

PLANNING AND ZONING COMMITTEE

JUNE 21, 2017

The meeting was called to order at 5:30 p.m. by Chairman Tim McCarthy. Committee members present were: Tim McCarthy, Jonathan Smith and Becky Williams. Also present were Bridgette Kabat, City Administrator, Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

REZONING – ROACHTON ROAD – ADDY/SHEEKS

Mr. Walters explained that this is a request to rezone approximately 3.46 acres immediately west of the CSX tracks on Roachton Road between Fort Meigs and Hull Prairie Roads from R4 (Single Family Residential) to I1 (Light Industrial). The applicants for this request are Dale Sheeks and Pam Addy. Mr. Walters said that he recommended against the request, and the Planning Commission also recommended against the rezoning by a 6-0 vote. This request was the subject of a public hearing on June 6, 2017. Mr. Walters added that the request does not fit with the Comprehensive Plan. The Committee agreed 3-0 to recommend denial of the rezoning request, noting the proximity of this property to the new school and that it does not fit with the Comprehensive Plan.

ASSIGNMENT OF PERMANENT ZONING – HEMINGER ANNEXATION

Mr. Walters stated that the Heminger Annexation included six parcels that comprise approximately .36 acres of land that were recently annexed into the City. The parcels were purchased by AAA and are part of the property on which they propose building a new auto service center. They are requesting the assignment of C4 (Highway Commercial) zoning for the property. All adjacent properties that are in the City are zoned C4, and Mr. Walters said the C4 zoning would be reasonable, consistent, and in line with the owner's request. The Committee agreed 3-0 to recommend the assignment of C4 (Highway Commercial) zoning for these parcels.

REZONING – 28001 WEST RIVER ROAD – BIHN/OHIO HISTORY CONNECTION

Mr. McCarthy reported that the City received a letter from the Ohio History Connection that addresses some concerns expressed by neighboring property owners regarding the request to rezone the property at 28001 West River Road from R2 (Single Family) to INS (Institutional Use). In the letter, Fred Smith, Manager of Architectural Services for the Ohio History Connection, states that they would like to combine this parcel along with the parcel that Fort Meigs is on and include it in the Historic District. Mr. Walters stated that doing a lot combination would not be possible because the parcels are separated by a public road. He said that they could do a deed restriction or land hook. Ms. Williams asked, if the property is to be included in the Historic District, would the applicant have to pursue it. Mr. Walters said that he would have to research it, but he thinks the City can do it. Mr. McCarthy stated that the letter states that while they have

no comment about impacts on property values, they would have little vehicle movement on the property, and, if remains were discovered, they would bring in an archaeologist. Ms. Williams said that she was undecided about this request, but with the assurances from the Ohio History Connection, and, if it can be added to the Historic District, she could support the change. Mr. Smith asked if the Historic Overlay could just be extended to include this property. Mr. Walters said that he believes it is more of a process since the Historic District is identified by legal description in the Code.

Mr. Smith asked about rezoning it to Park instead of INS. Mr. Walters read the definition of Parks from the Code and said that this use would be private, and, although it may not be impossible to accommodate the use, he thinks it would be a better fit for Institutional zoning. Mr. McCarthy asked that Mr. Walters give the Park versus Institutional zoning issue some more thought and send out an email to the Committee, if there was any change in his recommendation. If the Park zoning does not fit, as long as the Ohio History Connection is attentive to any remains and they add the property to the Historic District, the Committee agreed 3-0 to recommend approval of the rezoning request from R2 (Single Family Residential) to INS (Institutional).

CORRECTION TO ORDINANCES 3-2015 AND 27-2016

Mr. Walters explained that Ordinance 39-2015 was approved and allowed height variances up to 50% through the Board of Zoning Appeals. When Ordinance 27-2016 was subsequently approved in 2016, the Staff Report that was used as an attachment to the ordinance did not have the updated language from Ordinance 39-2015 in it. Therefore, when the codifier was updating our code, Ordinance 27-2016 with the old language overrode Ordinance 39-2015. Mr. Walters requested that the language from Ordinance 39-2015 be reapproved and he added that, in the future, Staff Reports should probably not be used as exhibits on the ordinances. The Committee agreed 3-0 to recommend approval of the correction.

CHICKEN DISCUSSION

The Committee reviewed two ordinances regarding backyard hens, from Toledo and Maumee, and the ordinance that Krista Kiessling prepared. Mr. McCarthy stated that he received many emails, more than on probably any other issue, and more are negative than positive. Ms. Kiessling said that her two big takeaways after the last meeting were modifications needed to be made to the language contained in the ordinance and further information related to the CDC report about salmonella and backyard hens needed to be obtained. Ms. Kiessling said that she is not making light of the CDC report, but tainted hatcheries are responsible for salmonella. She encouraged people to look at other infections listed on the CDC site to put it into perspective. She said there are warnings about turtles and cucumbers as well. She added that the CDC is not recommending against backyard chickens, just that you remember good hygiene. Mr. McCarthy said that the Denver Post/Washington Post article about hugging your chickens states that some of the exposure occurred when the chickens were allowed in

the house near food preparation. Ms. Kiessling said that she would not recommend chickens inside the house.

There was discussion regarding the Special Approval Use process, and Ms. Kiessling said that she does not love the idea of it, but she understands the reason for it. Mr. McCarthy said that in most of the emails he received, it says that they don't want chickens regardless of the dimensional restrictions. He said that the basic sentiment is, we live in an urban area and for those who share backyards, if their neighbor has chickens it would be like they're raising chickens. Ms. Kiessling said that writing an email is easy and she hopes that more weight would be given to the truth and facts as opposed to off the cuff opinions. She said that there are a lack of complaints regarding the chickens expressed during the meetings that have been held, and it is frustrating to her that the facts will be dismissed.

Lori DeShepler, Perrysburg Township, asked if the emails were verified. Ms. Williams said that she called and spoke to the people she received emails from. Mr. Smith said that he talked to many people in person.

Mike Kearney, 648 Deer Run, said that he is concerned about the smell and noise and he does not want to live next to farm animals. He said that if they are household pets, they should go in the house.

Jim Wolfe, Pauly Drive, said that he is dead against this and he doesn't care what other cities do. He asked if the noise ordinance would apply to chickens like it does for dogs. Ms. Kiessling said that she has asked that the same rules for other animals also apply to chickens.

Scott Strzesynski, 1010 Mulberry Street, asked if the committee was aware of the petition with 50 signatures in favor of chickens and he asked if those people were contacted.

Tony Rodriguez, 953 Maple Street, said that while he was against chickens in town by principle, not by experience, and he is pro-freedom of doing what you want with your own property.

Christine Rodriguez, 953 Maple Street, said that she was drawn to Perrysburg by the school system and they were approached by the Kiesslings before they got the chickens. She said the chickens only make noise when they are laying eggs, and it's only about sixty seconds.

Mr. McCarthy requested that Ms. Henderson put the dimensional standards, definition, Special Approval Use language and land use chart from Ms. Kiessling's ordinance into the Toledo ordinance and send it to the Committee and Ms. Kiessling for their review.

Ms. Williams noted that the Committee has never discussed the City's recommendation. Mr. McCarthy said that the City's proposal is pretty straightforward. Mr. Smith asked about language to grandfather the existing chickens should the ordinance to allow

backyard hens be defeated and the City's proposal be approved. Ms. Kiessling said she would appreciate that. There was discussion regarding how this process could work and Mr. Walters added that since this has become public, people have gone out and gotten chickens during this time of uncertainty.

Mr. McCarthy said that when this goes to City Council there should be three ordinances ready to go: one for chickens, the City's ordinance to clarify existing language, and the City's ordinance to clarify existing language with language to grandfather the existing chickens.

Mr. McCarthy said that this discussion will be continued at next month's Committee meeting.

There being no further business, the meeting adjourned at 7:16 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: Wednesday, July 19, 2017 at 5:30 p.m.