

PLANNING COMMISSION

JULY 27, 2017

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, Andy Lorenz, Eric Nicely and Mayor Olmstead (6). John Wellstein was absent (1). Also present were Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator and Mark Easterling, Deputy Planning and Zoning Administrator.

Approval of Minutes

Mr. Hudson moved to approve the minutes of the June 29, 2017 meeting. Seconded by Mr. Carry. Ayes (6). Nays: (0).

Administrator's Report

No report.

Preliminary/Final Site Plan & Special Approval Use Tolson Enterprises (Shoppes at Perry's Junction) 580 Craig Drive

APPLICANT/OWNER/DEVELOPER

Mike Devolder
Tolson Enterprises, Inc.
6591 W. Central Avenue, Suite 100
Toledo, OH 43617

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1250 – Site Design Standards
Chapter 1235.04(k) – SAU – Child Day Care Center

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the northeast corner of SR25 and Eckel Junction Road. Immediately east of Arby's and north of Circle K gas station.

Property Size: approximately 3.82 acres

Parcels: Q61-400-070404024000
Q61-400-070404028000
Q61-400-070404028001
Q61-400-070404029000
Q61-400-070406005000

BACKGROUND

This collection of parcels forms the Shoppes at Perry's Junction shopping center which is currently home to businesses such as American Family Table, Bai Du, Soto Salon, The Drug Store and Kumon Learning Center. Over the last several years this shopping center has had other tenants come and go but for this particular application the use of "Kidz Watch" requires both site changes as well as a special approval use for a "child day care facility".

ANALYSIS

The applicants have requested a joint preliminary and final site plan review for the proposed dual retail center. This application will be reviewed according to the requirements for preliminary site plan, final site plan, and Special Approval Use.

Preliminary Site Plan

- **Zoning:** C4 (Highway Commercial)
- **Setbacks:** Front: 50 ft.
Side: 10 ft. minimum
Rear: 30 ft.
- **Adjacent Zoning/Uses:**
 - North** – C4 Highway Commercial (Black Diamond Nursery)
 - East** – C4 Highway Commercial (Vacant Land zoned "OS")
 - South** – C4 Highway Commercial (Circle K gas station)
 - West** – C4 Highway Commercial (Arby's / McDonalds)
- **Land Use(s):** Retail, restaurant, salon, and child day care facility
- **Site Layout:** The proposed site plan is not significantly different from what is current present on site. The parking areas, building areas, and points of access to and from the property would remain unchanged. The addition of a striped walkway and a relatively small enclosed/fenced area would cause the loss of 2 parking spaces and 4 trees within the fenced area are called to be removed.
- **Roads and Access:** The proposed changes do not include any changes to the points of ingress or egress. Due to the site layout not changing and the fact that

there was recently a full traffic study completed for this area as part of the intersection improvement the city will not require a traffic impact study as part of this request.

Final Site Plan

- **Parking:** The site plan identifies 157 parking spaces. The code requires 99 parking spaces to accommodate the specific users of the tenant space. Additionally, the drive aisle widths meet or exceed the minimum requirement of 20'.
- **Landscape Islands:** As the site plan indicates, there are several areas of the parking lot that are lacking tree islands. Per the existing parking counts (157 – 2 = 155) there should be 16 landscape islands in the parking lot to help break up large runs of parking spaces. Even some of the islands that are present do not currently contain the required trees/landscaping.
- **Parking Lot Landscape:** The parking lot landscaping is primarily perimeter landscaping and not found internally in the lot. The applicant has not provided a landscape percentage calculation for the parking lot area.
- **Site Landscaping:** The applicant has not provided a site landscape percentage calculation as part of this submission. The proposed installation of the outdoor play area (fenced area) would result in the loss of 4 trees on site. Per the landscape requirements there should be at least 20 trees on site (1 for every 8 parking spaces).
- **Signage:** The signage for the center is not proposed to change. Any wall signs required by the tenant for site identification will be separate review and approval by the planning and zoning office.
- **Lighting:** Not applicable
- **Building Materials:** There are no changes proposed to the existing structure.
- **Sidewalks:** Public sidewalks are required across all frontages and are shown on the site plan. Craig Drive also provides pedestrian access to the shopping center but the internal pedestrian sidewalk is not striped or otherwise delineated through the parking lot.
- **General Engineering:** As submitted, the applicant shall **not** be required to submit and obtain site civil construction plans due to the minimal site work that is being proposed. If the Planning Commission requires more extensive work it may be possible that site civil construction would need to be reviewed by the City of

Perrysburg Divisions. As submitted, a zoning permit would be required to permit the fenced area.

Special Approval Use

GENERAL

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

Ch.1235.04(k) – Child Day Care Centers

1. Assurance shall be provided that all requirements of the Ohio Revised Code 5104 Child Day Care are complied with.
2. Where childcare centers are located in residential districts adequate fencing and screening of outdoor play areas shall be provided.

The applicant has provided a response to each of the Special Approval Use conditions above (General 1-6 and Specific 1-2). The planning and zoning administrator has reviewed the responses provided and has found them to be reasonably addressed.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed all necessary information for the consideration of the preliminary and final site plan and recommends approval of the preliminary/final site plan and special approval use with the following conditions:

1. Replace elsewhere on site the 4 trees that are identified for removal to accommodate the fenced in play area.

2. Provide a delineated pedestrian walkway from the sidewalk stub along Craig Drive to the area near Kumon.
3. On site and parking lot landscaping to be determined by the Planning Commission based on testimony from the applicant regarding the need for parking above and beyond the required 99 spaces.

Mr. Walters reviewed the above Staff Report. Mike Devolder, the applicant, was present. Mr. Devolder said that the play area is required by the State of Ohio to comply with Ohio Revised Code 5104 Child Day Care Centers. He said that they need the 157 parking spaces that they have. He said that they can leave the four trees that were planned to be removed, and they will instead just trim them. He said that instead of the walkway, they would like to be extra careful when walking to the play area and there will be speed bumps. Mr. Devolder added that if not for the play area, this would not need to come to the Planning Commission. Mr. Carry asked about the removal of the two parking spaces. Mr. Hudson said that the walkway appears to eliminate one or two parking spots. Mr. Walters confirmed that the walkway will eliminate two parking spots. Mr. Forquer asked if this project meets the requirements for landscape as it was originally approved. Mr. Walters said that he believes it is legal, non-conforming. Mr. Devolder said it was probably built in the 1970's. Mr. Walters said that it probably went under little review at that time, and he can't recall any recent reviews. He added that this project is unique in that it's only for the fenced-in area and walkway. Mr. Forquer said that he is also concerned with the safety of the children walking to the play area. Mr. Walters asked if they had considered putting in car stops two feet back from the sidewalk. Mr. Devolder said that he is agreeable to that. Mr. Hudson asked if the proposed speed bumps will be painted. Mr. Devolder confirmed that all of them would be painted. Mr. Lorenz asked how often the children will be walking out to the play area. Kimberly Limes, the owner of Kidz Watch, said that the children will be outside 1-2 times a day, for 20-30 minutes, depending on their age. Mr. Carry asked if the number of trees required to meet the onsite landscaping requirement can be handled administratively. Mr. Walters said that he can work with Mr. Devolder and aim towards reaching the required 20 trees. Mr. Devolder said that he does not want anything too large because he doesn't want to block the site. Mr. Walters said that they would probably be on the north and east sides of the building. Mr. Carry said that he is sensitive to Mr. Devolder's concerns, but the trees are in lieu of the landscape islands.

Mr. Hudson moved to approve the Preliminary and Final Site Plan and Special Approval Use for Tolson Enterprises (Shoppes at Perry's Junction), 580 Craig Drive, Suites 7 and 8 subject to onsite landscaping as discussed, to be handled administratively by the Planning and Zoning Administrator. Mr. Forquer amended the recommendation to include curbed vehicle/auto stops along the front of the buildings, from Kidz Watch to the end of the building. Mayor Olmstead seconded and it was unanimously approved.

**Final Site Plan Amendment
Perrysburg Schools – Athletic/Locker Room Facility
(Located at Perrysburg Junior High)**

APPLICANT/OWNER/DEVELOPER

Perrysburg Board of Education
140 E. Indiana Ave.
Perrysburg, OH 43551

Anne Yager, ASLA
The Collaborative Inc.
One Seagate Park, Level 118
Toledo, OH 43604

REQUEST

Chapter 1250 – Site Design Standards
Chapter 1260.18 Site Plan Amendment

PROPERTY LOCATION & DESCRIPTION

On September 24, 2015, the Planning Commission voted to approve the preliminary and final site plan and construction was completed in 2016. The subject site is located at 550 E. South Boundary Street, to the rear of the existing Perrysburg Junior High School. The site is bordered on the south by I75 / I475 and is currently zoned INS (Institutional). The subject site is approximately 15 acres in size and currently contains tennis courts, a track facilities, a football field, a baseball field and other athletic accessories.

ANALYSIS

The revised site plan for the Athletic Complex shows the two interior landscape islands being eliminated and shown as two additional parking spaces. The approved plan from 2015 shows 24 parking spaces including ADA spaces. Each side of the parking lot has 12 spaces separated by a landscape islands. The applicant would like to remove these two islands as well as the curbing for the landscape islands at each end of the parking lot during the current remediation of the structure.

Removing the two landscape islands would create a parking lot in which there would be 13 consecutive spaces on each side of the lot. Ch. 1250.19(d) states that landscape islands are to be provided at a minimum of one (1) for every ten (10) parking spaces with two (2) shade trees planted for every landscape island. Also, Ch. 1250.19(c) states that there must be one (1) shade tree for every eight spaces.

The curbing around the four landscape islands on the perimeter of the parking lot are also proposed to be removed. Ch. 1245.33(g) states that concrete curbs shall be required around the perimeter of a parking areas.

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends that the Planning Commission deny the final site plan amendment. The proposed changes would create a legal nonconforming parking lot as the loss of the two landscape islands and the curbing on the perimeter would not comply with the parking requirements set forth in Ch. 1245(g), 1250.19(c) and Ch. 1250.19(d). The parking lot would have 26 undivided spaces (13 consecutive spaces on each side), zero shade trees in the parking lot, and uncurbed areas on the perimeter of the lot.

Mr. Easterling reviewed the above Staff Report. Dave Serra with the Collaborative and Aura Norris with the Perrysburg Board of Education were present on behalf of the applicant. Mr. Serra noted that the Collaborative was not involved in the initial project, but they are doing remediation work. The project was originally scheduled to be complete in July 2016, and they want to have it completed before the beginning of football season. Mr. Serra said that they are asking for a variance to expedite the current process. He said the area in question is not a public parking area, it is only for Boosters working the concession stand. Mr. Nicely asked if the removal of the two landscape islands and the curbing on the perimeter would really speed up the process. Mr. Serra said yes, that it was recommended by the construction manager because it is a busy construction season and it is hard to get a subcontractor to get the work done. Mr. Nicely asked how much time it will save, and Mr. Serra repeated that they would like to have it completed before football season. There was discussion regarding what was contained on the submission versus Mr. Serra's request. Mr. Walters said the submission shows the removal of curbing just around the landscape islands. Mr. Serra said that the application should have been a request to eliminate curbing for the whole project. Mr. Lorenz asked if the curbing were removed if there would be an elevation change between the asphalt and grass. Mr. Serra said that it would be flush. Mr. Forquer said that he thinks there is a disconnect between expediting the project and the deletion of curbing. Mr. Carry asked if there was exterior concrete work to be completed. Mr. Serra said that there was not. Mr. Carry said that they would only gain four days by eliminating the curbing and it does not meet the Code.

Mayor Olmstead moved to approve the Final Site Plan Amendment for Perrysburg Schools – Athletic/Locker Room Facility, 550 E. South Boundary Street, to the rear of the existing Perrysburg Junior High School. Seconded by Mr. Carry. Ayes: Lorenz (1). Nays: Carry, Forquer, Hudson, Nicely, and Olmstead (5).

Code Amendment – Accessory Buildings & Uses Chapter 1250.61(f)

APPLICANT/OWNER/DEVELOPER

John Conley (citizen)
854 Mulberry St.
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

For approximately the last 2½ years the issue of accessory building size has been debated many times. Most recently city council approved ordinance 97-2016 which changed the size requirement of accessory buildings to be proportional to the size of the overall lot on which it's placed rather than the size of the primary building on the same lot. This change was seen as a more appropriate calculation and resulted in increased flexibility for many property owners. Since this newest ordinance was passed on November 1, 2016 the Planning and Zoning Division has received a few permit requests for accessory buildings that were unable to be issued despite the new size requirement calculation. The previous version of the code allowed accessory buildings to be up to 75% of the size of the main structure. The newest version states that accessory buildings shall not exceed the lesser of 5% of the lot size or 4,000 SF. The applicant on this code amendment is one of the people who did not receive a zoning permit for an accessory building as his request was slightly over the maximum 5% lot coverage. The last two versions of this code section have not allowed a variance for a larger building so the applicant (Mr. Conley) has proposed a new code amendment that would allow the Board of Zoning Appeals (BZA) to consider a variance within certain tolerances.

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

The accessory building:

1. Cannot be larger than 5% of the lot on which it's placed or 4,000 square feet (whichever is less).
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

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

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 5% of the lot size or 4,000 SF. however, the Board of Zoning Appeals may consider an exception to the maximum size requirement providing that the requested size does not exceed 8% of the lot size.

RECOMMENDATION

The Planning and Zoning Administrator recommends that either the proposed amendment by Mr. Conley be recommended to City Council for approval or that a small percentage (1% - 3%) be added to the existing code language to provide faster approvals for applicants without increasing the case load of the Board of Zoning Appeals. **Further, it is recommended that a public hearing be set before City Council for September 5, 2017 at 6:15 p.m.**

Mr. Walters reviewed the above Staff Report. Mr. Conley, the applicant, was present. He said that he has a 768 square foot detached garage and his home is 1,750 square feet. Under the current regulations, he only has 116 square feet left for accessory structures. He said that not having an appeals process is frustrating. Mr. Nicely asked if we are capping this. Mr. Walters said that the proposed code amendment would prohibit the Board of Zoning Appeals from approving anything over 8%, but it would not prevent future amendments. Mr. Forquer said that when the Commission looked at this section of the code last time, they started at 2½%. He noted, however, that Mr. Conley's request would have been in compliance with the old Code language. Mr. Forquer said that he is not prepared to make adjustments to such a new Code change. He added that he does not feel what Mr. Conley wants to construct is an accessory structure. Mr. Walters said that it was presented to the Planning and Zoning Division as an addition to his garage and the roof line of the garage will be continued. He added that the applicant can file an administrative appeal with the Board of Zoning Appeals if he feels that the Code is being misinterpreted. Bernard Barr, Pine Street, said that he built a garage that was legal when he built it and if it burns down, he could not rebuild it. He said that 5% of the lot size is not a lot. Mr. Carry did the calculations and found that if Mr. Barr's garage was destroyed, he could rebuild. Mr. Hudson said that there are two issues – new and existing structures if they are destroyed. He suggested that they consider grandfathering existing structures. Mr. Walters pointed out that if you grandfather existing structures, you could never bring them into compliance with the Code. Mr. Forquer suggested that this be tabled and let the applicant go to the Board of Zoning Appeals with an administrative appeal. Mayor

Olmstead pointed out that this request is not just for one person even though it is being spearheaded by Mr. Conley.

Mayor Olmstead moved to recommend to City Council approval of a Code Amendment that would add up to 3% to the existing Code language for accessory buildings. Seconded by Mr. Carry. Ayes: Hudson and Olmstead (2). Nays: Carry, Forquer, Lorenz, and Nicely (4).

Mayor Olmstead moved to recommend to City Council approval of a Code Amendment to allow the Board of Zoning Appeals to consider exceptions to the maximum size requirement for accessory buildings providing that the requested size does not exceed 8% of the lot size and that a public hearing be held before City Council on September 5, 2017 at 6:15 p.m. Seconded by Mr. Hudson. Ayes: Hudson and Olmstead (2). Nays: Carry, Forquer, Lorenz and Nicely (4).

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Mary Jo Sutton