

PLANNING & ZONING COMMITTEE MEETING

MARCH 20, 2014

The meeting was called to order by Chairman Tim McCarthy at 5:30 p.m. Committee members present were John Kevern, Tom Mackin, and Tim McCarthy. Also present were City Administrator Bridgette Kabat, Law Director Mathew Beredo, and Planning and Zoning Administrator Brody Walters.

DISCUSSION REGARDING SPECIAL APPROVAL USE – COSTCO

Mr. McCarthy summarized the citizen concerns that have been raised including traffic, the blocking of the Callander Court driveway, the gas line, congestion at the gas pumps, congestion on the interstate, a legal issue regarding adjacent property, and the intersection of Eckel Junction and SR 199.

Mr. McCarthy asked Ms. Kabat to address the situation with the gas line. Ms. Kabat stated that according to a recent phone call with Ted Johnson, Costco has resubmitted their preliminary drawings to Columbia Pipeline Group after making some adjustments with light poles and the bridging over the existing pipeline. After they receive approval from Columbia Pipeline, they will have to go through the Federal Energy Regulatory Commission (FERC) process. That process can take a year to eighteen months just for the paperwork. The actual pipeline will not take that long to relocate, and Costco plans to lay the pipeline in the ground during construction.

Mr. McCarthy asked Mr. Beredo to address the legal issue that has been raised about adjacent property. Mr. Beredo said that the Code states that Retail > than 60,000 square feet should not abut property zoned R1 through R5 unless the property does not have an existing residential use. Mr. Beredo stated that when approving the Code, City Council could have said all residential, but they did not, and it specifically says R1 through R5 and does not include RM. The R2 parcel that is adjacent to Costco's proposed site has not been used as residential property.

Mr. McCarthy said that the general sentiment throughout the community has been "right store, wrong location." He said that he is not aware of any alternate locations being considered by Costco, but the sites mentioned by others would also have traffic issues. He said the City cannot tell Costco where to go; there is a fundamental legal principle that a property owner can do what he wants with his land. He said that City Council can ultimately deny a special approval use in some cases, but only a very few cases. However, the Special Approval Use process gives the City some negotiating power and allows the City to lawfully put some conditions on the approval.

Mr. McCarthy stated that while doing research on this issue, he found that Costco's building would be 154,000 square feet on 28 acres. The traffic study says they will generate 825 peak PM trips. He noted that the traffic study assumes the two outlots will

be a bank and a fast food restaurant. A fast food use is 3% to 4% of the square footage of Costco, but will generate 23% as much traffic as Costco.

The Administration had compiled data about other uses, and the traffic that could be generated. The Administration presented a chart prepared with the help of the City's traffic consultant that compares the traffic numbers for permitted uses that could locate on this 28 acre site that are all under 60,000 square feet so they would not have to go through the Special Approval Use process with Costco's traffic study. If the 28 acres were developed as multiple users, it could generate about two and a half times the traffic that Costco would generate. Ms. Kabat said that Costco has said that it takes six to seven years for a store to mature. They provided the average number of customers for the three stores they have opened in the last year, all in larger markets than Perrysburg. During the peak PM traffic hour, which is 4:50 p.m. to 5:50 p.m., those stores had an average of 139 customers enter the store. Ms. Kabat said that the Administration is confident that when the intersection improvements are made, the State Route 25/Eckel Junction intersection will be at an acceptable level of service until at least 2029.

There was discussion regarding measures to help lessen the impact to Callander Court residents including striping the pavement, signage and adding another westbound straight through lane on Eckel Junction Road at the traffic signal at the entrance to Costco. This would allow more vehicles to queue up without blocking the Callander Court driveway. The Administration said that Costco is willing to explore alternate options regarding the westbound lanes on Eckel Junction, but that decision may have to be made during the construction-drawing phase to see the impact on the apron of Callander Court's driveway.

With respect to traffic in the area of the gas pumps, Mr. McCarthy said that he visited the Toledo Costco location and the greatest number of cars he observed at the gas pumps at the busy lunch hour was twenty. He noted that the information provided by Costco indicates they have room for stacking of 47 vehicles at the gas pumps. Mr. McCarthy asked about a buffer between the Costco site and the property to the east. Mr. Walters said there is very significant landscaping and mounding with plantings along the east side.

Mr. McCarthy said that Costco has assumed that the outlots will be a bank and a drive-thru use, and he feels that this particular assumption is skewed. He said that he feels the outlots will more likely be two drive-thru uses, and he would be much more inclined to look at this favorably if they eliminated the outlots. He said that as credible a player as Costco is, he does not think they need the outlots. Mr. Mackin said that one component of the Special Approval Use process is it allows the City to have better control. This allows us to maintain quality of construction and appearance. He said the outlots are problematic, and he asked about curb cuts for the outlots. Ms. Kabat said that access to the outlots would only be provided from behind; there will be no additional curb cuts.

Mr. Beredo noted that any development of the outlots would have to go through the Planning Commission for site plan approval. He said that although the City doesn't know what will go there, there is a process for them to go through. Mr. Walters said that in discussions with Costco, they have indicated that the sale of the outlots is important to the economics of this project especially in light of the added costs of relocating the pipeline and road improvements.

There was discussion regarding the expressway, and Ms. Kabat stated that in discussions with ODOT, they are going to mark the off ramp as two lanes, which is how it is currently being used. ODOT has reviewed the Kittleson Traffic Study, and, according to ODOT, Costco will have a minimal impact (less than 5%) on the interchange as it exists today.

Mr. Mackin said that there has been a significant traffic increase from 2008 to now and part of this is a good problem. It means that growth is occurring and people want to live here. He said that the City has done a decent job handling the growth, and he has been pleased with the Code restrictions. He said that the Code might need to be modified to state who is responsible for providing information to measure impact with respect to adjacent property values. Ms. Kabat said that the Administration did some research and found information from various sources including private companies, real estate developers and local governments stating that Costco and other big box stores do not have a negative impact on property values.

Mr. Mackin asked about traffic at SR199 and Eckel Junction Road. Ms. Kabat said that a traffic study was done in 2008 and the intersection was extremely deficient for a three way stop, meaning it was not close to meeting the needed criteria. The City has engaged a firm to do a new traffic study, but ODOT has said that they feel it will not meet the standards because there is not enough traffic or flow.

Mr. Mackin said that one of his concerns is the timeline for construction of Costco and the intersection improvements. Ms. Kabat said the intersection improvements would be substantially completed by the end of the year. Costco has said that they will demolish the buildings on site, move dirt, and maybe do some infrastructure this year. She said the City is working with them on coordinating the improvement for the deceleration lane. Mr. Mackin said that he has heard that some want the Code changed to make it faster or easier to develop. He said that he would not support that because this process has allowed us to negotiate some improvements with Costco and it has benefitted the City. Concerning growth paying for growth, Mr. Mackin asked what improvements Costco has agreed to pay for. Ms. Kabat said Costco would pay for the roadwork on SR25 for the right-in, right-out, the right-in on Eckel Junction Road, roadwork for the new signal, the two left turn lanes on Eckel Junction to southbound SR25, a westbound through lane on Eckel Junction and their share of the overall improvements.

Mr. McCarthy said that we have known since at least the 1993 Comprehensive Plan, that this property would develop as commercial. He said Costco is a credible worldwide company and there are benefits to a single user on the site. He said they are a big

player who could be able to help the City accomplish other improvements, possibly including the freeway interchange. He said he is encouraged by what they have done and their willingness to work with the City on the Callander Court issue, but he reiterated that he would like them to reconsider developing the outlots.

The meeting was then opened up for public comment.

Trish Branam, Callander Court, stated her concerns about traffic stacking at the light and it blocking Callander Court's driveway. She also said that she feels an impact study is part of due diligence and any decision is premature. Ms. Branam said that if City Council is waiving the required impact study, she wants them to go on the record stating that. Mr. McCarthy asked what study Ms. Branam was referring to. Mr. Beredo stated that Section 1255.01 of the Code defines what is required in relation to an impact study and whether City Council feels they have enough information to make a decision is up to them.

Lenore Pohlman, Callander Court, said she visited the Costco location in Toledo and talked to people in the houses near Costco. She said one woman said that it has changed her life. The semis make noise and they run the street cleaner at 9:30 or 10 at night. Ms. Pohlman asked the woman about property values, and she said she'd never be able to sell her home.

Walt Churchill stated that he hopes they can move the gas line without it blowing up, and he expressed his concerns with traffic back-up on the expressway. He said that Costco isn't the only user contributing to the traffic problems in the area, and he talked about the relocation of Perrysburg High School.

John Pohlman, Callander Court, said that when Black Diamond went in, they were supposed to put in a row of trees, but they put their driveway too close to the ditch so now they don't have room for the trees. He asked how much of the plantings that Costco shows will actually go in. With regards to Costco wanting to locate near the expressway, Mr. Pohlman said that in Florida, there is a Costco that is five miles from the interstate.

Ellen Bernal, Coventry Court, said that she feels the City is being hindered by zoning and perhaps it would be better to just do what is reasonable and fair. She suggested that maybe the zoning designations are wrong. She added that she does not trust a future review of the outlots.

Larry Small, Callander Court, asked if the signage and striping at Callander Court are a done deal, and he expressed concern about not having a definitive answer regarding the additional westbound lane on Eckel Junction to allow more cars to queue at the light. Ms. Kabat said the signage and striping will be taken care of by the City or Costco. She said that it is the City Administration's goal to have the least amount of impact on Callander Court.

Becky Williams, 421 E. Sixth Street, asked if the City can commit to the second lane on Eckel Junction. Ms. Kabat said that the Administration has shown this to Costco as an alternate, and the problem with committing to a specific lane configuration is what if seven months from now construction drawings are done and it doesn't work. Mr. McCarthy stated that it was his understanding that the through lane was acceptable.

The Committee agreed 3-0 to forward the Special Approval Request onto City Council.

There being no further business, the meeting adjourned at 7:40 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 & Zoning Committee

Next meeting date: Wednesday, April 16, 2014 at 5:30 p.m.