

MINUTES

CITY PLANNING COMMISSION

Thursday, December 11, 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: 7

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 November 13, 2008 meeting. Joe Opperman seconded the motion. Motion carried 5-0.

**CITY PLANNING COMMISSION MINUTES
NOVEMBER 13, 2008
PAGE 2**

NEW ITEMS

HRPC

1. **ALLEY VACATION PETITION filed to vacate the first north/south alley east of Washington Avenue running north from 3rd Street to the first east/west alley.**

General Information

The alley in this request is located off the north side of 3rd Street. It is the first north/south alley east of Washington Avenue.

Parcel History

None

Staff Analysis

The application is signed by all of the five abutting property owners.

This is an improved alley right of way. It appears that two of the property owners use it as access to park vehicles in the rear of their lots but is not the sole access to their properties.

ENGINEERING

The Engineering Department has no objection to the proposed alley vacation. However, there is a private sanitary sewer lateral located in the alley that serves both 1123 and 1125 Washington Avenue. The Engineering Department recommends that the commission require an easement to be recorded so that the property owners of 1123 and 1125 Washington are protected in the future should they need to repair the lateral.

FIRE PREVENTION

No comment.

STAFF RECOMMENDATION

Staff recommends approval of the site plan, contingent upon the following:

1. Record a sanitary sewer easement that protects the rights of 1123 and 1125 Washington Avenue. (ENG)

ACTION

Tom Joseph moved to deny the request because it was a request to only vacate a portion of the alley, which the Commission is not in favor of. Thom Hershey seconded the motion. Following is the roll call vote: Mr. Joseph, aye; Mr. Hershey, aye; Mr. Opperman, aye; Mr. Hardy, nay; Mayor Sehnert, aye. Motion carried 4-1.

**CITY PLANNING COMMISSION MINUTES
DECEMBER 11, 2008
PAGE 3**

2. SPECIAL REVIEW APPLICATION #7681-SR filed by Hancock Leasing Corporation for a proposed landscaping business to be located at 325 Emma Street.

General Information

The site is located on the east side of Emma Street. It is zoned B-4 Expressway Service. To the north and east is the Interstate 75/ State Rt. 12 interchange, to the west is zoned B-4 Expressway Service and I-1 Light Industrial. To the south is zoned I-1 Light Industrial. It is not within the 100 year floodplain. The City Land Use Plan designates the land as Neighborhood Commercial.

Parcel History

This was formerly the site of a truck stop, fueling station, and restaurant.

Staff Analysis

The applicant is proposing to locate a landscaping business on this abandoned truck stop site. The B-4 Expressway Service District is intended to serve the needs of automobile highway traffic at interchanges with such uses permitted as auto service stations, bus stations, restaurants, motels, shopping centers. City Planning Commission has the right to approve other uses if they wish. However, the code states that they “shall find that the use will primarily serve the needs of automobile highway traffic.”

If the Planning Commission strictly adheres to the language in the zoning code, the use cannot be considered appropriate for this site. There have been conflicts in the past over uses that wanted to locate in this district but could not meet the letter of the code as written. In 2004, Planned Shopping Center Developments were added as a permitted use and in 2005 auto sales and showrooms were added as a conditional use. It appears that the uses listed in B-4 are generally permitted in the B-2 General Business District. The differences can be found in the setbacks and permitted building heights. HRPC Staff notes that the Expressway Service District is not proposed in the City’s new code when complete.

The City’s Land Use Plan calls for this area along I-75 and SR 12 to be Neighborhood Commercial. There is a wide array of lot shapes and sizes in the area and big box retail and strip shopping would definitely not fit in this setting.

While the outdoor storage of landscaping materials and stone are not permitted in the existing business categories, if proper screening is required by FCPC, this could possibly be given conditional use status in the local business category. There is no real residential concentration near the site. There is a motel and AEP site to the west, the Interstate to the east separates it from an apartment complex and there is an industrial site directly south across Sandusky Street.

CITY PLANNING COMMISSION MINUTES
DECEMBER 11, 2008
PAGE 4

It should be noted also, that this is a potential Brownfield site. Due to the nature of the former use there may be contamination and a Phase I analysis should be done. This may hamper the development of the site.

Staff Recommendation

HRPC Staff recommends that FCPC consider conditional use status for the business. A formal site plan will have to be submitted at another meeting.

ACTION

Bob Parker Sr. gave a presentation to the Commission members and Staff explaining the type of business intended for the site. He explained that the intent is to use the existing building and to clean up the site and make it a very nice addition to the City of Findlay.

Joe Opperman moved to recommend approval of the Special Review. Thom Hershey seconded the motion.

Discussion followed and Mr. Hershey withdrew his second. Mr. Opperman then withdrew his motion. The Law Director advised the Commission that there needed to be a motion of support at this point instead of approval. The applicants will then need to come back with a site plan to approval.

Tom Joseph moved to give a motion of support and recommend going ahead with the site plan. Also stating that this is an appropriate use for B-4 for the time being for this site and Administrative Approval of the site plan would be appropriate. 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.

Pete Sehnert
Mayor

Bruce Hardy
Service Director

