

PLANNING AND ZONING COMMITTEE

NOVEMBER 14, 2017

The meeting was called to order at 5:01 p.m. by Chairman Tim McCarthy. Committee members present were Tim McCarthy, Jonathan Smith and Becky Williams. Also present were Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CITIZENS' CONCERNS

Tom and Diana Friess, 311 West Indiana Avenue, asked why the Code was changed to regulate the size of accessory structures based on the size of the lot as opposed to the size of the main structure. Mr. Walters reviewed the history of the change explaining that the Code was changed to permit accessory structures to be up to 5% of the size of the lot. He added that the Code was most recently amended to allow residents to go to the Board of Zoning Appeals to request approval for up to an additional 3% of the size of the lot.

Mr. Friess asked if existing structures could be grandfathered because if his garage were destroyed, he would not be able to rebuild it. Mr. McCarthy explained that the purpose of the Code is to bring properties into compliance, so normally it is not good practice to grandfather non-conforming structures or uses. Mr. Walters explained that the Planning Commission was not comfortable in changing the permitted percentage to 8%, so he is not sure that referring this issue back to the Planning Commission would be productive at this time. The Committee did not choose to refer this issue to the Planning Commission.

Mr. McCarthy asked if the Friesses could go to the Planning Commission and try to persuade them to take up the Code Amendment. Mr. Walters said that it could be handled under Other Business at the Planning Commission meeting.

GYM AND FITNESS FACILITIES CODE AMENDMENT

Mr. Walters stated that a public hearing was held before City Council earlier in the month regarding a proposal to permit gyms and fitness facilities in I2 (General Industrial) zoning districts. The applicant for this request is Susan Rees, who was present at the meeting. Ms. Rees opened a CrossFit location in Perrysburg in an I2 zoning district back in May, not knowing that it was not permitted. The Planning Commission was not comfortable allowing these facilities as a permitted use, but they recommended that Gym and Fitness Facilities, both above and below 5,000 square feet, be allowed with a Special Approval Use approval in I2 districts.

Mr. McCarthy asked Ms. Rees if there have been any vehicular or pedestrian conflicts or problems in the industrially zoned area since she opened. Ms. Rees said that there have been no issues and there are no semis or loading docks in this area, it is just warehouse space. Mr. McCarthy asked about parking, and Ms. Rees said that her customers park in front of the business. She said that her business is only open 5 a.m. to 9 a.m. and then it reopens later in the afternoon and in the evening. Ms. Williams

asked if there are any kids' classes at her business, and Ms. Rees said there are none at this time.

Mr. McCarthy and Ms. Williams said that they could support this proposed amendment. Mr. Smith agreed and added that he understands why the Planning Commission recommended the Special Approval Use instead of making it a permitted use. The Committee agreed 3-0 to recommend approval of the proposed Code Amendment as revised by the Planning Commission to allow Gyms and Fitness Facilities greater than and less than 5,000 square feet in I2 (General Industrial) districts with a Special Approval Use.

TEMPORARY SIGN CODE AMENDMENT

Ms. Henderson distributed revisions made to the Planning and Zoning Code regarding temporary signs. She said that this is part of the settlement regarding the temporary injunction. She added that the codifier requires the blessing of the legislative body before the changes are made to the Code. Mr. Walters said that during the process there were some other issues that were recognized, but those changes will be brought back at a later date. Mr. McCarthy said that the principal change appears to be to eliminate time limits, and Ms. Henderson agreed. The Committee agreed 3-0 to recommend approval of the changes. This ordinance will be on the agenda for the first City Council meeting in December.

PROPERTY MAINTENANCE/CIVIL INFRACTION

Ms. Henderson distributed copies of proposed revisions to Sections 1446.06 and 1446.07 of the Code, which are the City's property maintenance ordinances. She said that the City Prosecutor has recommended eliminating the element that property values are diminished from the property maintenance section. Mr. McCarthy commented that City Prosecutor Marty Aubry has stated that this element is not needed to have a valid ordinance and is not included in similar property maintenance ordinances in several other communities. This change would relieve the Prosecutor from paying for appraisals and real estate experts because property values would no longer be a factor. Ms. Henderson said with the City's property maintenance code, the City's goal is to bring properties into compliance, not make money or get a conviction. The Committee agreed 3-0 to recommend approval of the Code amendment.

Ms. Henderson reported that she is still working on the language to change violations of the Planning and Zoning Code to civil infractions, and it should be ready by the end of the year or early next year.

2018 BUDGET

The Committee reviewed the proposed 2018 Planning and Zoning budget. Mr. McCarthy asked about the increase in clerical salaries. Mr. Walters explained that previously Planning and Zoning only paid half the salary of the clerk because of a job sharing situation, but that is no longer the case. He said that with that change and filling the Zoning Inspector position, there is a trickledown effect with the other salary related line items.

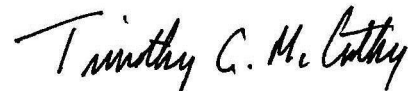
Ms. Williams said the contracts line item decreased quite a bit. Mr. Walters explained that he had planned on doing an update to the Land Use Plan, but an opportunity came up to participate in a project called the Tipping Point Planner. This will lay the groundwork for doing the Land Use Plan and there are no fees for the City. Mr. Walters explained the worksheet he had distributed to the Committee that shows all expenses for the Planning and Zoning Division for the first eleven months of the year. Mr. McCarthy thanked him and said that it is especially helpful when looking at the Other Expense line item. There was a brief discussion about inspection fees, and Mr. Walters explained that this expenditure line item is a pass through account because the City pays the fees, but they are then billed to the developer.

OTHER BUSINESS

The Committee discussed the timeline for several issues that will be discussed at upcoming meetings. The date of the next committee meeting was changed to Monday, December 18, 2017 at 5:30 p.m.

There being no further business, the meeting adjourned at 5:49 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairman
Planning and Zoning Committee

Next meeting: Monday, December 18, 2017 at 5:30 p.m., which is a change from the regular date.