

PLANNING COMMISSION MEETING

September 30, 2021

The meeting was called to order at 7:03 p.m. by Chairman John Wellstein. Commission members present were Andy Lorenz, Mayor Mackin, Rob Vela Jr., John Wellstein, and Becky Williams (5). Greg Bade and Craig Pickerel were absent (2). Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF MINUTES

Ms. Williams moved to approve the minutes of the August 26, 2021 meeting as written. Seconded by Mr. Lorenz. Ayes: (5). Nays: (0).

ADMINISTRATOR'S REPORT

No report.

Site Plan Amendment Third Street Market

APPLICANT/OWNER/DEVELOPER

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Benchmark Engineering Group, Inc.
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Scott J. Heacock, Architect
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REQUEST

Chapter 1250 – Site Design Standards
Chapter 1260.18 Site Plan Amendment

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the north side of Third Street between Walnut Street and the alley to the east. The overall project area is approximately 33,153 SF in size (approx. 0.76 acres) and is zoned “C-2” Central Business.

Parcels: Q61-000-901213015000, Q61-000-901213016000, Q61-000-901213017000, Q61-000-901218000, Q61-000-901219000 and Q61-000-9012120000.

BACKGROUND

The Preliminary and Final Site Plan along with a Special Approval Use was granted to this property on June 27, 2019. Since this time the property has been under construction to accommodate new uses and tenants including: Inside the Five, Namay Dentistry, Ameriprise Financial, and Rosie’s Restaurant. As this property concludes its construction the owner would like to add a few improvements that would satisfy tenant needs and make the property more functional. The two changes requested in this Site Plan Amendment include: a new raised concrete patio off of the west side of the building (Walnut Street side, near the loading doors) and two covered spaces (one out along Third Street and one on the east wall of Rosie’s). On the plan sheets, one area is shown as an open 8’ x 8’ vestibule and the other is shown as an enclosed seating area for 50 along with a “band area.”

ANALYSIS

Preliminary Site Plan

- **Zoning:** C2 – Central Business
- **Setbacks:** Central Business zoning does not have any setback requirements due to the uniqueness of many of the properties in the downtown area. Building footprints can extend up to the property line and the only dimensional limitation is a 35’ height maximum.
- **Adjacent Zoning/Uses:**
 - North** – C2 (Central Business)
 - East** – C2 (Central Business)
 - South** – C2 (Central Business)
 - West** – INS (Institutional)
- **Land Use(s):** Several of the proposed uses within the new development are food service related. In an effort provide maximum flexibility for all tenant spaces the applicant is requesting a Special Approval Use to allow the users of these spaces

to offer “outdoor café” services to various patios, outdoor seating areas and common spaces.

- **Site Layout:** The overall site layout is planned to stay mostly as is currently exists with the exception of a few overhangs, patios and roof extensions that will provide better usable space for the existing footprint.
- **Roads and Access:** The existing development is served by two roadways; West Third Street and Walnut Street. In addition, the southern extension of the Burlingwood alley runs along the east side of the building and a small east-west alley runs along the north end of the building.
- **Parking:** Projects located within C2 zoning districts do not require on-site parking facilities. Parking for this use will likely occur within existing public parking areas along Third Street, in the public parking lot to the east or in the expanded parking area along Second Street.
- **Sidewalks:** Public sidewalks are shown across all frontages of the property (Walnut Street and Third Street) and also features both stairs and a switchback ramp for access to the buildings that have finished floors above street level.
- **General Engineering:** The majority of the work associated with this development is either interior renovation or exterior building materials, however, there is some additional exterior work such as the raised patios, ramps and courtyard area that may require review by the city due to the location of some utility services. The applicant should expect at a minimum to have an in person pre-construction meeting with applicable departments heads of the city to ensure there are no conflicts with city utilities and pedestrian access and to coordinate any needed road closures that may be needed. If it is determined that additional utility taps of any kind are needed the applicant will be required to submit site/civil plans to the city for official review and comment.

Final Site Plan

- **Building Elevations:** Despite this building’s proximity to the designated Historic District, the building has never been a part of the district and therefore not subject to the review and approval of the Historic Landmarks Commission. The applicant has provided both a rendering of the proposed building(s) as well as building elevations for each side of the building. Per the site plan the exterior materials of the building include the use of glass (21.2%), wood (14.3%), CMU (27.9%), brick (13.2%) and EIFS (15.2). The use and arrangement of these materials is within the allowable percentages and per the rendering will create an attractive building with unique and individual storefront spaces. **The proposed work associated with this amendment request is in conformance with the material percentage allowance for this district and building. The**

raised patio will be constructed of concrete, the enclosed seating area will be clad in wood siding with a metal standing seam metal roof and the vestibule will be open-air with a metal roof.

- **Parking:** No onsite parking is required.
- **Landscape Islands:** No parking lot required.
- **Parking Lot Landscape:** No parking lot required.
- **Street Tree Plan:** The City's Street Tree Commission will determine the feasibility, species and location of any street trees for this project. Due to the limited right-of-way along Third Street it is not expected that any street trees will be able to be installed along this frontage. The approximate 85' along Walnut Street should be able to accommodate street trees and this plan will be determined by the City's Street Tree Commission at an upcoming meeting. The creation of a Street Tree Plan by the City is required prior to the issuance of a zoning permit.
- **Site Landscaping:** Site landscaping is not required.
- **Trash Receptacles:** The site plan does not indicate any outdoor trash facilities for this project. Any future need for exterior trash facilities will require review and compliance with the requirements of Chapter 1250.57. Trash collection at this location will be performed by a private trash collection company.
- **Site Lighting:** A site lighting plan has not been submitted as part of this application. Based on the absence of a lighting plan it is anticipated that buildings will only be illuminated with store front, wall pack or recessed lighting and that no spot lights or light poles will be used.

Special Approval Use

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of criteria is the "general conditions" of Ch. 1235.02(d) and the second set are the "specific conditions" of Ch. 1235.04(mm) "Restaurant; Outdoor Cafe". If the Planning Commission determines that "Community Recreation" is a more appropriate use category then a Special Approval Use can be considered per the following requirements:

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.

2. The special approval use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the special approval use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

Specific Requirements

Ch. 1235.04(mm) Restaurant; Outdoor Café:

1. An outdoor café may be set up and used from March 15 through October 31. The permitted hours of operation are from 7:00 a.m. to 12 midnight unless longer hours are specifically approved by the City. Noise radiating from an outdoor café which exceeds fifty (50) DBA between 8:00 p.m. and 12 midnight, or other approved hours, or fifty-five (55) DBA between 7:00 a.m. and 8:00 p.m., shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The “DBA” represents the sound pressure level in decibel measured on the “A” scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. The City Council may, by resolution, extend the dates of operation or the hours of operation for a stipulated number of days, not to exceed a total of thirty (30) days per calendar year.
2. A site drawing showing the detailed plan of the outdoor café shall be submitted to and approved by the City. The detailed plan is to include: the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other

equipment, as well as lighting and electrical outlet locations. For café's on public property, the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc. A minimum of sixty (60) inches shall be maintained as an unobstructed clear area for pedestrian use.

3. Plans for setting up the outdoor café must be approved by the City to provide for the free passage of pedestrians along the sidewalks, to provide for traffic and pedestrian safety and for fire safety issues. If alcohol is served, entrance to the outdoor café is required from inside the building. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid wall a minimum of six (6) feet high.
4. The outdoor café must be part of a licensed restaurant and meet all of the health requirements of the City and any other County or State requirements.
5. For outdoor cafés on public property, liability insurance and property damage coverage naming the City as an insured party in an amount approved by the City, must be provided before setting up an outdoor café.
6. No signs or any other forms of advertising are permitted in the outdoor dining area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella or awning.
7. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property except that canopies, awnings, umbrellas, covers and railings, if specifically approved by the City, may be secured by means of flush-mounted anchors or other method.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed all of the provided information and is recommending approval of the Final Site Plan Amendment as submitted. The scope of work does not suggest a reexamination of the Special Approval Use that was previously granted and all other work is consistent with the development standards of the area.

Mr. Walters reviewed the above Staff Report regarding the Site Plan Amendment for Third Street Market, and noted that under Special Approval Use it should read "Chapter

1235.04(mm) “Restaurant; Outdoor Cafe” instead of Chapter 1235.05(ff). Phil Barone, 28485 E. River Road, was present on behalf of Rosaria’s at 139 W. Third Street, and the application. Architect, Scott Heacock, was also present on behalf of the application. Mr. Barone added that the patio is key to the success of their restaurant to accommodate outdoor seating and entertainment. There was a brief discussion about the proposed knee wall, and Mr. Walters said that it can be approved as shown, also stating that Wood County Building Inspection and the Fire Division will need to perform an inspection as this review is a multi-step process. Ms. Williams referenced the original plan from 2019, and Mr. Walters confirmed that the large overhang was approved then. Mayor Mackin asked if they are adding on to the structure, and Mr. Walters noted that a concrete patio will be constructed on the eastern side of the building along Walnut Street. There were no further comments or questions from the Commission, nor the public.

Mr. Lorenz made a motion to approve the Site Plan Amendment for Third Street Market as submitted. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

***Special Approval Use
Wright Tire & Auto
26914 Eckel Road***

APPLICANT/OWNER/DEVELOPER

Meredith Moon
Moon Property Holdings
26495 W River Road
Perrysburg, OH 43551

REQUEST

Chapter 1225.08 – Land Use and Base Zoning District Table
Chapter 1235.02(d) – SAU – Standards
Chapter 1235.04(bb) – Outside Storage

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the east side of Eckel Road just north of the CSX railroad tracks and across the street (Eckel Road) from Michels Corporation.

Property Size: approximately 2.35 acres

Parcel(s): Q61-400-670403003000

Zoning: I-2 – General Industrial

BACKGROUND

Moon Property Holdings LLC acquired this property in 2017. In October 2017, an application for Special Approval Use was submitted. The Planning and Zoning staff placed this business in the “Auto & Metal Salvage” category, but the Planning Commission as well as the applicant stated that this category did not fit the business. The Planning Commission requested that the business be placed under a new category or under another use but an application was never resubmitted. Wright Tire & Auto currently uses this property for office space and to temporarily store towed vehicles at this property.

ANALYSIS

This particular Special Approval Use includes both “general conditions” from Ch. 1235.02(d) and a set of “specific conditions” from Ch. 1235.04(bb) as outlined below.

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.
2. The Special Approval Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the Special Approval Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The Special Approval Use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

Specific Requirements

Ch.1235.04(bb)

1. A solid wall, earthen berm at least eight (8) feet in height shall be provided around all sides of the area abutting residential, office or commercial zoning district and shall be provided on all sides visible from public streets. Such wall or berm shall be of sound construction, painted or otherwise finished neatly

and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction. Outdoor display of items for sale shall not be located on any required parking area.

2. Ingress and egress to the facility shall be only from an arterial street. The City may approve access to a collector street if the City finds that such access point will further minimize impacts on other properties.
3. The minimum lot or parcel size shall be five (5) acres.
4. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicles at any time stand on a public right-of-way awaiting entrance to the site.

RECOMMENDATION

The Deputy Planning and Zoning Administrator has reviewed the application for Special Approval Use and recommends that the Planning Commission deny the request as the applicant does not satisfy all of the necessary requirements for a Special Approval Use. The parcel does not meet the minimum lot size requirement of five (5) acres and the vehicles are not shielded from public view by a fence, wall, or berm.

Mr. Easterling reviewed the above Staff Report regarding the Special Approval Use for Wright Tire & Auto at 26914 Eckel Road. Meredith Moon, Moon Property Holdings, was present on behalf of Wright Tire & Auto. Ms. Moon noted that this application is revisiting the previous Special Approval Use application from 2017, and added that they have exceeded their indoor storage since they have been in operation on Eckel Road, and upon acquiring Ray's Service Center & Towing at 228 Louisiana Avenue. She stated that the increased duration of vehicles sitting in their lot for storage is due to the wait time of receiving a title for these vehicles so that they can legally be moved.

There was a brief discussion regarding permits for Wright Tire & Auto, and Mr. Easterling added that the Planning & Zoning Division has recently been tasked with bringing businesses into compliance on Eckel Road and Grogan Drive. Mr. Easterling noted that back in 2017, the Planning Commission had asked that a new category be created within the Land Use and Zoning District Table (Chapter 1225.08) to appropriately categorize the established use of Wright Tire & Auto. There was a brief discussion on indoor and outdoor storage, and this property. Mr. Vela noted that the parcel does not meet the minimum lot size requirement of five (5) acres, and asked what options and next steps are available for Wright Tire & Auto going forward. Mr. Walters added that their options are: (1) that a category be created to specifically fit this use, whereas the Code currently suggests that a Special Approval Use needs to be met to be granted, or (2) former relief would be for the applicant to appeal to City Council based on the interpretation and application of the Code. There was a further discussion about the minimum lot size of this property compared to the SAU requirement of five (5) acres, including the concerns and need to meet these requirements.

Mayor Mackin asked if it were appropriate to table this application given the back and forth communication between the City and Wright Tire & Auto. Mr. Easterling

confirmed that the application will have to be un-tabled within ninety (90) days. Mayor Mackin noted that there needs to be further discussion between the City and Wright Tire & Auto. There were no further comments or questions from the Commission, nor the public.

Mayor Mackin moved to table the Special Approval Use for Wright Tire & Auto at 26914 Eckel Road, requesting that there be further discussion going forward between the City and Wright Tire & Auto on this matter. Seconded by Mr. Lorenz. Ayes: (5). Nays: (0).

***Rezoning Request
OS (Office & Service) to C3 (Community Shopping)
Q61-400-070404030002***

APPLICANT/OWNER/DEVELOPER

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REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the north side of Eckel Junction Road immediately west of Callander Court housing area. This property is also located immediately north of the signalized light on Eckel Junction Road at the entrance/exit to Costco. This Rezoning Request is accompanied by a proposed parcel split (documents attached). The current Rezoning Request would apply to the newly created parcel shown to be 1.8330 acres in size and just west of the existing entrance drive. Due to the parcel split not being recorded at this time any approval for a rezoning should be subject to the creation of the parcel via the required recording process with the County. The portion of the existing parcel that this lot is proposed to be created from is currently zoned “OS” Office and Service and the proposed zoning category is “C3” Community Shopping.”

Adjacent zoning:

1. North: “OS” – vacant land / Black Diamond Landscaping
2. East: “C4” – Tolson Shopping Plaza
3. South: “C4” – Costco / Buckeye State Bank

4. West: “RM” and “OS” – Callander Court – residential and Black Diamond remnant “OS”

The area of this proposed property is approximately 1.8 acres.

BACKGROUND

This property recently came before the Planning Commission for a Rezoning Request from OS (Office and Service) to C4 (Highway Commercial). The Rezoning Request was not recommended by the Planning Commission and was also not supported by the Planning and Zoning Committee of Council. Opponents to the rezoning were the residential owners in the Callander Court development to the east. Through discussions during the September 21, 2021 meeting of City Council, it was suggested that City Council may be more supportive of a rezoning if the level of possible commercial activity was less intense. The applicant has agreed to accept C3 zoning and is therefore seeking the consideration and recommendation of the Planning Commission. This particular property has been zoned OS (Office and Service) for many years. OS is perhaps one of the rarest and most restrictive zoning classifications available. Due to the uniqueness of uses that are permitted to exist in the OS zoning category this property has not drawn the same development attention that similarly situated properties nearby have over the years. It is expected that a rezoning to C4 (Highway Commercial) would significantly increase the desirability of this property.

ANALYSIS

The City recently began the process of updating its Land Use Plan and while the final plan has not yet been adopted by the City, the initial draft has indicated a proposed use classification of “Commercial Mixed Use.” This classification is not anticipated to change as part of any upcoming revisions or amendments.

Per Ch. 1220.03:

C4 zoning is defined as areas fronting on major highways and utilized for all types of businesses, especially those that serve the traveling motorist and patrons throughout the community.

C3 zoning is defined as areas adaptable for planned shopping centers with uses restricted to the types normally included in such developments.

The included attachment indicates the permitted and special approval uses in each of these two categories.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the zoning amendment from OS (Office and Service) to C3 (Community Shopping) for the proposed parcel identified in the attachments of this report.

Mr. Walters reviewed the above Staff Report regarding the Rezoning Request from OS (Office & Service) to C3 (Community Shopping) for Parcel Q61-400-070404030002 on Eckel Junction Road. Ian Lang, SimonCRE, was present via Zoom and on behalf of the application. Mr. Walters stated that he believes that C4 (Highway Commercial) zoning was an appropriate recommendation when it was first presented by SimonCRE back in July 2021, as well as currently. He recognized that it was not supported by the Planning Commission nor the Planning and Zoning Committee of Council. Mr. Walters added that at their September 21, 2021 meeting, City Council suggested that they may be supportive of a less intense zoning for this parcel. He noted that after further discussion with SimonCRE it was determined that C3 (Community Shopping) and C4 (Highway Commercial) would accommodate the use of their potential tenants. Ms. Williams noted that public notice was not appropriately given to the Messenger Journal for this application, and Mr. Walters said that it was not a decision made by the Planning & Zoning Division. He added that because there was never a resolution made on the original application that it was not necessary to advertise this request as new business. Mayor Mackin requested that notice be given to properties within two-hundred (200) feet of Parcel Q61-400-070404030002 on Eckel Junction Road for the October 13, 2021 Planning & Zoning Committee meeting. Mr. Lang added that C4 (Highway Commercial) is their preference, but that C3 (Community Shopping) will fit their end use. There were no further comments or questions from the Commission, nor the public.

Mayor Mackin moved to approve the Rezoning Request from OS (Office & Service) to C3 (Community Shopping) for Parcel Q61-400-070404030002 on Eckel Junction Road. Seconded by Mr. Vella. Ayes: Lorenz, Mackin, Vela, and Wellstein (4). Nays: Williams (1).

OTHER BUSINESS

There being no further business, the meeting adjourned at 8:17 p.m.

Respectfully submitted,

Heather Alfaro