

City of Findlay City Planning Commission

Thursday, July 9, 2020 – 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 Christina Muryn
Brian Thomas
Dan DeArment

STAFF ATTENDING:

Matt Cordonnier, HRPC Director
Judy Scrimshaw, Development Services Planner
Erik Adkins, Flood Plain/Zoning Supervisor
Kevin Shenise, Fire Inspector
Jeremy Kalb, Engineering Project Manager

GUESTS:

Shawn Garmong, Tom Shindledecker, Lou Wilin, Jane Rettig, Jeff Fort, Mark Boehler, Ashley Boehler, Kyle Inbody, Nate Kehlmeier, Nancy Stephani, Patti Abils, Marjorie Frisch, Jack Laurent, Ashley Romero, Donald Nelson, Kim Hamilton, Carol Reed-Tarney, Tim Arnold, Kathy Carte, Jackie Rothenbuhler, Ryan Sprout, Elizabeth Sprout, Lee Ann Rose, Vern Strong, Sally Guilford

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Christina Muryn
Brian Thomas
Dan DeArment

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 the June 11, 2020 meeting. Christina Muryn seconded. Motion carried 3-0-0.

NEW ITEMS

1. ALLEY/STREET VACATION PETITION #AV-03-2020 filed by Kim Hamilton and others to vacate the first east/west alley south of Elm Street and running east from Hurd Avenue to the first intersecting north/south alley.

CPC STAFF**General Information**

This request is located off the east side of Hurd Avenue and south of Elm Street. The neighborhood is zoned R-3 Single Family Small Lot. 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

None

Staff Analysis

The property owners are requesting to vacate this portion of an alley. It will run east from Hurd Avenue to the first intersecting north/south alley.

All abutting owners have signed the petition.

Staff Recommendation

CPC Staff recommends **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2020 filed to vacate the first east/west alley south of Elm Street and running east from Hurd Avenue to the first intersecting north/south alley.**

ENGINEERING

No Comment

FIRE PREVENTION

Concern with the apartment that is off the alley with no other access from Elm St.

RECOMMENDATION

Staff recommends **approval to Findlay City Council of ALLEY/STREET VACATION PETITION #AV-03-2020 filed to vacate the first east/west alley south of Elm Street and running east from Hurd Avenue to the first intersecting north/south alley.**

ALLEY/STREET VACATION PETITION #AV-02-2020 filed by Eric Bibler, 1020 Adams Street to vacate the first alley east of Glessner Avenue running north from Adams Street between 1020 Adams Street and 934 Adams Street.

DISCUSSION

Kim Hamilton, 1017 Hurd Avenue, came forward to speak. She stated that 429 Elm Street has a drug dealer living there. There is non-stop traffic using the alley going here. They would like to eliminate the traffic as well as persons walking down the alley waiting there and leaning against their fence. Ms. Hamilton stated that there is not a lot of parking. They park along their house and the vehicles hang out into the alley. They are afraid of their vehicles being sideswiped. She stated that someone broke into their garage twice and stole over \$5000 of her husband's tools. Those were recovered. His truck was also stolen.

Dan DeArment asked her to point out the house that is the issue. Ms. Hamilton did so and also noted that there was a shooting there last year and the police informed her they were 10 bullet holes in the home. They have made a couple of arrest there.

Ms. Hamilton stated that there are two ways they can access the house. They can come from Lima Avenue or from Hurd. They tend to go down to go out on Liberty. They do have increased police presence in the area.

Dan DeArment stated that he is sorry she is going through this. However, he is not convinced that closing the alley will solve the problem. He stated that it looks like it would block access to that apartment on the alley and a garage along there also. He asked if they would block it off. Ms. Hamilton stated that they would leave access for the owners. She pointed to a couple of vehicles parked on the north side and stated that they have two ways in and out. They can come off Hurd Avenue down the alley or come off the parking lot off Lima Avenue. They would like to put some concrete bollards at the intersection of the alleys perhaps with a chain between them.

Christina Muryn stated that she agrees with Mr. DeArment and she probably cannot support this. She commented that just because all the owners have signed off now and say they won't want to build anything that might block off access, legally they have that ability. If the property transfers, the next owner may not agree and it may become an issue. Ms. Muryn stated that this may not be the right option. Alleys in these neighborhoods serve a purpose and she feels we need to maintain access through that area. We need to work on the other issue separately. Brian Thomas explained how the land would get divided and that the width of pavement each owner received is not enough for a car to drive on so they would technically have to trespass just to drive through.

MOTION

Christina Muryn made a motion to **recommend denial** to Findlay City Council of **ALLEY/STREET VACATION PETITION #AV-03-2020 filed by Kim Hamilton and others to vacate the first east/west alley south of Elm Street and running east from Hurd Avenue to the first intersecting north/south alley.**

2nd: Dan DeArment

VOTE: Yay (3) Nay (0) Abstain (0)

2. APPLICATION FOR CONDITIONAL USE #CU-01-2020 filed by Ashley and Ronnie Romero, 425 Mona Ln., Findlay to operate a salon from their residence.

CPC STAFF

General Information

This request is located on the south side of Mona Lane east of Greenacre Drive. It is zoned R-2 Single Family Medium Density. All abutting parcels are also zoned R-2. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Single Family Medium Density.

Parcel History

Site is a single family residence.

Staff Analysis

The applicant is proposing to convert their one car attached garage into a salon suite. The application states that it will operate three days per week between the hours of 9 a.m. – 9 p.m.

The owner is the sole employee.

The definition of a HOME OCCUPATION in the Findlay Zoning Ordinance is: Any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced thereon, and provided.

Home Occupations are not permitted accessory signage.

In December, 2017 FCPC reviewed a request for a Dog Groomer who also was converting garage area into the space for the business. They were not permitted to change the front exterior of the garage so that it would not alter the appearance of this being a single family home. The intent of a Home Occupation is to remain virtually invisible in the overall residential aesthetic of the neighborhood. Placing a secondary door on that end of the home would change the appearance of it being a single family residence. The groomer was permitted to have an access door on the side of the garage to have a separate entrance. Potentially removing the garage door and installing a window or two would still maintain the single family residential nature.

Our main concern here will be the ability to have off street parking available for clients. This is a single car garage, but the pavement is wide enough for two vehicles. If the owners are both in the driveway, it appears that any vehicles parked behind them could be blocking the sidewalk since the drive is not very long. In normal times, a hairdresser can double book clients to say do a haircut will someone else is processing their hair color. Currently that is not the case with the COVID pandemic, so only one vehicle should be here at any time. If that restriction is lifted, perhaps this particular location should still be held to that standard due to the possible parking issue. If there are numerous complaints at any time after opening, zoning would have to investigate and the owner my risk losing their permit.

Staff received several phone calls inquiring about what was being proposed here, but none said they had any issue with the request.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-01-2020 filed by Ashley and Ronnie Romero, 425 Mona Ln., Findlay to operate a salon from their residence subject to:**

- **Evidence that parking will not be an issue**
- **No changes in the front of house to indicate a business use**

ENGINEERING

No Comment

FIRE PREVENTION

Plans need to be submitted to Wood County Building Department.

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-01-2020 filed by Ashley and Ronnie Romero, 425 Mona Ln., Findlay to operate a salon from their residence subject to:**

- **Evidence that parking will not be an issue**
- **No changes in the front of house to indicate a business use**

DISCUSSION

Ashley Romero commented that it appeared that parking was the biggest issue here. She said that both of their vehicles can fit on the right side of the drive without crossing the sidewalk. That would leave the left side available for a client's car or even two cars. She works three days a week and her husband is usually at work until 4:30. She confirmed that a number of cars park on both sides of the street.

Ms. Romero noted that she found several houses in the area that had converted garages into part of the house and had a separate door and window there. That is what she would like to do here also.

Dan DeArment stated that he is okay with the access door on the side of the garage. Mayor Muryn stated that right now she states she operates a couple days per week but what would prevent her from working daily and have constant traffic? This is a pretty close residential area now and she worries about disrupting that. Ms. Romero replied that she has been doing hair for 15 years and that has always been her schedule. She has three children and does not plan to work more than that. She is available 12 hours on those days and spends the other days with the kids. She does not double book, she only wants one client at a time.

Matt Cordonnier noted that the status of a conditional use for a home occupation can be rather tenuous. If it is approved and several weeks later there are numerous complaints, it could be revoked. It is in her best interest to minimize any impact on the residential character of the neighborhood.

Dan DeArment noted that the other residences in the area could have changed their front area with a door because they were not doing a home occupation. They are not regulated for a strictly residential use. He feels that for consistency, we need the door on the side. We required that of a dog groomer a couple years ago.

MOTION

Dan DeArment made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-01-2020 filed by Ashley and Ronnie Romero, 425 Mona Ln., Findlay to operate a salon from their residence subject to the following conditions:**

- **Man door to be located on the side of the building**
- **Plans submitted to Wood county for approval**

2nd: Christina Muryn

Erik Adkins reminded the applicant that they must get the conditional use permit prior to opening the business.

VOTE: Yay (3) Nay (0) Abstain (0)

3. APPLICATION FOR CONDITIONAL USE #CU-03-2020 filed by Fort Properties LLC, 16209 Forest Ln, Findlay for a contractor's office and related storage for Findlay Blasting Inc. to be located on Glessner Avenue.

CPC STAFF

General Information

This site is located on the west side of Glessner Avenue. It is zoned C-2 General Commercial and surrounding parcels on the north, east and south sides are also zoned C-2. To the east is zoned R-3 Single Family Small Lot. The majority of the parcel is located within the 100-year flood plain. The City of Findlay Land Use Map designates the area as Neighborhood Commercial.

Parcel History

The site was a parking lot for a former night club.

Staff Analysis

At the June 11, 2020 CPC meeting the site plan for the building was approved subject to verification of access easements for the parcel. We did receive deeds and have obtained a drawing from the County Auditor verifying that the 60' wide strip to the south of the applicant's lot is the area described for access. This is the drive going back to the storage units located west of this site.

Because a contractor's office/shop is a Conditional Use, the Commission should have voted to approve the Use as well as the site plan. Thus, we have brought the item back before the Commission today.

Planning Commission can place Conditions on the approval as they see fit when considering the use. Staff would recommend screening along the north property line between the contractor's property and the Physical Therapy/Day Spa located at 1101 W Main Cross Street. Staff suggests privacy fencing.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-03-2020 filed by Fort Properties LLC, for a contractor's office and related storage for Findlay Blasting Inc. to be located on Glessner Avenue subject to appropriate fencing along the north property line.**

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR CONDITIONAL USE #CU-03-2020 filed by Fort Properties LLC, for a contractor's office and related storage for Findlay Blasting Inc. to be located on Glessner Avenue subject to appropriate fencing along the north property line.**

DISCUSSION

Vern Strong, part owner of TLB which is located west of this property came forward. Mr. Strong asked if there would be storage of explosives on the site. Matt Cordonnier replied that the State heavily regulates this and there will be no storage here. Any explosives are delivered to the site where they are working.

Jeff Fort stated that he and his son are the owners of Fort Properties. His son owns Findlay Blasting. Their intention is to run his business out of the building. The explosives are highly regulated by ATF, so it is not the State but the Feds that control this. He cannot transport, store anything explosive. The explosive company will deliver the dynamite directly to the location that his is working. Mr. Fort also stated that the question of doing sandblasting here had come up from some people. On the company website it mentioned doing sandblasting. There was a project in Michigan where he had a project to blast a vein of pure white sand. So, he blasts for sand, not with sand. There will be no sandblasting done in the building. The building will store the drill during winter months. The office will be in one corner of the building where he can do the business and Mr. Fort said he may use it sometimes as well. He may store a car there also. There will not be noise, there will not be traffic. More traffic goes in and out of Wolfie's in an hour than will come into this in months. He would consider this a very benign, low impact use. Mr. Fort stated that placing a fence will address a couple of the concerns.

Dan DeArment asked if Mr. Fort would have any issue with a fence. He replied no. Mr. DeArment asked Matt Cordonnier if there are any regulations on the type of fence. Mr. Cordonnier replied that he feels the intent is to provide a visual buffer so a solid fence would be preferred. Another consideration could be whether the fence is simply put into the pavement or if some asphalt is removed and some landscaping installed. This will be up to the Commission's discretion along with some input from the neighbor. Mr. DeArment asked if Commercial required landscaping along a fence. Mr. Cordonnier replied that a fence is not required between two commercial uses. Brian Thomas asked for clarification on what we meant by north property line. Is it only the east/west line or to include the part that turns north along the area they will be digging out and installing a couple trees? Matt Cordonnier replied that he would like to hear the preference from the property owner to the north.

Mayor Muryn stated that she feels it is an appropriate use and is glad the issue is being addressed. Her personal preference would be to have some landscaping rather than just a fence in the middle of a parking lot as far as aesthetics go. She would like to provide some flexibility for Mr. Fort and the Boehlers to determine how to handle this.

Mark Boehler stated that he appreciates the screening that is being proposed here. The only other issue they had was that they had a lawyer look at all the deeds. He stated that the property has changed hands several times in the last few years. The deeds should have transferred the guarantee of acreage plus the rights to use the easement. Instead of saying that each deed has transferred to the new owner the acreage subject to an easement. His lawyer said it could be easily corrected if Jane Rettig would grant the current owner an easement across the current property. Judy Scrimshaw stated that she has always understood that an easement when recorded continues with the land no matter how often it changes hands. Matt Cordonnier responded that that is a civil issue that the City is not involved in and the property owners would have to deal with that.

Dan DeArment asked if they would have to get a curb cut if that easement is not there. Mr. Cordonnier replied that they would apply to the City to get their own curb cut. That could affect the location of the building. Mr. Boehler asked if that would affect the amount of screening required along Glessner. Mr. Cordonnier replied that normal screening there might be 24" high bushes. The existing arborvitae are 12' high.

Mr. Cordonnier said that he thinks what Mr. Boehler is communicating for the screening is a 6' wood privacy fence with some landscaping. The Commission can then make a condition fairly specific to the point. Ms. Scrimshaw stated that her question with the landscaping, since of course it must be on the other owner's side of the fence, is the issue with the maintenance as they might have to trespass on that property to mow or weed, etc. Mr. Boehler said he would have no issue with that. Christina Muryn's concern is that if the property changes hands, will the new owner feel the same. Matt Cordonnier stated that an option would be to set the fence back 4 or 5 feet from the property line and then install the landscaping. He does not know if this will impact Mr. Fort's maneuverability. Mr. Fort expressed that he is permitted to place a fence on the property line and if he is forced to move it back it is a taking of his land. Mr. Cordonnier stated that because it is a conditional use, the Commission can place any conditions they feel needed on the approval.

Jeff Fort came forward again and stated that before he purchased the land he went through the title company to make sure of the access. The Rettigs had all of this land in one ownership at one time. When they began to sell portions, that land became more valuable because they did record that easement on the south boundary.

Jane Rettig stated that she had some issues with Mr. Fort constructing his building 2 feet up and possibly causing more flooding for her storage units. She also stated that her attorney had informed her that she could give permission for anybody to the north to use her easement. She is under the impression that she has to give permission to Mr. Fort to use it.

Ms. Muryn replied that flooding concerns are addressed on the site plan. Engineering will do all the reviews to insure things are compliant and that her property is not negatively impacted by them. The easement is a civil matter that will be left to all of them to figure out.

Matt Cordonnier noted that the site plan has been approved. What the owner has done is balancing. They are taking dirt out of the northwest corner and using it in the construction. This means a net effect of zero of the storage capacity of the lot in regard to the flood plain. They cannot bring in any additional dirt but can only move it within the site. Erik Adkins stated that in theory it goes to the retention pond and it all has to be certified by a professional surveyor. There should be no rise to the abutting properties.

MOTION

Christina Muryn made a motion to approve **APPLICATION FOR CONDITIONAL USE #CU-03-2020 for a contractor's office and related storage for Findlay Blasting Inc. to be located on Glessner Avenue with the following condition:**

- **A minimum screen of a 6' high privacy fence be installed along the common property line between the Fort land and 1101 E Main Cross Street. (Owners may negotiate additional screening if desired)**

2nd: Dan DeArment

VOTE: Yay (3) Nay (0) Abstain (0)

4. APPLICATION FOR SITE PLAN REVIEW #SP-15-2020 filed by Hancock County Agricultural Society, 1017 E Sandusky Street for an additional 18,628 square foot stone parking lot at the County Fairgrounds.

CPC STAFF

General Information

This request is located on the south side of E Sandusky Street. It is currently zoned P-O Park and Open Space. Parcels to the south, east and west are zoned R-2 Single Family Medium Density. To the north is zoned R-1 Single Family Low Density. It is located within the 100-year flood plain. The City Land Use Plan designates the site as PRD Planned Residential Development.

Parcel History

The most recent review for the Fairgrounds property was for gravel parking in this area which was approved in March, 2020.

Staff Analysis

The applicant is proposing to add stone to a portion of a grass parking lot at the north end of the Fairgrounds property. There is currently stone parking to the south of the proposed area.

Parking lots are normally required to be paved in every zoning district except as storage area in Industrial zoning. There is a clause in the Zoning Ordinance (1161.11.1 D) that allows Planning Commission to permit the expansion of an existing gravel, rock or stone parking area after their review and subject to any conditions they may require.

The applicant's engineer has stated that the stone will still permit some of the water to infiltrate into the ground rather than the runoff from pavement. The plans indicate some existing perforated underdrains in the lot.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW APPLICATION FOR SITE PLAN REVIEW #SP-15-2020 filed by Hancock County Agricultural Society, 1017 E Sandusky Street for an additional 18,628 square foot stone parking lot at the County Fairgrounds.**

ENGINEERING

Access –

Will be from a private drive that is located within the Hancock County Fairgrounds.

Sanitary Sewer –

No sanitary sewer is proposed.

Waterline –

No water line work is proposed.

Stormwater Management –

Detention calculations have been submitted with the plans. Detention will be provided by the onsite widening of Lye Creek and other flood mitigation projects.

MS4 Requirements –

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

Recommendations:

- Approval of the Site Plan

FIRE PREVENTION

No Comment

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-15-2020 filed by Hancock County Agricultural Society, 1017 E Sandusky Street for an additional 18,628 square foot stone parking lot at the County Fairgrounds.**

DISCUSSION

None

MOTION

Dan DeArment made a motion to approve **APPLICATION FOR SITE PLAN REVIEW #SP-15-2020 filed by Hancock County Agricultural Society, 1017 E Sandusky Street for an additional 18,628 square foot stone parking lot at the County Fairgrounds.**

2nd: Christina Muryn

VOTE: Yay (3) Nay (0) Abstain (0)

5. APPLICATION FOR SITE PLAN REVIEW #SP-16-2020 filed by Nickolas Asset Management, 409 S Main Street, Findlay for 13 storage unit buildings to be located at 3640 Marathon Way.

CPC STAFF**General Information**

This request is located inside the circle created by Speedway Drive and Marathon Way. It is zoned I-1 Light Industrial. To the south and east is also zoned I-1. To the north and west is zoned C-2 General Commercial. It is not located within the 100-year flood plain. The City of Findlay Land Use Plan designates the area as Regional Commercial.

Parcel History

A Final Plat to combine this into new Lot 19 and vacate an easement was approved by FCPC in May, 2020.

Staff Analysis

The applicant is proposing 13 various sized storage unit buildings to fill out this parcel. They are shown in three phases.

Phase 7 included 5 buildings in the center area of the parcel plus a stone lot in the northeast corner of the parcel. A new access point from the west side on Speedway Drive is proposed in this phase also. Setbacks and spacing between buildings meet all requirements.

Outdoor Storage in I-1 is a Conditional Use (1161.15 M). Planning Commission must grant the Conditional Use for this portion of the site plan. The storage area may use a permeable surface only if it is enclosed and screened. We do not see any proposed fencing around the lot. The landscaping plan has trees and evergreens along the north side of this section. The plantings should continue down the east side along Marathon Way the length of the storage lot.

Phase 8 contains 6 units at the south end of the parcel and a new access from the south onto Speedway Drive. Setbacks and spacing between buildings meet all requirements.

Phase 9 is in the northwest corner of the parcel and has 2 new buildings. Setbacks and spacing between buildings meet all requirements.

All areas around the buildings are to be paved as required. The proposed landscaping is shown along the west and north sides because these portions abut C-2 General Commercial property.

Elevation drawings submitted with the plan show a height of slightly over 10' at the peak of the roofs. This is well below the maximum permitted in I-1.

Staff Recommendation

CPC Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-16-2020 for 13 storage unit buildings to be located at 3640 Marathon Way subject to the following conditions:**

- **Approval of the Conditional Use for the gravel storage area**
- **Fencing around the open storage area**
- **Landscaping extended down the east side of the lot along the open storage area**

ENGINEERING

Access –

Will be from two drives off of Speedway Drive

Sanitary Sewer –

No sanitary sewer is proposed.

Waterline –

No water line work is proposed.

Stormwater Management –

Detention calculations have been submitted with the plans. Detention will be provided by the existing regional detention facility.

MS4 Requirements –

The amount of erodible material that will be disturbed will be more than one acre so the site will be required to comply with the City of Findlay's Erosion & Sediment Control Ordinance.

Recommendations:

- Approval of the Site Plan

Permits Needed Before Construction Starts:

- Curb Cut/ Drive- 2 EA
 - 50 LF and 34 LF
- Sidewalk - 1 EA
 - 1536 LF

FIRE PREVENTION

Maintain proper access for fire apparatus throughout the complex

RECOMMENDATION

Staff recommends **approval of APPLICATION FOR SITE PLAN REVIEW #SP-16-2020 for 13 storage unit buildings to be located at 3640 Marathon Way subject to the following conditions:**

- **Approval of the Conditional Use for the gravel storage area**
- **Fencing around the open storage area**
- **Landscaping extended down the east side of the lot along the open storage area**

DISCUSSION

Shawn Garmong asked for clarification of where the screening is needed. Judy Scrimshaw commented that she believes that the entire storage area should be fenced. Normally chain link is used in industrial areas. The landscaping will follow the north and east sides of the area. Dan DeArment asked Mr. Garmong if the fencing was the intent of the owner. Mr. Garmong replied that he believes so. He did not work on this personally so he will check to be sure.

Brian Thomas asked for confirmation that the area under the power lines will also be paved. Mr. Garmong replied yes.

MOTION

Christina Muryn made a motion to **grant the Conditional Use for the gravel storage area.**

2nd: Brian Thomas

VOTE: Yay (3) Nay (0) Abstain (0)

MOTION

Christina Muryn made a motion to **approve APPLICATION FOR SITE PLAN REVIEW #SP-16-2020 filed by Nickolas Asset Management for 13 storage unit buildings to be located at 3640 Marathon Way subject to the following conditions:**

- **Installation of fencing on all four sides of the open storage area**
- **Landscaping extended down the east side of the lot along the open storage area**

2nd: Dan DeArment

VOTE: Yay (3) Nay (0) Abstain (0)

6. APPLICATION FOR CONDITIONAL USE #CU-02-2020 filed by Recovery Institute of Ohio, LLC, 1019 Pierce Street, Sandusky, OH for a short term residential treatment and recovery center to be located at 1800 Manor Hill Rd, Findlay.

HRPC**General Information**

This request is located on the west side of Manor Hill Road south of Silverstone Drive and north of Bluestone Drive. It is zoned M-2 Multiple Family. Parcels to the north and south are zoned C-2 General Commercial. To the west is zoned MH Mobile Home District and to the east is zoned CD Condominium District. It is not located within the 100 year flood plain. The City Land Use Plan designates the site as Regional Commercial

Parcel History

This building was originally constructed as a restaurant. Most recently it was rezoned Multi-Family and approved by Planning Commission to be converted to an Assisted Living Facility in 2009. The facility was remodeled, but never opened as such. In 2018, FCPC reviewed a Conditional Use filed by a company from Arizona for a longer term Treatment Facility. In recent times it seems to have been used for some type of corporate housing.

Staff Analysis

The applicants wish to purchase this property and change the use to a short-term medically assisted treatment facility for those suffering from any substance abuse disorder.

The M-2 District lists Nursing and Convalescence Homes as a Conditional Use. A Convalescence Home is defined as a place where persons are housed or lodged and furnished with meals, and medical care. Staff interprets this definition to fit the use requested.

All Conditional Uses require Planning Commission approval.

The applicants are not proposing any structural changes to the footprint of the building. They have commented on fencing in the rear of the property.

There is more than ample parking available on the site for potential staff and visitors. It was noted that patients are not permitted to drive and may only be transported by Staff.

Staff Recommendation

HRPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-02-2020 for a short term residential treatment and recovery center to be located at 1800 Manor Hill Rd, Findlay.

ENGINEERING

No Comment

FIRE PREVENTION

No Comment

STAFF RECOMMENDATION

HRPC Staff recommends approval of APPLICATION FOR CONDITIONAL USE #CU-02-2020 for a short term residential treatment and recovery center to be located at 1800 Manor Hill Rd, Findlay.

DISCUSSION

Matt Cordonnier clarified that in 2018 the Conditional Use for this property was reviewed and tabled. The applicant chose not to come back for a second meeting and the item was pulled from the agenda.

Nate Kehlmeier, CEO of Recovery Institute of Ohio, came to the podium. He has been working in clinical treatment for 11 years. Right now the problem he is having is trying to find a place for persons to go for short term residential detox. He gets calls in the middle of the night from people looking for a place to take someone. He felt he needed to find a place to open such a facility and began doing research to find a property. He found this listed, went through the building and determined that it was set up perfectly. It would be a short term, usually 7 to 10 day medical detox for those suffering from substance abuse. No mental health issues, just substance abuse. It will be fully staffed by a medical team. There will be 24 hour nurses on site. All doors will be locked and alarms on the building. There will be security cameras inside and out. There will be enough Staff in the building to make sure clients are where they need to be. Everyone will be trained in the specifics required by the Joint Commission which is the Health Care Accreditation that they have at the Recovery Institute of Ohio.

Christina Muryn stated that she understands this will be a self-pay facility. Mr. Kehlmeier said it will be commercial private facility and they will not be taking any Medicaid patients here. Ms. Muryn stated that she had reached out to other areas where they have facilities somewhat checking out them. They did not have any concerns come back from their research. Ms. Muryn stated that she heard they had conducted an open house for the neighborhood on Tuesday night. She asked if he would share any concerns that were brought up at that. Mr. Kehlmeier replied that questions were asked about what happens if patients get out the doors or windows. There is concern that they will come over to the neighborhood because they don't have cars, cell phones or money. They think they will be coming to steal because in their eyes they are criminals because they are addicts.

Mr. Kehlmeier replied that the way they will be set up is that they will have security systems that will let them know if any door is opened. All doors are locked and have to have access like a hospital does with swipe cards. He stated that there can be patients there that do not want to be there and they could leave if they wish. They will transport them back to where they came from whether it is home or to some different level of care or they can be picked up by whomever they have listed as their contact. If they don't want to do that and walk down the street, they will contact law enforcement.

Mayor asked what the typical time of a stay is for someone in this facility. Mr. Kehlmeier replied that it depends on the patient. If a person is on opiates and is only 22 years old, they detox much quicker than someone 65 or 70 years old that is alcoholic. A lot will depend on what their doctor recommends. Their medical director will recommend what will be best for that persons withdrawals. When they complete the withdrawal management, they can be transported to another level of care. Most likely will go outside the Findlay area, unless they are from Findlay and wish to continue with a local resource here. Seven to ten days is the usual timeframe. At the most it may be 14 days. Someone who is really on benzodiazepine or alcohol and having severe withdrawal, may take the two weeks, but most all will only go 7 to 10 days.

Christina Muryn asked what percentage of patients are there “non-voluntarily”. Mr. Kehlmeier replied that probably 90% are there voluntarily. Part of the admission process is an assessment to find out history on the patients. The people interviewing are trained and can determine if that person wants to be there or not prior to them getting in the door. He stated that if they don’t want to come he isn’t going to bring them there. From his experience, if the clients want to be there and you bring in one that does not want to be there, it could change the outlook of the whole community. He wants to focus on those that really want the help. Dan DeArment asked if the percentage that is not there voluntarily is court ordered or possibly family driven. Mr. Kehlmeier replied that some may have been recommended by the court to go to treatment, but they are still there voluntarily. If they decide to leave they may have consequences with the court.

Mayor Muryn asked what their service area will be. Mr. Kehlmeier replied that he wants to service the State of Ohio. He has been doing this for a while and he’s passionate about what he does. His focus is Ohio because he wants to see Ohio get better. 95% of the clients that have been in his other facility have been from Ohio.

Dan DeArment asked about his other facility. Nate Kehlmeier replied that they are the next level of care after medical detox. They have a clinical building on Pierce Street and other housing in Sandusky. The patients live in the homes and are monitored by behavioral health 24/7. The Findlay facility will be those coming in that need to get off the drugs; they are going through withdrawal. They will get medication to help them get through those 7 to 10 days so they can then step down to the next level of care which is what his other facility offers. They won’t necessarily go to Sandusky, but to a place of their choice to continue rehab.

Mayor Muryn asked what the capacity is of the facility. Mr. Kehlmeier replied that the number isn’t exact yet, but could probably be 25-30. Ms. Muryn asked how this service differs from what is already available in our community. She knows that our hospital has some medical beds. Is there a difference? Mr. Kehlmeier replied that they are a private facility and right now there is no private detox here. He will have business people and thinks this is a little nicer than going to a hospital. They will offer much of the same service when it comes to medical detox, but it will be a little more comfortable.

Carol Reed Tarney came to the podium to speak. She is a condo owner across the street. She stated that she does not dispute that substance abuse treatment centers are necessary. She does not support it in an area with almost all senior owned homes or near a gymnastic facility. She had moved to this neighborhood 20 years ago to be surrounded by people that are in the same place in life as herself. Right now the neighbors have so much emotion tied up with the COVID; they are vulnerable. She walks the street for exercise. She and others can’t handle this added stress.

Mayor Muryn asked Ms. Tarney where she thought an appropriate location would be. Ms. Tarney said there must be better places available; closer to the hospital or in a medical community atmosphere that they can put this. She stated that the patients can walk out, it is their right. Mr. DeArment said that the applicant had said they can leave, but the doors are locked and they must be escorted out. Carol Reed Tarney said that is comforting, but they are not their neighbors. No one is going to call her and tell her that someone left. Mayor Muryn stated that the Joint Commission Accreditation that they have would require them to have those protocols in place. If they are in violation, they would not receive commercial insurance reimbursement. Mr. DeArment commented again that they are locked down and they cannot just walk out the door.

Lea Ann Rose came forward. She stated that she is the mother of a recovering addict. She is an advocate for families looking for help and the addicts seeking help. She commented that she understands the concern and that we tend to fear what we don't know. Ms. Rose stated that when an addict wants to get help there is a very small window of opportunity for them to get that assistance. The first phase of that help is detox. Ms. Rose commented that during detox, it is like having the flu times 1000. They are very sick, they throw up, and sometimes they aren't sure whether to sit on the toilet or put their head over it. Sometimes they can hardly move. During that time there is medical staff there 24/7. She stated that Blanchard Valley will detox if they have the beds available. If not, they will ship them somewhere else. She would have rather had the ability to take her daughter to some place close where she could check on her, call her. She had to take her out of state because all of the ones here were full. Your natural response is to try to keep them close to support them. When she took her daughter in, she felt like she was just a number to them. She knows Nate and knows that he cares, not to make money, because he could do that in a bigger city, but he wants to help people here. Ms. Rose said she has been around this for 10 years with her daughter and with being an advocate for others and she has never known of someone in detox attacking any one. They are just too sick. Someone across the street would not have what they need or what they want. The Staff will call the police if anyone walks out the door.

Nancy Stephani, Clinical Social Worker, came forward next. Ms. Stephani stated that she had worked in Hancock County for Emergency Services for 25 years. She has literally seen thousands of substance abuse patients and never once feared for her life from an addict. They are in desperate need of help and sometimes spent days in the ER waiting to find a bed to take them that was appropriate for their needs. We could fill these beds with our relatives, our children, our neighbors and friends within a week or two. The thought that people would object to having such a wonderful facility in our community astounds her. She has seen lawyers, doctors, executives, their children and grandchildren. These are not people to be afraid of, but people that need our help. These men are offering the opportunity of that help that we so desperately need. Ms. Stephani said she commends the Planning Commission Staff for recommending approval and she certainly supports the approval of this program. Dan DeArment asked Ms. Stephani if people going through detox are violent. Ms. Stephani replied no. The only violent response she ever encountered was when someone overdosed and they gave them naran. When they come back, they sometimes react violently from that lack of oxygen. Her understanding is that for persons that have seizures with withdrawal, they will go to the hospital not this facility because they will probably not have a crash cart. The more medically fragile will be in a hospital, this is for the vast majority of detox cases.

Mr. DeArment asked if anyone knows what services the center next door to this provides. Ms. Stephani replied that they are an outpatient facility. They offer some MAT (medication assisted treatment) to counteract some of the horrible side effects of withdrawal. She doesn't believe they are JCO accredited. JCO is the gold standard of accreditation. The hospital is JCO accredited. Ms. Stephani stated that the building to the south has traffic in and out daily. This facility will not. She understands there is residential across the street. She said they have nothing to fear from this. There is a doctor's office two doors down with in and out traffic.

Mr. DeArment stated that the first speaker stated that this was inconsistent with the neighborhood, but there is a drug rehab outpatient facility currently in the neighborhood. There is also a family practice office next to that. Mr. DeArment asked how long that facility has operated there. Matt Cordonnier stated that he thinks it has been about three years in operation. It is considered a medical office from the standpoint of zoning.

Paul O'Sullivan, 10 La Plas, President of the La Plas condo association spoke next. Mr. O'Sullivan stated that he had participated in a petition circulation and he had attended the open house that was held at 1800 Manor Hill on Tuesday evening. He commented that if the Planning Commission approves the use of this property, they need to have some assurances. He expressed concerns about the doors off the rooms. He stated that the outside patios needed to be secured. He commented that he doesn't know what the requirements for egress are for codes.

Mr. O'Sullivan stated that he is concerned about the children at the dance studio next door who sometimes go outside to practice their routines. He suggested to Nick and Nate that they put a fence around the property. If this proposal does pass, he would like the issues with the doors and a fence to be addressed.

A representative with a construction company that has been working with applicants spoke about some proposed solutions to the decks. He commented that there are 22 of these on the building and they are not considered egress, but you can walk out on them. He said they have considered having them available for persons to go out and smoke but they don't want there to be access to them as any type of egress. He spoke of stainless steel screened in porches that are common in Florida. They discussed a screened in panel from the bottom deck up over the top deck with an insulated panel over the top deck. They can enclose these because the building is sprinkled and the decks are not required as access. There will be alarms and video monitoring throughout the building. There is nowhere on site except bathrooms and bedrooms that you are not on camera. That includes the exterior of the site as well. Mr. DeArment asked if there is any fencing proposed. They replied that the back is to be enclosed. Dan DeArment asked Nate what the purpose of the fence in the rear is. Nate Kehlmeier replied that it is for some privacy for clients to be able to be outside. Mr. DeArment asked if they had plans for fence up the side and Mr. Kehlmeier replied no. He stated that they are open to doing that though.

Ryan Sprout, 1900 Cobblestone, stated that he had a concern because he remembered at the open house that they said no one would be on the balconies. Mr. Kehlmeier replied that the intent of the fenced in area in the back was for smoking, etc. They want to be sure no one can leave if they balconies are used at all, so they will be enclosed and alarms installed as proposed. The enclosures, alarms, fencing, etc. are all slowdowns if any one does try to leave. They will have time to respond. Mr. Sprout commented that if he was there, he would much rather have some nature out back to look at rather than a parking lot for the "outdoor" area they will fence in. A grassy area, some nature, lowers blood pressure and is more soothing he would think.

Mr. Sprout recalled a lady at the open house on Tuesday that said she was in recovery. She had commented that she had been at facilities too rehab where people would come by and throw things over the fence to patients. He stated the he does not want that kind of traffic driving by his two young daughters.

Mr. Sprout commented that he has lost friends, a teacher, some students to drug problems. He understands that such a facility is needed. He feels it should be on the outskirts of town, with green space. He feels that for the amount of money this property is listed for, you can get a good jump on building something to fit their needs and not have so much opposition. Mr. Sprout does not feel all addicts are criminals; he has had friends in that situation, but he would be suspicious once this was here if someone was walking through or behind his yard. He doesn't hesitate to leave his doors unlocked, to let the girls play outside and all of that. If people are driving by and tossing things over fences, he is not comfortable just letting the girls go outside because they could easily make their way down their street. He is a little less than two blocks away.

Ryan Sprout said that the number of staff was questioned on Tuesday. He believes that Nate had mentioned a 2 to 1 ratio. If there are ever 30 people there, that means 60 staff. That sounds like a lot of traffic. Mr. DeArment commented that where his whole argument falls apart is that there is already something next door and that has not been a threat to his family. Mr. Sprout stated that the difference is that people will be free to drive by and toss things over. Mr. DeArment argued that he does not get that. He asked Nancy Stephani if that kind of thing is her experience with drug rehab. Ms. Stephani replied that she might be able to picture that at a residential rehab facility, but this is residential detox.

Mr. Sprout said that you don't see the traffic next door because it is an in and out shot based treatment, it's not a 7 to 10 day stint where some of your friends might find out where you are and try to do something stupid.

Nancy Stephani responded that you are talking about two different types of population. The fact that they are private insurance means you will have a different type of client there. You can have doctors, lawyers, executives and their kids which are not likely to have buddies that are going to come by and throw a bottle of booze over the wall.

Ms. Muryn stated that in her role she tries to look at the community as a whole as well as each issue. One thing she feels is important to remember when talking about addiction and recovery is that our ADAHMAS board with all the agencies working on treatment in our community have an agreement on how treatment works here and how we make sure we are working together to keep people on an affective path. She wanted to mention that that conversation has happened with Mr. Kehlmeier's group and they have agreed to sign on with that plan. She feels that addresses their credibility. She felt it worth mentioning because we had other groups come in that were opposed to signing on to that.

Ryan Sprout said that we keep talking about the "plan". We all know that plans do not always go as expected. We know that chances are slim that someone leaves the facility unescorted. But if someone does, and staff follows them until law enforcement arrives, it is not something that the neighborhood signed up for when they went into this community.

Kathy Carte, 1709 Manor Hill, stated that she has neighbors next to her that are mentally disabled. On two occasions they had people come and live with them. They talk to everyone and people convince them to allow them to stay and they eat all their food, and enjoy living for free until one of their caretakers find out and gets them out. This is a residential area with elderly. How many of you would want this in their neighborhood? The security you feel in your neighborhood and the way you feel free to walk in your neighborhood would be gone. She mentioned a girl that spoke last year that had detoxed. She had stated that she wouldn't worry about the people in there, she would worry about friends that would come by and try to pass drugs. Ms. Carte commented on the speed that cars drive on Manor Hill with a 25 mph speed limit. If you call the PD, they say we can't patrol everywhere, we don't have the manpower. She claimed this will add even more traffic. She did not buy her property to live near a fenced in treatment facility where she had to worry about who and what would be there. She called the business a money grab, run by addicts for addicts. She claimed that it takes years not 7-10 days to recover. It is not a non-profit where they do this out of the goodness of their heart.

Gary, a resident of Eastowne Estates Mobile Home Park stated that he lives behind 1800 Manor Hill. He commented that all the mobile homes that back up to this are occupied by retirees. He was concerned about the security, but if they will do what they say they will do, he believes it will be fine. He worked for 30 years in law enforcement. He asked if this is permitted and three years from now there are many complaints and issues, can it be revoked? Matt Cordonnier replied that once the use is granted it would have to be determined to be a nuisance in order to cease the operation. Another level of assurance is if their accreditation fails, private insurance will no longer pay for the patients and potentially ending the business. The City could only deal with it being determined a nuisance to possibly cease the operation. Ms. Muryn asked if the conditional use can only apply to this particular entity or can we make that a condition. If this group would leave and another tried to move in, do they need to reapply? Matt replied that generally the conditional use goes with the property. Gary asked if Treeline had ever had any issues with people walking out. Mayor Muryn stated that she did not know of any complaints related to them or any other facility in our community.

Nancy Stephani stated that if they are Joint Commission accredited there will be a site visit done and there is a period for open comments. She believes the community would be able to make comments during that time. She also stated that she believes the approval is for one, two or three years and then they do another site visit. Dan DeArment asked that if there is a security breach, could they lose accreditation. Ms. Stephani replied that it depends on how they look at the manner of the events, but she believes they could.

Kathy Carte stated that Ms. Stephani makes it appear that only the “elite” will be here. What about the average Joe in our community that needs help? Mayor Muryn commented that she made that statement in relation to the payment structure. They will not be taking Medicare or Medicaid. It will only be if you are willing to pay cash or have commercial insurance.

Jackie Rothenbuhler stated she is the manager of Capital City Athletics, 1850 Manor Hill Rd, which is directly north of this building. They teach competitive gymnastics and cheerleading as well as hosting birthday parties and gym events. She said that she obviously has many of the same concerns as have been stated. They have many Findlay City and Hancock County youth at this location. She understands the fenced area in the back, but why not the side? They have a garage door on the south side and you can look straight at 1800 Manor Hill. She feels that as someone who promotes to children how to take care of your body, she doesn't want them to be looking at people smoking on a balcony. Ms. Rothenbuhler is also concerned about other people coming in or throwing things over a fence. Her husband is in law enforcement and there is not enough manpower in any region to be here. Has the City Police department been notified about this facility coming here? She questioned how we will take care of those in our community if they also take others from outside the area. Ms. Rothenbuhler stated that she did not know about the open house even though she is right next door. Two of her staff members happened to be getting off work and saw people over there and stopped in. She thanked the applicant for giving her staff member a card. She wishes they would have come over and talked to them about their plan. She questioned who will make sure the fence is up and security installed before they can open? She wants to know that the checks and balances will be in place and that this is a benefit to our community.

Mayor Muryn replied that the security will fall in as part of the accreditation process. The fencing will be a part of the conditions placed on the property that this committee would establish. The applicant would have to have that installed before they could get their use permit.

Dan DeArment asked if they can open up as non-accredited. A representative for the applicant, Jake, stated that when Joint Commission comes, they review charts, they review policies and procedures, go through binders, they check security. You have to open and have clients in that level of care and completed charts. Mr. DeArment asked how we can prove to Ms. Rothenbuhler that these things are in place on day one and not six months later. He stated that they could give a tour, have an open house. Jackie Rothenbuhler asked if she will be notified of that because she was not the last time. He apologized for that. They received an address list from the City to be used for notification purposes and they used that for their personal mailing as well. Judy Scrimshaw replied that she discovered the change of ownership on the property in the newspaper after the first notices of this meeting went out, so she had another sent to the new address. Staff did not know that the applicants had scheduled an open house, that was done on their own.

Ms. Rothenbuhler said that she had also checked out the applicant, spoke with people she knows in Sandusky, and he does seem to be a stand-up guy. She would have thought he could have just come next door seeing that it was an athletic facility and personally introduced themselves. She stated that plans seem to keep changing. He replied that plans will be in flux as they try to appease the City, the State and Joint Commission. They want to work with everyone and do what they can for safety. He again addressed the claim that people can just come by and throw things over the fence. He stated that they come here as if they are going to a hospital. This is a place they come to get physically off the drug before they go to another facility. Their goal is to detox them so they leave clean of that substance. If they are only here for 3 to 5 days the only people that can have contact with them are their emergency contact and maybe a spouse or child that needs to talk to them. They will screen them first. Ms. Rothenbuhler also stated that their facility is not strictly for the Hancock County community but for the addiction community. She asked if there are four people wanting to come in and one is a County resident and the other three are not, how do you determine who you will take in. Jake stated that it is a voluntary admission, so they don't discriminate on any criteria. When they screen the clients, whoever is the most willing and wants to be successful in their rehab will be get in first.

MOTION

Christina Muryn made a motion to **Table APPLICATION FOR CONDITIONAL USE #CU-02-2020 for a short term residential treatment and recovery center to be located at 1800 Manor Hill Rd, Findlay to give the applicants time to address the concerns brought forth today and she would also like to get some clarification from our law director on the ability of the conditional use to transfer with the property.**

2nd: Brian Thomas

Sally Guilford, a resident of Kathryn Court, asked to speak. She wanted to state that not all of the neighbors are opposed to this. She is not. The community has a great need and she hopes that one of the Sprouts' little girls never make a wrong choice someday and heads down this destructive path. Ms. Guilford stated that she feels we have to have some faith. The security and all of that will be put in place. But things can happen anywhere at any time. Before any of this was proposed, her neighbor's condo was broken into. It doesn't matter if there is a drug rehab nearby or a church. That is just the nature of like these days. Ms. Guilford just wanted to let Nate and his group know that she is not afraid and we need to be proactive in fighting this illness in our community.

Marge Frisch, president of one of the condo association spoke next. She noted that they have a lot of seniors and handicapped people and they perceive this as something frightening. They have already been taxed by the COVID situation because they are very vulnerable. They also have the children at the gymnastics center. The people in her association take care of each other. Many are truly frightened. Many walk the area for exercise and always have. They have always felt comfortable and safe but they don't anymore. The value of their homes is also important because they may not be able to stay in them forever. That value is part of their retirement money. If they have to go to assisted living they expect to have the money from the sale of their property to help pay for that. She claimed that this facility will lower their property values. Right now this area is in demand for people wanting to downsize and not have to take care of yards. She is sure this will damage the values of the neighborhood. She wonders if anyone present would want to move there or have their mother or father move there if this goes in.

Elizabeth Sprout, 1900 Cobblestone, stated that this is unsuitable in the area with many young children and senior citizens. She worries about how she will talk to her children about something they may witness when going by. She agrees that we are in a crisis and this is needed but why here. She and her husband have lost three friends to addiction. She has also lost a student.

Ms. Sprout commented that she works with students with special needs. They are always high functioning but they have emotional disturbance, a lot of trauma. They do call emergency services, security or police. There are safety plans for each child as well as lesson plans that she writes. Sometimes they call the police but they say they cannot do anything and they have a child walking. She feels like there will be a facility down the street where if a client does not want to comply, she is afraid of what that will look like. She stated concerns about who may be entering their neighborhood to visit or try to get things to patients.

Matt Cordonnier asked for clarification on the number of Staff on site. Mr. Kehlmeier replied that they won't have 30 patients right away. So Staff numbers will vary depending on the admissions.

Mayor Muryn asked Mr. Cordonnier to explain the table process. Matt explained that the item will be carried over on the agenda and must be removed from the table by one of the commission members in order to discuss again. It can stay tabled for as long as they wish to do so. He suspects this will come around for next month's meeting. He asked for some guidance from the Commission on what they want to have brought forth in order to take it off the table next month. Ms. Muryn stated that she wants that legal clarification and some answers to the concerns raised today from the applicants. We want to work through what kind of conditions and specifications they would require to be in place prior to opening the facility. Mr. Cordonnier said that he would like a revised plan from the applicants after hearing the concerns from the neighborhood.

VOTE: Yay (3) Nay (0) Abstain (0)

ADJOURNMENT

Christina Muryn
Mayor

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