

PLANNING AND ZONING COMMITTEE

FEBRUARY 14, 2018

The meeting was called to order at 5:31 p.m. by Chairman Tim McCarthy. Committee members present were Tim McCarthy, Jonathan Smith, and Becky Williams. Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

APPOINTMENT TO BOARD OF ZONING APPEALS

Mr. McCarthy moved to go into Executive Session to discuss the appointment of a public official. Ms. Williams seconded. The Committee went into Executive Session at 5:32 p.m.

Mr. McCarthy moved to return from Executive Session at 5:46 p.m. Seconded by Mr. Smith.

The Committee agreed 3-0 to recommend the appointment of Nathan Duricek to the Board of Zoning Appeals.

SPECIAL APPROVAL USE – PERRYSBURG AREA HISTORIC MUSEUM

Mr. McCarthy stated that the Special Approval Use for the Perrysburg Area Historic Museum was the subject of a public hearing held the previous week. Mr. Walters explained that the Museum has been operating under an approved master plan since 2009. Included in that plan was the main house, an expansion off the rear, and a 30' x 40' accessory structure. However, they have chosen to increase the east/west dimension of the accessory structure by twenty feet, and so they were required to do a site plan amendment and go through the Special Approval Use process again.

Judy Justus said that they need the additional space because they have been awarded a grant from First Energy but one of the requirements for the grant is that they put a one room classroom in the accessory building. She explained that the building will not be used for storage, it will have displays, including a 1919 Perrysburg fire truck.

Mr. Walters stated that the Museum has received the necessary approvals from the Planning Commission, Board of Zoning Appeals, and Historic Landmarks Commission. The Planning Commission approved the Site Plan Amendment and recommended approval of the Special Approval Use with two conditions, to verify the landscape percentage and to pave the unpaved portion of the parking lot. Mr. Walters said he has received a landscape plan and it indicates a landscape percentage around 25%, which is well over the required amount. Mr. Walters noted that the Museum has committed to pave the parking area, and Ms. Williams asked if there is any time limit involving that commitment. Ms. Justus said that when they have the concrete put in for the new building they will put in the five required parking spaces.

There was discussion about issues raised by neighbors of the Museum. Mr. Walters said that he believes the neighbors' objections were based on the size and placement of the structure. He said that he explained to them that the variance requested from the Board of Zoning Appeals was only for eight feet because the balance of the additional twenty feet was permitted. The eight feet was not deemed significant by the Board of

Zoning Appeals. Mr. Walters said that he's not sure that the neighbors are happy, but there have been no additional complaints.

Mr. McCarthy said that he thinks the building will be a great addition to the Museum. The Committee agreed 3-0 to recommend approval of the Special Approval Use for the Perrysburg Area Historic Museum.

CODE AMENDMENT – MESSAGE ESTABLISHMENTS

The proposed Code Amendment to allow message establishments in additional zoning districts with a Special Approval Use was also presented at a recent public hearing. The Committee considered this issue at their December meeting because at the time an applicant was anticipating moving into a building in a C4 (Commercial Highway) zoning district. At the public hearing, Mr. Smith called attention to a letter he received from a licensed message therapist asking that they be included in the medical office category. Mr. Smith said that the State already licenses these establishments, and so it seems redundant to make them go through the Special Approval Use process. Mr. Walters explained that to do that, we would have to amend the Code to redefine medical offices and message establishments. He explained that the Special Approval Use process has two tiers, one for licensed message therapists and one for unlicensed. Licensed message therapists only have to meet the general criteria for a Special Approval Use, but unlicensed message therapists have very specific criteria they must meet and it is a more cumbersome process. He recommended moving forward with this Code Amendment because it is increasing property rights, and then if the Committee wants to take it a step further and change the definitions to include licensed establishments with medical offices, that can be done at a later date. Mr. McCarthy said he understands what Mr. Smith is saying, and it might legitimize licensed establishments by including them with medical offices. He added that he does not want to put people through the Special Approval Use process just to go through the process.

The Committee agreed 3-0 to recommend approval of the proposed Code Amendment adding message establishments as an SAU in C3 (Community Shopping), C4 (Highway Commercial), and OS (Office and Service) zoning districts. Mr. McCarthy asked that Mr. Walters put the additional changes discussed on his to-do list.

PLANNING AND ZONING CIVIL CODE

Mr. McCarthy said that he spoke to Ms. Henderson and she needs to talk to the Magistrate, who is the one who will be hearing cases involving civil infractions of the Planning and Zoning Code, before the City can proceed with adoption of a civil infraction process.

PAK MAIL APPEAL

Mr. Walters gave a brief overview of the appeal filed by Pak Mail regarding a recent Board of Zoning Appeals decision. He explained that the applicant added a new function to their existing business located at Country Charm Shopping Center. This came to the attention of the Planning and Zoning Division because they received complaints about large U-Haul trucks parked in the Country Charm parking lot. When Mr. Walters spoke to Chad Helbert, owner of Pak Mail, he said that the U-Haul business is a separate business working through Pak Mail. No occupancy permit was applied for from the Planning and Zoning office.

Mr. Walters said that the three most reasonable categories that the U-Haul Business could be classified as are Automobile Sales and Leasing, Outside Storage, and Transport and Trucking. Unfortunately, none of these uses are permitted in a C-3 (Community Shopping) zoning district. Mr. Helbert asked for an Administrative Appeal from the Board of Zoning Appeals. An administrative appeal is asking the BZA to agree that the Planning and Zoning office has either interpreted or applied the Code incorrectly. The Board of Zoning Appeals did not grant the administrative appeal so Mr. Helbert then had two options, to appeal to City Council or remove the U-Haul business.

Mr. Walters said that he spoke with Mr. Helbert and he was hoping that this issue could be resolved by placing some restrictions on the business such as limiting the number of trucks parked at the shopping center. However, Mr. Helbert cannot actually control the number of trucks because people can use the location as a drop-off for one-way trips. Mr. McCarthy said that City Council will need to schedule a hearing for this appeal, and that it may be appropriate to have a special meeting as opposed to doing it before a regular City Council meeting.

OTHER BUSINESS

Based on a concern Mr. Smith brought forward from a developer, the Committee discussed the process the City goes through to approve a building project. Mr. Walters said that it is advantageous to meet with a developer at the beginning of a project because it is difficult to provide a one size fits all process depending on whether it is in a planned business park, the historic district, or if variances will be needed. There was discussion about the construction plan process that occurs after a project is approved through the Planning and Zoning process. Mr. Walters said that there have been discussions among the divisions within the City that review and approve plans in an effort to speed up the process. However, many times the problem is with whoever submits the construction plans. He gave an example of a project being on their seventh submission because they are not reacting to the comments provided as a result of the construction review. Mr. Smith asked Mr. Walters if he could be notified when there is an initial meeting scheduled with a developer because he would like to sit in just to get an idea of how the process works.

There being no further business, the meeting adjourned at 6:46 p.m.

Respectfully submitted,

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

Timothy C. McCarthy, Chairman
Planning and Zoning Committee

Next meeting: Wednesday, March 14, 2018 at 5:30 p.m.