

PLANNING COMMISSION

AUGUST 25, 2016

The meeting was called to order at 7:00 p.m. by Chairman Chris Carry. Commission members present were Chris Carry, Tom Forquer, Seth Hudson, Eric Nicely, and John Wellstein (5). Mayor Olmstead was absent. Also present was Brody Walters, Planning and Zoning Administrator.

Approval of Minutes

Mr. Forquer noted that the minutes from the July 28, 2016 meeting state that he called the meeting to order but it was actually called to order by Chairman Chris Carry. Mr. Forquer moved to approve the minutes of the July 28, 2016 meeting as corrected. Mr. Hudson seconded and they were unanimously approved.

Administrator's Report

Mr. Walters stated that there are several items for the September meeting which will be held September 29, 2016.

Code Amendment

**Chapter 1215.02(45)(88.1)(88.2) and Chapter 1225.08
Gym or Fitness Facility and Commercial Recreation**

APPLICANT/OWNER/DEVELOPER

City of Perrysburg
Planning and Zoning
201 W. Indiana Ave.
Perrysburg, Ohio

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02 – Definitions
Chapter 1225.08 – Land Use and Base Zoning District Table

DESCRIPTION

The proposed code amendment to Chapter 1225.08 – “Gym or Fitness Facility” and to Chapter 1225.08 would affect properties that are currently zoned C1 (neighborhood commercial), C2 (central business), C3 (community shopping), C4 (highway commercial), and PBP (Planned Business Park).

BACKGROUND

Over the past few years, the Planning and Zoning Division has received several inquiries from individuals interested in opening fitness related businesses. The proposed activities have included but may not be limited to personal training, yoga, dance, etc. Currently, the Planning and Zoning Code land use chart classifies these businesses as commercial recreation uses. The definition of commercial recreation as well as the requirements that are placed upon these uses suggest a much more intense use of the property or buildings than gyms and fitness facilities typically require. With this proposed change it is still recommended that commercial recreation uses should continue to pertain to uses such as batting cages, bowling alleys, go-cart racing, etc. Due to the lack of a more appropriate category for gyms and fitness facilities the owners/operators of these types of businesses have had to go through the additional time and expense of obtaining a special approval use or in some cases have been unable to establish themselves in seemingly appropriate locations.

ANALYSIS

Existing Code Language

Ch. 1215.02(45)

Commercial Recreation Facilities – Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Commercial recreation facilities includes, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

Ch.1235.04(I)

Commercial Recreation:

1. Within industrial zoning districts commercial recreation uses shall only be allowed within existing buildings which conform to code requirements.
2. Facilities used by children outdoors shall be fenced on all sides with a minimum four (4) foot wall or fence.
3. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four (4) foot wall or fence where adjacent to any outdoor use area of the facility.
4. Ingress and egress will not conflict with adjacent business uses.
5. Such uses shall be located as to not create a nuisance to abutting property, nor injurious to the surrounding neighborhood or contrary to the spirit and purpose of the Planning and Zoning Code.
6. Banners, pennants, spinners and other attention getting devices are prohibited. (Ord. 149-2012. Passed 9-4-12.)

Proposed Code Language

Ch. 1215.02(45)

Commercial Recreation Facilities – Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Commercial recreation facilities includes, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, **any fitness facility utilizing outdoor training/fitness equipment**, but not movie theaters.

Ch. 1215.02(88.1)

Gym or Fitness Facility less than 5,000 S.F. – Commercial and noncommercial clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition through exercise.

Ch. 1215.01(88.2)

Gym or Fitness Facility more than 5,000 S.F. – Commercial and noncommercial clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition through exercise.

RECOMMENDATION

The Planning and Zoning staff recommends that the Planning Commission recommend to City Council approval of the following proposed Code Amendments:

Chapter 1215.02 – amended definition for Commercial Recreation

Chapter 1215.02(88.1) – new definition for Gym/Fitness Facility (less than 5,000 GSF)

Chapter 1215.02(88.2) – new definition for Gym/Fitness Facility (greater than 5,000 GSF)

Chapter 1225.08 – land use chart – Commercial Recreation (*see Exhibit A*)

Chapter 1225.08 – land use chart – Gym/Fitness Facility (less than 5,000 GSF)

Chapter 1225.08 – land use chart – Gym/Fitness Facility (more than 5,000 GSF) (*see Exhibit A*)

Further, it is recommended that a public hearing be set before City Council for October 4, 2016 at 6:20 p.m.

Exhibit A

	Ag	Residential					Commercial				Office		Industrial			Special		INS
	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	INS
Commercial																		
Commercial Recreation											S		S		S			
Commercial Schools									P	P	P	P			S			
Drive-in comment / uses										P	P	S			S			
Entertainment / Sports Facilities									P	P	P				S	S		S
Grocery Stores									P	P	P							
Gym / Fitness Facility (< 5,000 GSF)								P	P	P	P	P						
Gym / Fitness Facility (> 5,000 GSF)										P	P				S			
Massage Establishments									S	S	S	S						
Motels and Hotels											S				S			

Mr. Walters reviewed the above Staff Report. Mr. Carry asked why the distinction for greater or less than 5,000 square feet. Mr. Walters stated that 5,000 square feet is a reasonable size storefront gym and it's all about scale. Mr. Forquer noted that Commercial Recreation has been deleted from C3 and S1 zoning. He asked if this was done after review of recent applications and Mr. Walters said that it was. Mr. Hudson said that he thinks the use of the word club implies membership and perhaps facility would be a better word to use. There was also discussion regarding using the words public and private as opposed to commercial and non-commercial.

Mr. Hudson recommended approval of the Code Amendment as proposed except that the word club should be changed to facility and commercial and non-commercial should be changed to public and private, and that a public hearing be scheduled before City Council on Tuesday, October 4, 2016 at 6:20 p.m. The motion was seconded by Mr. Forquer and was unanimously approved.

Other Business

Mr. Walters stated that at the request of Mr. Forquer he drafted language for the Commission to consider regarding the size of accessory structures. Mr. Forquer stated that his hope was that the Commission could come up with language to recommend to City Council since the previous recommendation was 3-3.

APPLICANT/OWNER/DEVELOPER

Tom Forquer
(Planning Commission Member)

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.61– Accessory Buildings & Uses

DESCRIPTION

The proposed code amendment to Chapter 1250.61(f) would change the allowable size for accessory buildings on lots over 1 acre in size.

BACKGROUND

The Planning Commission has recently reviewed the requirements for accessory buildings. These most recent revisions have primarily been focused on making an allowance for accessory structures to be larger than 75% of the main structure in instances where lot sizes are larger than average. During the most recent meeting the Planning Commission heard from an applicant (Mr. Jeff Hagedorn) who recently experienced a structure fire at his residence on Eckel Junction Rd. As a result of the fire the applicant lost a legal, non-conforming accessory building. This building was substantially larger than the residential structure on the same property. The Planning

Commission was sympathetic to his desire to rebuild but has so far been unable to agree on a new formula or policy that could be adopted to allow larger buildings such as this.

Currently the Planning and Zoning Code permits accessory buildings to be constructed per the following standards.

The accessory building:

1. Cannot be larger than 75% of the square footage of the main structure.
2. Cannot be taller than 20' nor taller than the main structure.
3. Must be located at least 10' from the main structure.
4. Must be located in a rear yard.
5. Must be located at least 5' from any side or rear property line.
6. Cannot be located in an established easement.

ANALYSIS

Existing Code Language

1250.61(f) Accessory Buildings & Uses

No accessory building shall exceed seventy-five percent (75%) of the area of the living area of the main structure.

Proposed Code Language

1250.61(f) Accessory Buildings & Uses

The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 2.5% of the lot size or 4,000 square feet.

RECOMMENDATION

No recommendation provided. There is currently a code amendment scheduled for a public hearing before council on September 6th. That version of the proposed code amendment was forwarded onto council with a 3-3 vote, (3 in favor, 3 against). The previous proposal is included on the following page of this report. If a majority of Planning Commission members favor this amendment over the version set for a hearing on September 6th, the Planning and Zoning Administrator will provide this information to council during the public hearing.

PREVIOUSLY PROPOSED CHANGE 7-28-16

Existing Code Language

1250.61(f) Accessory Buildings & Uses

No accessory building shall exceed seventy-five percent (75%) of the area of the living area of the main structure.

Proposed Code Language

1250.61(f) Accessory Buildings & Uses

On lots up to 1 acre, no accessory building footprint shall exceed 75% of the area of the living area of the main structure. On lots 1 acre or more, no accessory building footprint or combination of accessory building footprints shall exceed 5% of the size of the lot on which it is to be placed.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to city council approval of a similar but modified version of the proposed code amendment which would increase the allowable size of accessory buildings on properties larger than 1 acre in size. The recommended modification is as follows:

Recommended Modification

1250.61(f) Accessory Buildings & Uses

On lots 1 acre or less in size, no accessory building footprint or combination of accessory building footprints shall exceed 75% of the area of the living area of the main structure (not including basements or attics). On lots larger than 1 acre, no accessory building footprint or combination of accessory building footprints shall exceed 5% of the size of the lot on which it is to be placed.

Mr. Wellstein asked where the 2.5% came from. Mr. Forquer said that he was looking for middle ground and the 4,000 square feet seemed like a respectable number for the maximum size of accessory buildings since it is currently 75% of the livable area. Mr. Wellstein said that he is concerned about homes on smaller lots that have detached garages because they would not be able to have a two car garage. Mr. Forquer said that he tried to look at from the neighbors' perspective. Mr. Wellstein said that he agrees that 75% of the livable area is too much, but on a lot that is a quarter of an acre they would only be allowed 272 square feet for an accessory building. Mr. Forquer said that he would be agreeable to raising the percentage to 5%.

Mr. Forquer made a motion to recommend to City Council that a Code Amendment be approved to amend Section 1250.61(f) to read:

1250.61(f) Accessory Buildings & Uses

The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 5% of the lot size or 4,000 square feet.

Mr. Hudson seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 7:31 p.m.

Respectfully submitted,

Mary Jo Sutton