

PLANNING COMMISSION

JULY 28, 2016

The meeting was called to order at 7:00 p.m. by Vice-Chairman Tom Forquer. Commission members present were Chris Carry, Tom Forquer, Seth Hudson, Eric Nicely, Mayor Olmstead and John Wellstein (6). Also present were Brody Walters, Planning and Zoning Administrator and Mark Easterling, Zoning Inspector.

Approval of Minutes

Mr. Forquer moved to approve the minutes of the June 30, 2016 meeting. Mr. Hudson seconded and they were approved 5-0. Ayes: Forquer, Hudson, Nicely, Olmstead and Wellstein (5). Abstain: Carry (1).

Administrator's Report

Mr. Walters stated that the Preliminary and Final Site Plan for Woodland Elementary has been removed from the agenda. He also informed the Commission that the Perrysburg Pet Lodge has filed an appeal to City Council regarding their Special Approval Use. The hearing will be August 23, 2016 at 5:30 p.m.

Special Approval Use

LiveFIT Perrysburg

26610 Eckel Rd.

APPLICANT/OWNER/DEVELOPER

Ben Bruns

LiveFIT Perrysburg, LLC

26610 Eckel Rd.

Perrysburg, OH 43551

REQUEST

Chapter 1225.08 – Commercial Recreation Facilities

Chapter 1235.04(I) – Commercial Recreation

PROPERTY LOCATION & DESCRIPTION

Location: The applicant has recently established a commercial recreation use (LiveFIT) at 26610 Eckel Rd., within an I-1 (light industrial) zoned area. The property is located between South Boundary and Eckel Junction Rd. on Eckel Road.

Property Size: approx. 2.35 acres (tenant space of unknown square footage)

Parcel: Q61-400-070301013005

BACKGROUND

Per Ch. 1225.08 “Commercial Recreation Facilities” require a special approval use in order to be located in I-1 zoned areas. The applicant has not requested to modify the existing site plan in any way so the review for this application should be limited to the criteria for special approval use per Ch. 1235.04(l).

ANALYSIS

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of requirements is what is referred to as the “general conditions” and the second set is referred to as the “specific conditions”.

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(l) 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.)

RECOMMENDATION

The Planning and Zoning Administrator recommends denying the request for a special approval use because of the applicant's inability to meet Ch. 1235.04(I)(1) which requires that any existing buildings be in conformance with current code requirements. Additionally, the necessary parking count was unable to be determined because the applicant has not supplied the maximum occupancy load of their leased space.

Mr. Walters reviewed the above Staff Report. Mr. Carry asked what does not meet the Code requirements. Mr. Walters said that once he found that the building materials do not meet the Code he did not look at any other deficiencies. He said that he reviewed the intent on why that criteria was added to the Code, and it was designed to be an incentive for property owners to bring the building up to code. Mr. Walters said that next month the Commission will be considering a code amendment that will break out some uses like this one from the commercial recreation category which he believes was meant for more intense uses. Ben Bruns and Fran Lanciaux, owners of the property, were present. They explained that this will be a small portion of the business and the architect told them since it is less than 10% of the building it is an accessory use. They said that it will primarily be used for employee wellness. Mr. Walters said that if it will not be open to the public, it will be an accessory use. Mr. Bruns said it will be open to the public, but will be private. The Commission reviewed the definition of an accessory use and decided that this will not be an accessory use. Mayor Olmstead said that he remembers why the section of the Code was written, and the goal was to be a step towards bringing non-conforming buildings into compliance, but this proposed use is not impactful to the property or surrounding businesses. Mr. Forquer said that it appears that it will only be using about 5% of the storefront. Mr. Bruns said that this will use 1,800 square feet out of the building's 40,000 square feet. Mr. Forquer said he is not of the persuasion to cause massive improvements since only a very small part of the building will be affected. Mr. Nicely and Mr. Carry agreed.

Mr. Forquer moved to approve the Special Approval Use for LiveFIT Perrysburg. Mr. Hudson seconded and it was unanimously approved.

Special Approval Use
My Active Studio, LLC
Shoppes at Perry Junction

DEVELOPER/APPLICANT

David Eoff
My Active Studio
580 Craig Dr. #7
Perrysburg, OH 43551

PROPERTY OWNER

Tolson Enterprises
6591 W. Central Ave.
Toledo, OH 43617

REQUEST

Chapter 1235.02(d) Standards
Chapter 1235.04(l) – Commercial Recreation

PROPERTY LOCATION & DESCRIPTION

The subject property is located near the northwest corner of North Dixie Highway and Eckel Junction Road. The property is located in the Shoppes at Perry's Junction shopping plaza and is currently zoned Highway Commercial (C-4). Commercial Recreation is a Special Approval Use within C-4 zoning districts.

BACKGROUND

My Active Studio is a new fitness related business looking to be established here in Perrysburg. It would provide instructors of fitness related activities studio space to hold fitness classes (i.e. yoga, Pilates and barre fitness), as well as studio space to rent for an hourly fee.

ANALYSIS

This particular special approval use has two sets of requirements that must be met in order to be granted. The first set of requirements comes from Ch. 1235.02(d) and these are the general provisions for all special approval uses. The second set of requirements from Ch. 1235.04(l) is specific to "commercial recreation" uses.

Ch.1235.02(d)

3. 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.
4. 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.
7. 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.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
9. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
10. 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.

Ch.1235.04(l)

1. Within industrially zoned districts commercial recreational 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.

The subject location currently houses a mixture of nine other businesses, and would sit between Pak Mail and Soto. The occupant has an estimated maximum of 35 people on the site at one time. Between the nine businesses, there would be approximately 162 available parking spaces on site.

RECOMMENDATION

The Zoning Inspector recommends that the Planning Commission approve the Special Approval Use for My Active Studio's zoning use of Commercial Recreation in this Highway Commercial Zoning District. The amount of traffic would slightly increase at proposed location but, the building provides enough parking to support the potential maximum occupancy in addition to the traffic from the neighboring businesses. The business would also be operating solely indoors.

Mr. Easterling reviewed the above Staff Report. Mr. Eoff said that the business is solely to provide space for instructors to start their businesses. Mr. Forquer moved to approve the Special Approval Use for My Active Studio. Mr. Carry seconded and it was unanimously approved.

Code Amendment**Accessory Buildings & Uses****Chapter 1250.61(f)****APPLICANT/OWNER/DEVELOPER**

Jeff Hagedorn
13301 Eckel Jct.
Perrysburg, OH 43551

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 applicant (Mr. Jeff Hagedorn) 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.

The Planning Commission has previously considered proposed code amendments which sought to increase the maximum size for accessory buildings on larger than normal lots. These past attempts to increase the allowable size were unsuccessful. 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

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.

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

Mr. Walters reviewed the above Staff Report. Jeff Hagedorn, the applicant, explained that his house was built in the 1930's or 40's in Perrysburg Township on a large lot that was zoned agricultural. He said that the accessory building was built about ten years ago while he was still in the township. He recently had a fire which destroyed the 44'x48' building. He said his needs have changed so he would like to take advantage of three sides of the foundation and replace it with a 24' x 48' building. He said that the former building had a full kitchen because he does a lot of canning. Mr. Hagedorn said that he understands the issue for properties in the city but not for those out in the country. He said that larger properties require more machinery to maintain. Mr. Forquer asked Mr. Hagedorn the size of the living area of his home. Mr. Hagedorn said it is about 900 square feet on a lot that is just under two acres. Mr. Carry asked if the size limitation would still apply if this property were zoned agricultural and Mr. Walters said that it would. Mr. Forquer asked if there was any recourse other than a code amendment to accomplish what Mr. Hagedorn is requesting. Mr. Walters said that he could do an administrative appeal to the Board of Zoning Appeals, but he does not believe Mr. Hagedorn would be successful because the Board would have to rule that the Code is not being interpreted correctly and it is pretty straight forward. Mr. Forquer said that it seems like we're trying to kill an ant with an elephant and he is not in favor of the code amendment but he's sympathetic to Mr. Hagedorn's situation and he is in support of him rebuilding. He added that once you get beyond one or two acres the accessory structures could become too large and he's not sure they would then be an accessory structure. Kraig Mackett, Eckel Junction Road, said that his property is located diagonally from Mr. Hagedorn's property and he is in support of the code amendment. He said the code needs some minor changes to address non-conforming properties and he thinks the one-acre marker is a good breaking point. He added that there are not that many lots greater than one acre in Perrysburg and some accommodations need to be made for annexed properties.

Mr. Hudson moved to recommend approval of the proposed code amendment as modified by the Planning and Zoning Administrator and that a public hearing be held before City Council on September 4, 2016 at 6:20 p.m. Mayor Olmstead seconded. Ayes: Hudson, Olmstead, Wellstein (3). Nays: Carry, Forquer, Nicely (3).

Mr. Carry said that he is not opposed to doing some kind of amendment regarding the size of accessory buildings, but he is not in favor of bringing forth a code amendment

because of one case. Mr. Hagedorn said that the Commission considered a code amendment on this issue over a year ago and no action was taken. There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Mary Jo Sutton