisual business the last 30 years, he has a lot of connections through a daughter working for Warner Brothers. His son-in-law works for Epic Records and a daughter-in-law is a concert violinist. Therefore, they have many connections with the entertainment field. The idea is for a small 35-seat theater to show independent films. Would possibly have some directors come to speak to a group and things like that. It would also give him a place to showcase work he does.

Dan Clinger asked if the garage is constructed where it is shown if it falls within the setback requirements. Ms. Scrimshaw stated that the drawing did show it just inside the 25' required front yard. Mr. Clinger asked if the new roof added square footage. Mr. Baker explained how the other roofs were repaired and replaced and this area just seems to still have issues so it was suggested to him to create a roof area that will help shed off the water. There is already a room below it.

Mr. DeArment asked about the carports on the back and if they are going to be decks for the upper level also. Mr. Baker explained that there are two doors on the back of the building that are 7 or 8 feet off the ground. There had been an old steel staircase there. He proposes to put a deck area there to give access out the back door and also serve as covered parking spots. Mr. DeArment asked if there could be garage doors put on these to conceal all the stuff behind the building that is everywhere. Mr. Baker agreed that the site has no storage and he hopes that the garage will provide him the place to keep mowers, etc. He had intended to leave the back as more of a carport, but if desirable to new tenants, it could become garages later.

Jackie Schroeder stated that with the information they have now, she doesn't have a big issue with any of the residential related development he is suggesting. She thinks the theater is a cool idea but doesn't know if she is for it in the type of neighborhood here. Mr. Baker stated that this was a school, it was a learning environment. He intended to use one small part of it as a learning environment. People that are interested in film or music, like his daughter could perform there. He has a lot of audio equipment that would make this an awesome room. It would be something unique. People could meet and learn from directors, etc. This is something you normally only see in large cities. Mr. Clinger said it would be unique, but he would have to demonstrate that he has all the parking required and other things. He said he could perhaps support it if all the site requirements could be met as well as any additional State Building Code requirements. Mr. Baker said he is zoned M-2 and there is a stipulation in there for entertainment, but it doesn't say what that is. One of his reasons for being here is to get more information on what that means. He stated that the parking available on site is quite large. The building was used as City offices at one time, it was a school of course. He doesn't know how many parking spaces there are. Mr. Clinger stated that right now each housing unit requires three. Ms. Scrimshaw agreed that the way the code is now 2 ½ spaces per unit plus 1 for every two units is the standard. Mr. Baker stated that there are five units now and he is permitted another six.

Todd Richard commented that the bottom line with this is that he cannot imagine that he will be doing anything that is too out of hand that will upset the tenants. Whether it's the parking situation or the noise, they won't be tenants for long if it is too disruptive. Mr. Baker stated that he lives there himself, so he wouldn't do anything to disrupt his living conditions either.

Mayor Mihalik said she applauds Mr. Baker for taking something that is unique and trying to use it in a great way. She stated that she is still having a hard time understanding how all of this fits together, what it looks like with a garage added, etc. Perhaps working with the Staff more, working with an architect, perhaps getting some kind of visuals that show us better what you are trying to do. That will help us make an informed decision. There are zoning issues, use changes, traffic patterns, and all of those things and it's really hard just looking at this simple sketch to envision what it is that you see. Mr. Baker said he understands. Today he was really looking for some definition of what the entertainment listing in the code meant. Whether what he has in mind falls into that classification or whether he should just go with the housing project.

Mayor Mihalik asked Mr. Richard if he can put the garage on the front. Todd Richard stated that they had talked about that in regard to setbacks and the density factor also. They talked about access. They sketched it on the plan and it will fit. He is probably already over the current standard for impermeable area. The remedy would be a variance.

Matt Cordonnier replied that in terms of the theater the biggest issue that Staff had is that Multi-family does not have allowance for mixed use. Recreational facility is listed under Conditional Use. Mr. Cordonnier said he doesn't see a theater as being considered a Restricted Commercial Recreational use. In this district he would think things like soccer fields or basketball courts are what is intended. The hurdle we have to cross is how do we get a mixed use of multi-family and a theater to work in M-2. Mr. Cordonnier said he thought we had some feedback from neighbors. Ms. Scrimshaw said there were some phone calls inquiring about what is happening there. Some residents were not even aware that the building was multi-family. There was concern expressed about traffic and the potential disruption of the quiet neighborhood with the theater.

Dan Clinger asked if they had decided on 35 seats by what actually fits in the space. Mr. Baker said that in the photos he included in his application, showing seats with a small table area for taking notes. Someone could be teaching software, taking business notes, etc. For a film viewing it allows for a place to set a drink. He said with the space he has available, it worked out to the six rows he showed with booths. The seats would recline also. It's more of an upscale home theater on steroids.

Brian Thomas asked about the idea of table for food. That had not been mentioned before. Will there be food for sale? Mr. Baker replied maybe just the usual movie fare, no restaurant for sure.

Mr. Baker said he needs an answer on the garage as soon as possible. Mr. Cordonnier stated that the garage would not need to come back to Planning Commission. He can see zoning about that. The theater is the issue that would have to come to the Commission. Mr. Baker asked what the general consensus is on the theater.

Dan Clinger said he would be open to that providing he can meet all the site requirements. He said it is not really defined in the code, but with a little creativity, perhaps we could work with that. Dan DeArment said he concurred.

**MOTION**

No motion required for Special Review

**VOTE:** No vote required.

**4. APPLICATION FOR SITE PLAN REVIEW #SP-22-2018 filed by Hancock County ADAMHS Board, 438 Carnahan Avenue, Findlay for a four unit apartment to be located at 2475 Crystal Avenue.**

**CPC STAFF**

**General Information**

This request is located on the east side of Crystal Avenue. It is zoned M-2 Multiple Family. Land to the north in Marion Township is zoned R-3 Multi-Family. To the east and south is zoned M-2 Multiple-Family High Density in the City of Findlay. To the west is zoned R-2 Two Family Residential in Marion Township. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Multi-Family.

**Parcel History**

The site is vacant. This was once proposed as the location for the second Hanco Ambulance building. Blanchard Valley Health System purchased the land from Hanco in 2015. They applied to change the zoning to Multi-Family in October, 2018 in order to allow ADAMHS to build this facility.

**Staff Analysis**

The applicant is proposing to construct a 4-unit, 3219 square foot, single story apartment building. The site is small and has odd angles which make it somewhat difficult to develop.

The front and side setbacks of the building meet the code standards. However, the rear yard requirement is 30' and the plans show 13' at the rear of the building. The parking lot setback requirement is 10' and it is shown at only 5' from the right-of-way line.

Required parking is another issue with this site. The plans only show 5 spaces (one of which is handicapped). The current requirement of the code would calculate to 12 spaces for four (4) living units. The tenants may or may not have their own transportation, but if each does, all the spaces will be occupied. To look at the site construction sheet (C2.0) you would assume there could be space to squeeze in a couple more spots. However, on the next sheet (C3.0) the swales are shown and there is no area to spare for more parking.

The applicants have calculated the lot coverage at 43.3%, which is slightly over the 40% maximum allowed. With the surrounding uses and the open areas immediately abutting this parcel from the Crystal Glen development, this slight overage will not be noticeable.

All of the items listed above are going to be considered at the BZA meeting tonight for variances.

The trash area is located on the north end of the parking lot. It is surrounded by vinyl fence which we assume is a solid privacy type. There is landscaping around the enclosure also.

There is no signage proposed for the site. There is no exterior pole lighting proposed either. Elevation drawings show a peak height of 20'-3". The exterior finish will be vinyl siding and brick veneers.

The landscaping plan shows adequate plantings along the front of the drive and parking areas by the street. Trees and shrubs are clustered at the front of the building. No screening is required on the property lines as all the surrounding uses are the same zoning classification.

### **Staff Recommendation**

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-22-2018 filed by Hancock County ADAMHS for a four unit apartment to be located at 2475 Crystal Avenue subject to the following conditions:**

- **BZA approval of variances on setbacks, parking spaces and lot coverage**

### **ENGINEERING**

#### *Access –*

Will be from a new drive coming off of Crystal Ave. The new drive is shown with a 50 ft. curb cut continuing back to a parking lot that is proposing a total of 5 parking stalls.

#### *Sanitary Sewer –*

The sanitary sewer lateral is proposed to come out of the south side of the building, and connect to the existing lateral. The City advises the owner/contractor to make sure the existing lateral is in good working shape before making the connection.

#### *Waterline –*

The plans are proposing two new waterline taps coming from the west side of the building and tapping on the existing 12-inch waterline with a domestic and fire protection line.

#### *Stormwater Management –*

Detention calculations have been submitted with the plans. The plans are proposing a detention pond on the north and south side of the property.

#### *MS4 Requirements –*

The amount of erodible material that will be disturbed will be less than one acre so the site will not be required to comply with the City of Findlay's Erosion & Sediment Control Ordinance.

*Recommendations:*

- Approval of the Site Plan

*Following Permits are Needed Before Construction Can Start:*

Waterline Permit (Fire & Domestic) -	2 total
Sanitary Sewer Reconnect-	1 total
Storm Sewer Permit-	1 total
Drive/ Curb Cut Permit (50 LF) -	1 total
Sidewalk Permit (140'x 4') -	1 total

**FIRE PREVENTION**

Apply for all necessary permits with Wood County Building Department

**RECOMMENDATION**

Staff recommends approval of APPLICATION FOR SITE PLAN REVIEW #SP-22-2018 filed by Hancock County ADAMHS for a four unit apartment to be located at 2475 Crystal Avenue subject to the following conditions:

- BZA approval of variances on setbacks, parking spaces and lot coverage
- Apply for all necessary permits with Wood County Building Department

**DISCUSSION**

Dan DeArment asked why they feel they do not need any more parking. Brett Gies stated that they have studied the site from every angle imaginable trying to fit as much as possible on there. More parking will increase the lot coverage and decrease storage for detention runoff. Mr. DeArment asked if this is enough parking for the people that will be there. Precia Stuby replied that programmatically this is designed to serve pregnant women who are struggling with substance abuse. There will be three apartments for women who are pregnant or immediately following delivery and one for an on-site supervisor. There are no couples permitted. There will only be the possibility of four drivers living there at any time. Mr. DeArment asked about visitors. Where would they park? I believe this is a parking problem.

Jackie Schroeder asked if there is any way to expand some of the detention in a different way, or do some underground detention, that might make room for a couple of spaces up front. Dan Stone said he thinks they can do that, but then it increases lot coverage some also. There is a variance request no matter what. Ms. Schroeder said that looking at the roadway, of course there is no on street parking area. So the site needs something for visitors. She said she would rather trade that off for the increase in lot coverage.

Todd Richard said that he also would consider what if in ten years this is not the use and now they are a traditional apartment complex. Brett Gies replied that part of the funding that they received from the State of Ohio requires them to take out a 30-year mortgage on this and requires them to provide these services for the duration of that time.

Mr. DeArment asked Mr. Stone how they could fix the drainage. Mr. Stone said it is minimal. He said there is enough greenspace to work with. They were trying to make these more gradual. They could be shaped up to be more of a pond and take up less space. He feels it would be an easy fix.

Mr. DeArment commented that the variance in the back is significant. It is 17 feet. Jackie Schroeder said the plan does give a good vision of how far the other buildings are away from this. Todd Richard said you can almost imagine this as a continuation of the apartments complex beside it. As Jackie said, there is good building separation even though it does crowd the rear lot line. He said that is something his office took into consideration on the variance request.

Precia Stuby asked if there is a recommended number of parking spaces the Commission wants to see. Ms. Mihalik replied that as many as they can make fit. Dan Stone commented that he thinks they can get 3 or possibly 4 to work.

### **MOTION**

Lydia Mihalik made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-22-2018 filed by Hancock County ADAMHS for a four unit apartment to be located at 2475 Crystal Avenue subject to the following conditions:**

- **BZA approval of variances on setbacks, parking spaces and lot coverage**
- **Apply for all necessary permits with Wood County Building Department**

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

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

**5. APPLICATION FOR SITE PLAN REVIEW #SP-23-2018 filed by Map Properties of Findlay, LLC, 225 Stanford Pkwy., Findlay for a 7,810 square foot expansion to the industrial building located at 227 Stanford Pkwy.**

### **CPC STAFF**

#### **General Information**

This request is located on the north side of a private street on the east side of Stanford Parkway. It is zoned I-1 Light Industrial. All surrounding parcels are also zoned I-1. It is not located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Industrial.

#### **Parcel History**

The site consists of two platted lots. Lot 2 on the west side of the site houses the current structure.

#### **Staff Analysis**

The applicant is proposing to construct a 7810 square foot addition to the east of the current building.

The original building was constructed when this property was part of a PUD (Planned Unit Development). The private drive was a part of that PUD and different setbacks were allowed. These PUD's were rendered obsolete in 2012. The Industrial zoning has a clause which permits an existing building line to be followed on additions to a structure. For that reason, the rear line of the proposed building is allowed to continue from the existing structure. The front setback is 50' in the code. The new building is shown to come out to about 27' from the front property line. On the east side, the edge of the building is only 19.78' from that property line instead of the 30' required. As far as we know, the applicant has not applied for any variances with BZA.

From the floor plan submitted, it appears the addition is a warehouse. The plan states that there will not be more than 5 employees on a shift. Parking is based on 1.1 space per employee. Six spaces are thus required and the plan shows six in front of the existing building.

There is no signage proposed or any indication of new lighting.

### **Staff Recommendation**

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-23-2018 filed by Map Properties for a 7,810 square foot expansion to the industrial building located at 227 Stanford Pkwy. subject to the following conditions:**

- **Compliance with front and side yard setbacks or obtaining appropriate variances from BZA**

### **ENGINEERING**

*Access –*

Site has one point of access along a private drive off Stanford Parkway.

*Sanitary Sewer –*

Will be extended from the existing building.

*Waterline –*

Will be extended from the existing building.

*Stormwater Management –*

The plans are proposing on site detention in the form of underground storage. Detention calculations of the underground storage have been provided.

*MS4 Requirements –*

The amount of erodible material that will be disturbed will be less than one acre so the site will not be required to comply with the City of Findlay's Erosion & Sediment Control Ordinance.

*Recommendations:*

- Approval of the Site Plan

Following Permits are needed before Construction Can Start:

-No permits are needed as conditions shown in the plans.

**FIRE PREVENTION**

Apply for all necessary permits with Wood County Building Department

**RECOMMENDATION**

Staff recommends approval of **APPLICATION FOR SITE PLAN REVIEW #SP-23-2018 filed by Map Properties for a 7,810 square foot expansion to the industrial building located at 227 Stanford Pkwy. subject to the following conditions:**

- **Compliance with front and side yard setbacks or obtaining appropriate variances from BZA**

**DISCUSSION**

Todd Richard stated that he does not consider the “front yard” mentioned as a front yard because it does not abut a public right-of-way. He stated that he doesn’t think that BZA needs to address that. He said if you would look at this as one large lot with infill, and they meet setbacks from the perimeter property line, and the public right-of-way, that is all they need to do.

Judy Scrimshaw commented that her opinion was based on the fact that they are platted lots and that is their front property line. Todd Richard said not by definition. Dan Stone said they are submitting a BZA application for those variances.

Matt Cordonnier noted that the attorney from the neighboring property had contacted him. They have no concerns about any variances. There was some concern about the minimum required separation between industrial buildings. In some cases that is as much as 60 feet. The concern was that if a variance was granted here, it could limit them on how close they could build. Mr. Cordonnier spoke with a plan reviewer at Wood County Building Department. He stated that in most situations, that 60 feet would not be required. The closer they get to a property line the more is required to fireproof and fire rate their building and the same goes for the property next door. Mr. Cordonnier said he would consider having the Planning Commission add some type of condition of approval that the applicant get some confirmation from Wood County that their building will not affect how close the neighbor can build to the property line. Dan Stone responded that during the original design, the applicant had approached the owner to the east for some easements. They could not work those out, so they reconfigured the east end of the building to where they can get within 15 feet of the property line. Wood County will not approve a plan if they need additional easements. Mr. Cordonnier said it looks like this is being worked on. He requested a copy of something be sent to Mr. Richard and himself from Wood County. Mr. Stone stated that he intends to have a copy in zoning address file to cover that. Mr. Cordonnier stated that Staff does not have any issue with any variances that may be required as long as they don’t infringe on the property rights of the neighboring lot.

Dan DeArment asked if shortening the building is a deal breaker. Mr. Stone replied that it all goes back to what they need for the operation. It would limit what they do and not provide the amount of room needed. They originally wanted to go within five feet of the property line, so they have already compromised to this point.



Dan Clinger asked if they will need to do any more with fire rating on the north side of the building with it encroaching into the normal setback. Mr. Stone said he didn't think so. The building already exists. Matt Pickett stated that Wood County would determine this according to classification of the use. Either a firewall or sprinkler system would be the possible solutions based on their determination.

### **MOTION**

Dan Clinger made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-23-2018 filed by Map Properties for a 7,810 square foot expansion to the industrial building located at 227 Stanford Pkwy. subject to the following conditions:**

- **Compliance with front and side yard setbacks or obtaining appropriate variances from BZA**
- **The owner gets confirmation from Wood County that their building variance will not infringe on the neighbor to the east's property rights to locate any new structure**

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

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

### **ADJOURNMENT**

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Lydia L. Mihalik  
Mayor

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Brian Thomas, P.E., P.S.  
Service Director

**FINDLAY CITY COUNCIL  
CARRY-OVER LEGISLATION  
JANUARY 2, 2019**

**ORDINANCE NO. 2018-068** (*Zoning personnel enforcement rights in right-of-way*) **requires three (3) readings** **tabled after third reading on 8/7/18**  
AN ORDINANCE ENABLING THE CITY OF FINDLAY ZONING DEPARTMENT PERSONNEL ENFORCEMENT RIGHTS WITHIN RIGHT-OF-WAY AREAS WITHIN CITY LIMITS, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-097** (*credit card policy*) **requires three (3) readings** **tabled after second reading on 10/2/18**  
AN ORDINANCE APPROVING THE BANK CREDIT CARD POLICY ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A.

**ORDINANCE NO. 2018-121** (*2018 annual sewer televising project*) **requires three (3) readings** **third reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-122** (*Blanchard River/Stanford Pkwy waterline replacement project*) **requires three (3) readings** **third reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-124** (*Emergency Management Services contract renewal*) **requires three (3) readings** **third reading**  
AN ORDINANCE AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF FINDLAY, OHIO TO ENTER INTO A CONTRACT WITH HANCOCK COUNTY EMERGENCY MANAGEMENT AGENCY TO DEVELOP AN EMERGENCY OPERATION PLAN THAT WILL ENCOMPASS ALL POLITICAL SUBDIVISIONS OF HANCOCK COUNTY, PRUSUE A PROFESSIONAL DEVELOPMENT TRAINIGN PROGRAM, AND COORDINATE THE EMERGENCY MANAGEMENT ACTIVITIES OF ALL THE POLITICAL SUBDIVISIONS ACCORDING TO THE DUTIES AND REQUIREMENTS OF SECTION 5502.27 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-125** (*elected officials salaries*) **requires three (3) readings** **third reading**  
AN ORDINANCE ESTABLISHING THE SALARIES FOR THE MAYOR, AUDITOR, AND DIRECTOR OF LAW OF THE CITY OF FINDLAY, OHIO, BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2023 AND REPEALING ALL OTHER ORDINANCES AND/OR PARTS OF ORDINANCES IN CONFLICT WHERETO , AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-127** (*WPC clarifier 1&2 rehab, project no. 35681500*) **requires three (3) readings** **second reading**  
AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.

**ORDINANCE NO. 2018-132** (*701-807 Adams St; 700-714 Putnam St rezone*) **requires three (3) readings** **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS BIRCHAVEN LANE/EASTERN WOODS LOT 2 REZONE) WHICH PREVIOUSLY WAS ZONED "R3 SINGLE FAMILY HIGH DENSITY RESIDENTIAL" TO "M2 MULTIPLE FAMILY RESIDENTIAL DISTRICT".

**ORDINANCE NO. 2018-133** (*Eastern Woods-Birchaven Ln rezone*) **requires three (3) readings** **second reading**  
AN ORDINANCE AMENDING CHAPTER 1100 ET SEQ OF THE CODIFIED ORDINANCES OF THE CITY OF FINDLAY, OHIO, KNOWN AS THE ZONING CODE BY REZONING THE FOLLOWING DESCRIBED PROPERTY (REFERRED TO AS BIRCHAVEN LANE/EASTERN WOODS LOT 2 REZONE) WHICH PREVIOUSLY WAS ZONED "C1 LOCAL COMMERCIAL" TO "M2 MULTIPLE-FAMILY HIGH DENSITY".

# City of Findlay

## Office of the Director of Law

318 Dorney Plaza, Room 310  
Findlay, OH 45840  
Telephone: 419-429-7338 • Fax: 419-424-7245

**Donald J. Rasmussen**  
Director of Law

JANUARY 2, 2019

THE FOLLOWING IS THE NEW LEGISLATION TO BE PRESENTED TO THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO, AT THE TUESDAY, JANUARY 2, 2019 MEETING.

### **RESOLUTIONS**

- 001-2019      A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, AND DECLARING AN EMERGENCY.
- 002-2019      A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2018 PURSUANT TO OHIO REVISED CODE §321.34.

### **ORDINANCES**

- 2019-001      AN ORDINANCE TO MAKE APPROPRIATIONS AND TRANSFERS WHERE NECESSARY FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FINDLAY, OHIO, DURING FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY.
- 2019-002      AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.
- 2019-003      AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDANCE WITH THE 2019 CAPITAL IMPROVEMENT PLAN, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 001-2019**

**A RESOLUTION AUTHORIZING THE SALE OF PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, AND DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Findlay, State of Ohio:

SECTION 1: The internet auction of property which is not needed for public use, or is obsolete or unfit for the use for which it was acquired will be conducted in accordance with the policy and procedures established for such online internet auctions as set forth in in "Exhibit A" as amended from time to time, a copy of which is attached hereto and incorporated herein as if fully rewritten herein.

SECTION 2: All items offered for sale through online internet auction shall be offered for sale for a period of time to be determined by the administration but which period shall be not less than ten (10) days, including Saturdays, Sundays and all legal holidays.

SECTION 3: The City of Findlay will contract with a representative(s) to conduct the auction, however the general terms and conditions of sale shall be established by the city. The administration, in consultation with the auditor, shall determine and select authorized representatives to conduct the online internet auctions which representatives may change from time to time.

SECTION 4: The Clerk of Council is directed to publish, in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, notice of the City of Findlay's intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction all in accordance with R.C. 721.15(D).

SECTION 5: Notice of the City of Findlay's intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction shall be posted continually throughout the calendar year in a conspicuous place in the office of the city auditor, in the office of the mayor and on the city web site.

SECTION 6: The City of Findlay retains the right to establish a minimum price and may establish other terms and conditions of any particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. Such information shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the legislative authority.

WHEREFORE, this Resolution shall take effect and be in force from and after its passage and approval by the Mayor.

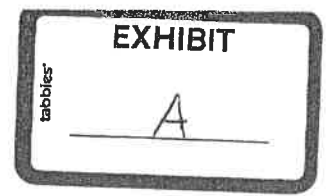
\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_



## Procedures for Online Internet Auctions (R.C.721.15(D))

The Auditor's Office will receive a request from the City department who wishes to auction an item which is not needed for public use, or is obsolete or unfit for the use for which it was acquired. Items must have already been offered to other departments via e-mail.

The Auditor's Office selects the proper form i.e. vehicle inspection forms, office equipment inspection forms, etc. for the department to complete for the specific item of personal property. Forms are completed by the department so that all pertinent information regarding the item is known and given to the Auditor's Office along with pictures of the item, the minimum bid for the item and a reserve or minimum price, if so desired.

The Auditor's Office will prepare a draft auction write-up of the item based on the information given and release it to the department for review. Any corrections that should be made are noted. The department supervisor then signs the draft auction write-up thus giving his/her approval. The write-up is then forwarded to the Service Director or Safety Director for their approval to sell the asset via online internet auction.

Once the draft auction write-up is received back by the Auditor's Office with the two required signatures, any noted changes are made and the auction is released on the online internet auction site for a minimum period of 10 days. There is a link on the City's website that will bring up anything that the City of Findlay is currently offering at auction on the online internet auction sites. Otherwise, any person can search by entity (City of Findlay) and see what is currently offered.

When the auction ends the Auditor's office receives an e-mail notification from the online internet auction provider indicating whether or not the asset sold. If sold, the e-mail will include the selling price and the name and contact information for the seller. This e-mail is forwarded to the department supervisor.

Another e-mail is received once the online internet auction site receives payment for the item. All payments are to be made directly to the online internet auction provider. The City does not accept direct payment for auctioned items. This e-mail is forwarded to the department supervisor.

For assets other than vehicles, the buyer is to schedule pick up arrangements through the department supervisor or designee. A bill of sale is printed from the online internet auction site and sent to the department supervisor. Once buyer arrives and inspects the item, they are to sign the bill of sale and remove the item from City property.

If the asset is a vehicle, the buyer needs to verify with the Auditor's Office the name in which they would like the vehicle titled. This information is sent to the City Clerk so that she may get the title transferred and ready for the new owner. If needed, the title information is corrected on the online internet auction provider bill of sale and the bill of sale is printed. Pick up is arranged so that the new owner first stops at the Auditor's Office to sign off on the bill of sale and pick up the transferred title. The buyer then travels to the physical location of the vehicle and removes it from City property.

Once the auction item has been removed from City property, the department notifies the Auditor's Office by sending them the signed bill of sale. Item is then marked as picked up on the online internet auction site. Routinely the online internet auction providers generate payment for items marked picked up to the Auditor's Office.

When the payment from the online internet auction provider is received, the auditor's staff breaks down the payment for accounts receivable to show the gross sale amount, the auction fee (if applicable), and the net amount received per item. A copy of the account receivable receipt is then sent to the department to notify them of payment posting.

**RESOLUTION NO. 002-2019**

**A RESOLUTION REQUESTING THE COUNTY AUDITOR TO MAKE TAX ADVANCES DURING THE YEAR 2019 PURSUANT TO OHIO REVISED CODE §321.34.**

BE IT RESOLVED by the Council of the City of Findlay, Ohio:

SECTION 1: That the County Auditor be and he is hereby requested to draw from the County Treasurer to pay on such draft to the Treasurer of the City of Findlay, Ohio, such money as may be in the County Treasury from time to time during the year 2018, to the account of the City of Findlay, Ohio, and lawfully applicable to the purpose of the current fiscal year in which such request is made, such payments to be made from time to time as the Auditor of City of Findlay, Ohio, may request.

SECTION 2: That the Clerk of Council be and she is hereby directed to transmit a certified copy of this Resolution to the Auditor of Hancock County, Ohio.

SECTION 3. This Resolution shall take effect and be in force from and after the earliest period provided by law.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_

## ORDINANCE 2019-001

### AN ORDINANCE TO MAKE APPROPRIATIONS AND TRANSFERS WHERE NECESSARY FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF FINDLAY, OHIO, DURING FISCAL YEAR ENDING DECEMBER 31, 2019, AND DECLARING AN EMERGENCY.

Be it ordained by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That to provide for the current expenses and other expenditures of the City of Findlay, Ohio, during the fiscal year ending December 31, 2019, the following sums be and they are hereby set aside and appropriated and transferred where necessary as follows:

SECTION 2: That there hereby be appropriated and transferred where necessary from the General Fund the following:

Council	21001000 – personal services	\$	136,153.00
	21001000 – other		42,220.00
Mayor's Office	21002000 – personal services		267,225.00
	21002000 – other		72,300.00
Auditor's Office	21003000 – personal services		533,651.00
	21003000 – other		126,730.00
Treasurer's Office	21004000 – personal services		10,266.00
	21004000 – other		10,826.00
Law Director	21005000 – personal services		483,658.00
	21005000 – other		152,802.00
Municipal Court	21006000 – personal services		1,918,764.00
	21006000 – other		483,763.00
Civil Service Office	21007000 – personal services		94,774.00
	21007000 – other		58,973.00
Planning & Zoning	21008000 – other		159,947.00
Computer Services	21009000 – personal services		254,106.00
	21009000 – other		224,896.00
General Expense	21010000 – other		3,559,000.00
Police Department	21012000 – personal services		7,103,653.00
	21012000 – other		736,485.00
Disaster Services	21013000 – other		63,841.00
Fire Department	21014000 – personal services		7,250,571.00
	21014000 – other		406,799.00
Dispatch Center	21015000 – personal services		1,002,573.00
	21015000 – other		229,181.00
Safety Director	21017000 – personal services		101,917.00
	21017000 – other		34,063.00
Human Resources	21018000 – personal services		112,718.00
	21018000 – other		38,267.00

Service Director	21020000 – personal services	69,458.00
	21020000 – other	60,022.00
Engineering Department	21021000 – personal services	634,986.00
	21021000 – other	173,677.00
Public Building	21022000 – personal services	66,976.00
	21022000 – other	393,739.00
Zoning	21032000 – personal services	332,504.00
	21032000 – other	78,208.00
Parks Maintenance	21034000 – personal services	771,954.00
	21034000 – other	230,049.00
Reservoir Recreation	21035000 – other	5,471.00
Reservoir Maintenance	21042000 – personal services	78,183.00
	21042000 – other	77,400.00
Recreation Functions	21044400 – personal services	485,392.00
	210444000 – other	367,627.00
Cemetery Department	21046000 – personal services	333,876.00
	21046000 – other	120,771.00

GENERAL FUND TOTAL \$ 29,950,415.00

It is the understanding of this Council that as part of this appropriation amount shown in the General Expense line, included are subsidies from the General Fund to SCM&R Fund (\$835,000), Swimming Pool Fund (\$102,000), Airport Fund (\$293,000) as were discussed as part of the budget review meeting held December 13, 2018.

SECTION 3: There hereby be appropriated and transferred where necessary from the Special Revenue Funds the following:

SCM&R Streets	22040000 – personal services	\$ 1,662,494.00
	22040000 – other	762,589.00
Traffic Signals	22043200 – personal services	264,301.00
	22043200 – other	132,625.00
SCM&R Hiways	22045000 – other	213,685.00
Law Enforcement Trust	22060000 – other	589.00
Drug Law Enforc Trust	22065000 – other	1,537.00
I. D. Alcohol Treatment	22070000 – other	278,000.00
Enforcement/Education	22075000 – other	64,068.00
Court Special Projects	22079000 – personal services	312,250.00
	22079000 – other	404,750.00
Court Computerization	22080000 – other	145,000.00
METRICH Drug Law Enf	22081000 – other	2,109.00
Alcohol Monitoring	22082000 – other	125,000.00
Mediation Services	22083000 – other	120,000.00
Electronic Imaging	22084000 – personal services	50,608.00
	22084000 – other	143,392.00
Severance Payout Res	22090000 – personal services	4,170.00



CIT Administration	27047000 – personal services	360,240.00
	27047000 – other	20,371,963.00
Police Pension	27078000 – other	235,500.00
Fire Pension	27079000 – other	235,500.00
SPECIAL REVENUE		
FUND TOTAL		\$ 25,890,370.00

SECTION 4: There hereby be appropriated and transferred or advanced where necessary from the CIT Capital Improvement Restricted Account and/or the Debt Service Fund the following:

Crystal/Melrose DS	23035000 – other	\$ 7,200.00
Energy Bonds Ser A DS	23056000 – other	73,668.92
Energy Bonds Ser B DS	23056100 – other	27,972.28
2016 HRC Rehab DS	23060110 – other	111,060.00
2016 CR236 Land DS	23060210 – other	35,869.00
2016 CR236 Widening DS	23060310 – other	368,759.00
Howard St Improv DS	23065000 – other	7,483.12
DEBT SERVICE FUND		
TOTAL		\$ 631,832.32

It is the intent of this Council to treat the appropriation to Energy Bonds Series A, Energy Bonds Series B, 2016 HRC Rehab, 2016 CR236 Land, and 2016 CR236 Widening initially as a transfer and/or advance of funds from the CIT Fund – Capital Improvements Restricted Account until such time during the year 2019 actual funds are received and amounts can be determined for certain from Federal subsidies, pledged donations, CR236 TIF receipts, County Permissive Fees and excess advances can be returned to the CIT Fund – Capital Improvements Restricted Account.

SECTION 5: There hereby be appropriated from the Capital Improvement Funds the following:

Muni Court Improvement	24020000 – other	\$ 631,000.00
CAPITAL		
IMPROVEMENT FUND		
TOTAL		\$ 631,000.00

SECTION 6: There hereby be appropriated from the enterprise funds the following:

Airport Operations	25010000 – personal services	\$	398,292.00
	25010000 – other		842,052.00
Sanitary Sewer Maint	25048000 – personal services		935,377.00
	25048000 – other		209,700.00
Stormwater Maintenance	25049500 – personal services		157,033.00
	25049500 – other		108,550.00
Water Treatment	25050000 – personal services		1,319,818.00
	25050000 – other		2,510,524.00
Main Street W/L DS	25050200 – other		6,961.32
Sherman Park W/L DS	25050600 – other		10,000.00
CR 144 W/L DS	25050700 – other		9,242.96
Broad Ave W/L DS	25050800 – other		10,000.00
W Melrose W/L DS	25050900 – other		9,679.50
Center Street W/L DS	25051000 – other		7,925.00
1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> W/L DS	25051700 – other		1,529.88
OWDA WTP Improvemt	25052600 – other		270,895.24
'14 WTP Clearwell Issue	25052800 – other		403,936.00
Water Distribution	25053000 – personal services		1,208,692.00
	25053000 – other		659,891.00
2001 EPA Loan DS	25060200 – other		213,556.18
2000 EPA Loan DS	25060300 – other		2,364,087.25
Water Pollution Control	25061000 – personal services		1,385,938.00
	25061000 – other		1,754,320.00
'14 WPC Bar Screen DS	25061200 – other		277,640.00
Utility Billing	25072000 – personal services		695,457.00
	25072000 – other		459,195.00
Supply Reservoir	25073000 – personal services		123,870.00
	25073000 – other		523,923.00
Parking Facilities	25075000 – personal services		82,796.00
	25075000 – other		27,669.00
Swimming Pool	25076000 – other		105,210.00
ENTERPRISE FUND			
TOTAL		\$	17,093,790.33

SECTION 7: There hereby be appropriated from the Internal Service Funds the following:

Int Serv – Central Stores	26063000 – other	\$	28,600.00
Self Insurance	26066000 – other		188,000.00
INTERNAL SERVICE			
FUND TOTAL			\$ 216,600.00

SECTION 8: There hereby be appropriated and transferred where necessary from the Trust and Agency Funds the following:

Cemetery Trusts	27086000 – other	\$	30,000.00
Private Trusts	27087000 – other		2,500.00
TRUST AND AGENCY			
FUND TOTAL			\$ 32,500.00

SECTION 9: There hereby be appropriated from the Special Assessments Funds the following:

Spec Assmt Storm Sewer	28030000 – other	\$	22,315.70
SPECIAL ASSESSMENT			
FUNDS TOTAL			\$ 22,315.70

TOTAL OPERATING			
FUNDS			\$ 74,468,823.35

SECTION 10: That the City Auditor is hereby authorized to draw warrants on the City Treasurer for payment from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore or an ordinance or resolution of the Council to make the expenditures provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION 11: This ordinance is subject to review and amendments by the City Council if and when it becomes apparent the expenditures for 2019 may exceed the certificate of resources.

SECTION 12: The City Auditor is hereby authorized to debit various accounts within a particular department for charges incurred by said department up to the amount appropriated to that department without the necessity of transferring funds within an appropriated fund.

SECTION 13: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason that it is immediately necessary to appropriate said money to insure the continued operation of essential City functions;

Wherefore, this ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Mayor

Passed \_\_\_\_\_

Attest \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_

**ORDINANCE NO. 2019-002**

**AN ORDINANCE APPROPRIATING FUNDS AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the following sums be and the same are hereby appropriated:

FROM:	Sewer Fund (Stormwater restricted account)	\$ 265,583.00
TO:	Sewer Fund	\$ 265,583.00

SECTION 2: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that storm water funds to support the operating budget of Stormwater Maintenance may be utilized.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_

**ORDINANCE NO. 2019-003**

**AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR OF THE CITY OF FINDLAY, OHIO, TO ADVERTISE FOR BIDS WHERE REQUIRED AND ENTER INTO A CONTRACT OR CONTRACTS FOR CONSTRUCTION OF VARIOUS PROJECTS IN ACCORDINANCE WITH THE 2019 CAPITAL IMPROVEMENT PLAN, APPROPRIATING AND TRANSFERRING FUNDS, AND DECLARING AN EMERGENCY.**

BE IT ORDAINED by the Council of the City of Findlay, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

SECTION 1: That the Service Director of the City of Findlay be and he is hereby authorized to advertise for bids where necessary pursuant to law and enter into contracts for construction of various projects as set forth in the capital improvements program for the year 2019.

SECTION 2: That to pay for the costs of said equipment purchases and project construction there is hereby appropriated and transferred the following sums;

FROM:	CIT Fund – Capital Improvements Restricted Account	\$	5,000	
TO:	Annual Street Resurfacing/Curb Repairs 2019 <i>Project No. 32890300</i>		\$	5,000
FROM:	Water Fund	\$	55,000	
TO:	East Bigelow Avenue Waterline Replacement <i>Project No. 35790200</i>		\$	50,000
TO:	South Blanchard Street Waterline Replacement <i>Project No. 35790100</i>		\$	5,000

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Findlay, Ohio, and for the further reason it is immediately necessary to appropriate said funds so that these projects may proceed expeditiously.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

\_\_\_\_\_  
MAYOR

PASSED \_\_\_\_\_

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

APPROVED \_\_\_\_\_