

MINUTES

CITY PLANNING COMMISSION

Thursday, November 13, 2008

Municipal Building Conference Room

MEMBERS PRESENT: Mayor Sehnert
Bruce Hardy
Joe Opperman
Thom Hershey
Tom Joseph

STAFF ATTENDING: Matt Carpenter, Assistant Chief Engineer.
Bill Homka, HRPC Director
Judy Scrimshaw, HRPC Staff
Dave Hackenberg, Law Director
Jim Holmes, Fire Prevention

GUESTS: 5

CALL TO ORDER

ROLL CALL

The following members were present:

Mayor Pete Sehnert
Bruce Hardy, Service Director
Joe Opperman
Thom Hershey
Tom Joseph

SWEARING IN

All those planning to give testimony were sworn in by the Clerk.

APPROVAL OF MINUTES

Thom Hershey moved to approve the minutes of the October 9, 2008 meeting. Joe Opperman seconded the motion. Motion carried 5-0.

NOTE

*Before the regular City Planning Commission meeting, there was a meeting between the three Commission members and their attorney to discuss pending litigation. This meeting had nothing to do with any items on the 11-13-08 agenda.

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NEW ITEMS

HRPC

- 1. SITE PLAN APPLICATION #7534-SP filed by Danmark Properties Inc. for proposed Arby's Restaurant with drive thru to be located at 536 Trenton Avenue.**

General Information

The site is located on the northeast corner of Trenton Avenue and Bolton Street. It is zoned B-2 General Business. Parcels to the west, east and south are also zoned B-2 General Business. To the north is zoned C-Residential with the Trenton Avenue Overlay. It is not located in a flood plain. The 2007 City Land Use Plan designates the area as Regional Commercial.

Parcel History

The existing building on this site was most recently the site of the Dog House Bar and Grill and a carryout. This was formerly Enck's Restaurant and Bar and carryout.

Staff Analysis

The applicant is proposing to demolish the existing structure and construct a new 3,016 square foot Arby's Restaurant with a drive thru window. The drive-thru component of the plan requires the approval of the planning commission as a conditional use.

The front yard setback in the B-2 District is 30 feet. Because the site has three (3) road frontages, a 30' setback is required on the Bolton Street, Madison Avenue and Trenton Avenue sides of the lot. The building sets well within the setbacks. A minimum 10' setback is required for parking on all sides of the building. This is in compliance also.

The parking based on one space per 100 square feet of floor area sets a minimum of 30 spaces for the 3,016 square foot building. The plans provide 42 parking spaces. The applicant shows appropriate sidewalk construction along all sides of the project.

Directional signs are shown at both access points and a free standing sign is proposed on the corner of Bolton and Trenton. It is shown as complying with the 10' setback requirement from the right of way. A screening fence is shown along the north side of the lot. It appears that the existing mobile homes here are encroaching on the applicant's property. This is a civil matter between the property owners although Staff would prefer to see them moved.

The site plan shows two (2) access points. The access on Bolton Street is located close to the west end of the lot. It is somewhat in line with an access to the car wash across the street. The existing site is open along this side of the existing building and cars were able

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to pull in at any point to park along the building and then back out onto Bolton Street. The street is not improved with curbs and gutter and the addition of some curbing around the parking lot and only one point of entry will be a major improvement to the existing situation. The second access is on the Trenton Avenue side of the site. It is near the north end of the lot and aligns with the driveway into the Swifty gas station across the street. There are currently two (2) curb cuts onto Trenton Avenue so this plan is eliminating one access point here. There is a center left turn lane on Trenton Avenue for westbound traffic to be able to pull into so they don't impede the flow of through traffic. While it would probably be better from a planning standpoint to eliminate access to Trenton altogether, the situation is improved with this layout. Only permitting one access point to the site could create some onsite difficulties in traffic flow particularly relating to the drive-thru aspect of the project.

ENGINEERING

Access – The applicant is proposing to reconstruct an existing access point to Trenton Avenue and to replace an access point on Madison Avenue with an access point on Bolton Street.

Water – The applicant is proposing to utilize an existing ¾" service line that is connected to a 6" water main on Madison. If the applicant requires a larger service line, a tap permit must be obtained from the Engineering Department. If the applicant is required to install sprinklers for fire suppression, a separate fire line and domestic service line must be installed.

Sanitary Sewer – The applicant is proposing to tap an existing 10" sanitary sewer on Madison. The existing sanitary lateral for the current building is connected to a sewer on Trenton Avenue and could be re-used if the applicant wishes. If the applicant plans to connect to the sewer in Madison, the existing lateral must be abandoned per the specifications of the City Engineer.

Stormwater Management – The applicant is proposing to install an underground detention basin on the eastern side of the site. The calculations have been reviewed and appear accurate. There are currently several mobile home trailers shown encroaching on the subject property. One of the trailers is shown in conflict with the proposed detention system. Further clarification is necessary to determine what the applicant intends to do about the encroachments. If the detention facilities will be relocated, a revised plan must be submitted.

Sidewalks – Sidewalks currently exist along Trenton Avenue and Madison Avenue, but not along Bolton Street. The applicant has shown proposed sidewalks along Bolton as required.

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FIRE PREVENTION

No concerns

STAFF RECOMMENDATION

Staff recommends approval of the site plan for the Arby's Restaurant subject to the following:

1. Separate fire and domestic water services be installed, if necessary. (ENG)
2. Resolution of the existing encroachments with the mobile home park. (ENG)

ACTION

Tom Joseph moved to approve conditional use of the drive-thru. Thom Hershey seconded the motion. Following is the roll call vote: Mr. Joseph, aye; Mr. Hershey, aye; Mr. Opperman, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

Tom Joseph moved to approve Site Plan #7534-SP with the following conditions:

1. Separate fire and domestic water services be installed, if necessary. (ENG)
2. Resolution of the existing encroachments with the mobile home park. (ENG)
3. Waterline and sanitary sewer connection locations to be approved by Chief Engineer.
4. Install conduit from building to pole on Madison Avenue.
5. Screening-fence as shown on east side to continue to north side.

Thom Hershey seconded the motion. Following is the roll call vote: Mr. Joseph, aye; Mr. Hershey, aye; Mr. Opperman, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

2. SITE PLAN APPLICATION #7535-SP filed by Clifton Baxter for a pole barn for storage to be located at 1415 E. Sandusky Street.

General Information

This request is located on the south side of E. Sandusky Street. It is currently zoned B-Residential. (An accompanying request is on the agenda to rezone this parcel to C-Residential) To the west is zoned PUD (Planned Unit Development) and to the north, east and south is zoned A-Residential. It appears that the front portion of the parcel is outside the flood plain and that the rear portion is in a flood plain. The City Land Use Plan designates the site as Office.

Parcel History

According to Zoning Department records this site has been used as firewood storage and parking of vehicles related to a landscaping/tree service. Starting in 2005, complaints were filed by neighbors on Flintlock Court regarding haphazard wood piles near their properties. Investigations were made by the Zoning Department in regard to the wood and parking of various trucks, trailers and wood chippers on the lot.

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Staff Analysis

Applicant has a companion request on the agenda to rezone this parcel to C-Residential in order to operate an office for his landscaping business on the site.

The applicant wishes to construct a 68' x 78' pole barn near the center of the lot to store equipment and tools related to the business. The current code states that offices for "contractors, electricians, plumbers, exterminators and other similar service providers who do not require on-site outdoor storage of vehicles and other material relative to the operation" are permitted.

The building is being considered a "primary" structure in relation to the business. Setbacks are only 5' on a side yard and the building is shown to be 12' from the west property line and approximately 63.99' from the east side. The maximum height at the peak is shown as 26 feet. This is under the 30' height limitation in the C-Residential District.

There is no landscaping or fencing shown on the plan. Due to the large size of the building, Staff recommends that some landscape screening or privacy fencing be required to soften the new building's relationship with the neighboring residences.

ENGINEERING

The Engineering Department has no concerns with this application provided that the applicant is not planning to install water or sewer service to the proposed storage barn. If additional utility service is requested, separate connections to the public utilities will be required. Recommendation: Approval of the site plan.

FIRE PREVENTION

No concerns

STAFF RECOMMENDATION

Staff recommends approval of the site plan subject to:

1. Approval of the rezoning to permit the business (HRPC)
2. Appropriate screening as determined by the Planning Commission (HRPC)

ACTION

Thom Hershey moved to table Site Plan #7535-SP until City Council makes a decision on the zone change. Joe Opperman seconded the motion. Following is the roll call vote: Mr. Hershey, aye; Mr. Opperman, aye; Mr. Joseph, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

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3. PRELIMINARY PLAT APPLICATION #7536-PP filed by Southeast Land Development for Sturbridge Colony.

General Information

This subdivision is located in Marion Township on the west side of CR 237 just north of SR 568. It is zoned PUD (Planned Unit Development) in the Township. Land to the north is PUD in the City of Findlay, to the west and south is R-1 Single Family in the Township and to the east is A-1 Agriculture. A large portion of the development is in the 100 year flood plain. The City of Findlay Land Use Plan designates the area as PRD (Planned Residential Development).

Parcel History

The original Preliminary Plat of Sturbridge Colony was approved by FCPC in June, 2005. This version included the extended care facility (Primrose). The applicant never acted on that version of the plat and sold land to Findlay Retirement, LLC who then developed the retirement community.

Another version of the subdivision was reviewed and approved by FCPC on June 14, 2007. This was for approximately 72 single family dwelling units and one condominium lot with a potential 26 additional units. The Final Plat of this version was approved with conditions by FCPC on October 11, 2007 but never developed.

HRPC reviewed this new version of the Preliminary Plat of Sturbridge Colony at its October 14, 2008 meeting and approved it with conditions.

Staff Analysis

The density has been greatly reduced in this version. The last version had 72 single family lots and one condominium lot with 26 units. The current plan has only 21 Single Family Lots and one condo lot. The condominium lot has been moved to the north end of the subdivision abutting the Primrose development.

Templeton Drive dead ends at the west property line of the plat. Staff recommends that a temporary cul-de-sac be provided here.

The plat is divided into four (4) phases; however it is difficult to delineate the phase lines on the drawing.

Discussion was held at the HRPC meeting in regard to Sturbridge Blvd. and Templeton Drive. The Commission felt that this could be one street name.

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ENGINEERING

Access – The applicant is proposing to construct a subdivision with a single point of access to TR 237. The applicant is proposing to dedicate a 20' half right-of-way along TR 237. Per the County Thoroughfare Plan, a 40' half right-of-way should be dedicated.

Water – The applicant is proposing to extend an existing waterline along TR 237 to serve the subdivision. It appears that the waterline is proposed to be extended to the far property lines and that the applicant is planning to loop the waterline from the proposed cul-de-sac through the Villa lot. The waterline along TR 237 appears to be located outside the public right-of-way. As such, an exclusive waterline easement must be provided to the City of Findlay.

Sanitary Sewer – The applicant is proposing to extend an existing sanitary sewer along TR 237 to serve the subdivision. There is sufficient capacity to service the proposed lots shown and some additional villa development on the site. The number of total units in the subdivision will be limited to 70, based upon previous approval by the Findlay City Council for sanitary sewer capacity reasons. The sanitary sewer along TR 237 appears to be located outside the public right-of-way. As such, an exclusive sanitary sewer easement must be provided to the City of Findlay.

Stormwater Management – The stormwater management facilities will be reviewed by the Hancock County Engineer, as the property is not located within the City of Findlay.

Sidewalks – Sidewalks do not currently exist along TR 237. The site directly to the north was required to install sidewalks along TR 237. As such, the applicant should install sidewalks along the entire frontage along TR 237. In addition, sidewalks along Sturbridge Boulevard will be required during the subdivision construction.

Recommendation: Approval of the preliminary plat, contingent upon the following:

FIRE PREVENTION

Hydrant location must be approved by Findlay Engineering and Fire Dept.

STAFF RECOMMENDATION

Staff recommends approval of the Preliminary Plat of Sturbridge Colony subject to the following:

1. Provision of a temporary cul-de-sac at the west end of Templeton Drive (HRPC)
2. Better delineation of the phasing of the development (HRPC)
3. Renaming Templeton Drive/Sturbridge Blvd. as one name (HRPC)
4. Dedication of a 40' half right-of-way along TR 237. (ENG)

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5. Waterline to be looped through the Villa lot when construction of said lot is completed. (ENG)
6. Sanitary sewer capacity to be restricted to a maximum of 70 units total. (ENG)
7. Easements for sanitary sewer and waterline to be recorded and copies provided to the City Engineering Department. (ENG)
8. Approval of the stormwater management facilities by the Hancock County Engineer. (ENG)
9. Sidewalks shall be constructed along TR 237 and Sturbridge Boulevard. (ENG)

ACTION

Tom Joseph moved to approve #7536-PP with the following nine (9) conditions:

1. Provision of a temporary cul-de-sac at the west end of Templeton Drive (HRPC)
2. Better delineation of the phasing of the development (HRPC)
3. Renaming Templeton Drive/Sturbridge Blvd. as one name (HRPC)
4. Dedication of a 40' half right-of-way along TR 237. (ENG)
5. Waterline to be looped through the Villa lot when construction of said lot is completed. (ENG)
6. Sanitary sewer capacity to be restricted to a maximum of 70 units total. (ENG)
7. Easements for sanitary sewer and waterline to be recorded and copies provided to the City Engineering Department. (ENG)
8. Approval of the stormwater management facilities by the Hancock County Engineer. (ENG)
9. Sidewalks shall be constructed along TR 237 and Sturbridge Boulevard. (ENG)

Thom Hershey seconded the motion. Following is the roll call vote: Mr. Joseph, aye; Mr. Hershey, aye; Mr. Opperman, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

4. PRELIMINARY PLAT APPLICATION #7537-PP filed by A. Schulman, Inc. for proposed Invision Place

General Information

The proposed subdivision is located on the south side of CR 212 in Section 4 of Marion Township between the Best Buy Distribution Center and Cardinal Health. It is zoned M-1 Restricted Industrial in the Township. Land to the east, west and south of the proposed subdivision is zoned I-1 Light Industrial in the City of Findlay. Across CR 212 to the north is zoned A-1 Agriculture in Cass Township. It is not located in a flood plain. The City of Findlay Land Use Plan designates the land as Industrial.

Parcel History

The land is currently a single lot with a private street. There is an existing industrial building on the site that was approved by FCPC in June, 2006. A site plan for a second

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building to the south was approved in October, 2007 and was never built. The company has now decided not to open its facility in Findlay.

A request for annexation of the parcel was filed and approved by the County Commissioners and the paperwork has just been received by the City Auditor.

Staff Analysis

This request is for an industrial plat containing 5 lots and an existing cul-de-sac street. Invision Drive is currently a private street but will be dedicated as public right-of-way in this plat. Additional right-of-way has been set aside from the cul-de-sac to the south property line to allow for a future connection into the Tall Timbers Subdivision.

Lot 4 has the existing A Schulman building located on it and Lots 1, 2, 3, and 5 are vacant. Marion Township has a minimum lot size of 2 acres and 200' of road frontage in its zoning resolution. All lots are above this minimum requirement. Lot 1 has frontage on Invision Drive and CR 212. This lot will only be permitted to use Invision Drive as access.

ENGINEERING

Access – The applicant is proposing to extend Invision Drive to the far south property line, in order to facilitate a future roadway connection to the Tall Timber Industrial Park. The 5 lots shown will access Invision Drive directly. A restriction should be posted that prohibits Lot #1 from accessing CR 212 directly.

Water – All 5 lots of the subdivision can be adequately served from an existing 20" waterline located on the west side of Invision Drive.

Sanitary Sewer – The applicant is proposing to extend an existing 8" sanitary sewer to service the subdivision. Easements are shown over the public portions of sanitary sewer.

Stormwater Management – The existing detention basin has been sized to handle the flow from the roadway and from lots 4 and 5. As such, lots 1 through 3 will require separate detention facilities or an expansion of the existing basin. Calculations will be reviewed during site plan review for each lot.

Sidewalks – Sidewalks are not required in an Industrial Park.

FIRE PREVENTION

No concerns

STAFF RECOMMENDATION

Staff recommends approval of the Preliminary Plat of Invision Place subject to the following:

1. Restriction prohibiting Lot #1 from accessing CR 212 directly.(ENG)
2. Stormwater detention facilities must be updated accordingly. (ENG)

ACTION

Thom Hershey moved to approve #7537-PP with the following two (2) conditions:

1. Restriction prohibiting Lot #1 from accessing CR 212 directly.(ENG)
2. Stormwater detention facilities must be updated accordingly. (ENG)

Joe Opperman seconded the motion. Following is the roll call vote: Mr. Hershey, aye; Mr. Opperman, aye; Mr. Joseph, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

5. PETITION FOR ZONING AMENDMENT filed by Clifton Baxter to change the zoning district on 1415 E. Sandusky Street from B-Residential to C-Residential.

General Information

This request is located on the south side of E. Sandusky Street. It is zoned B-Residential. Land to the west is zoned PUD (Planned Unit Development) and to the north, east and south is zoned A-Residential. It appears that the front portion of the parcel is outside the 100 year flood plain and that the rear portion is in the 100 year flood plain. The City Land Use Plan designates the site as Office.

Parcel History

According to Zoning Department records, this site has been used as the office for a landscaping/tree service business. Vehicles, wood, and equipment related to the business have been parked on the property. Starting in 2005, complaints were filed by neighbors on Flintlock Court regarding haphazard wood piles near their properties. Investigations were made by the Zoning Department in regard to the wood and parking of various trucks, trailers and wood chippers, etc. on the property. The owner was cited and has since removed his business sign, cleaned up the area and moved equipment to another location while he awaits a decision on his rezoning and site plan on today's agenda.

Staff Analysis

Applicant has a companion request on today's agenda to construct a pole barn on the property to store all his equipment.

The C-Residential district of the City's Code (Chapter 1149.01 Uses) permits "Offices....for the following professional occupations:.....contractors, electricians, plumbers, exterminators and other similar service providers who do not require on-site outdoor storage of vehicles and other materials relative to the operation."

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The dentist office building to the west of the property is part of a PUD designated for office use. Because PUD's are no longer in the City Code, this cannot be amended to extend onto Mr. Baxter's property. The Land Use Plan as mentioned earlier does designate the lot as future office. Until the new City Zoning Ordinance is completed and adopted, we do not have such a district. The C-Residential district is the closest thing we have now. The future Office category may not support this particular type of use and the business would become an existing non-conforming use at that time.

Staff has received copies of letters from abutting property owners who are in support of Mr. Baxter's efforts to clean up the property and also appear to be in support of him being able to continue his business here as long as he can store his equipment, etc. out of sight.

ENGINEERING

The Engineering Department has no comments on this application.

FIRE PREVENTION

No concerns

STAFF RECOMMENDATION

Staff recommends that FCPC recommend approval of the rezoning request to Findlay City Council subject to the Commission's approval of the accompanying building site plan and any screening requirements. (HRPC)

ACTION

Thom Hershey moved to recommend denial of the Zoning change. Tom Joseph seconded the motion. Tom Joseph seconded the motion. Following is the roll call vote: Mr. Hershey, aye; Mr. Joseph, aye; Mr. Opperman, aye; Mr. Hardy, aye; Mayor Sehnert, aye. Motion carried 5-0.

Pete Sehnert
Mayor

Bruce Hardy
Service Director

