

## **PLANNING COMMISSION**

**JUNE 30, 2016**

The meeting was called to order at 7:00 p.m. by Vice-Chairman Tom Forquer. Commission members present were Byron Choka, Tom Forquer, Seth Hudson, Eric Nicely, Mayor Olmstead and John Wellstein (6). Chris Carry was absent (1). Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Zoning Inspector.

### **Approval of Minutes**

Mr. Hudson moved to approve the minutes of the May 26, 2016 meeting. Mr. Nicely seconded and they were approved 5-0. Ayes: Forquer, Hudson, Nicely, Olmstead and Wellstein (5). Abstain: Choka (1).

### **Administrator's Report**

Mr. Walters stated that items 6 and 8 from tonight's agenda have been deferred to next month's meeting. Along with those items there will be two more agenda items for the July meeting.

### ***Final Site Plan Amendment Taco Bell***

#### **APPLICANT/OWNER/DEVELOPER**

Skip Schumaker  
G-Made, Inc.  
2738 N. Main St., Suite A  
Findlay, OH 45840

Dan Stone  
Van Horn Hoover & Assoc.  
P.O. Box 612  
Findlay, OH 45839

#### **REQUEST**

Chapter 1260.05 – Preliminary Site Plan Review  
Chapter 1260.08 – Final Site Plan Review  
Chapter 1245.29 – SR25 Corridor Overlay  
Chapter 1250 – Site Design Standards

#### **PROPERTY LOCATION & DESCRIPTION**

**Location:** The subject property is located on the east side of N. Dixie Highway, south of Lincoln Blvd. and north of Gloria Street. "Social" restaurant is the immediate neighbor to the north of this property. This application includes 16 parcels, with lots 705 and 754 only being partially used.

**Property Size:** .939 acres

**Parcels:** Q61-400-180303022000 Q61-400-180303015000 Q61-400-180303013000  
Q61-400-180303021000 Q61-400-180303005000 Q61-400-180303012000  
Q61-400-180303020000 Q61-400-180303014000 Q61-400-180303011000  
Q61-400-180303019000 Q61-400-180303006000 Q61-400-180303010000  
Q61-400-18030301800 Q61-400-180303007000  
Q61-400-18030301700 Q61-400-180303008000  
Q61-400-18030301600 Q61-400-180303009000

## **BACKGROUND**

On February 26, 2015 Taco Bell submitted their preliminary and final site plans. This set of plans were denied by the Planning Commission as the submitted plans did not have the billboard located on the lot removed. Taco Bell did choose to appeal this decision to City Council and the plans were approved at the August 18, 2015 meeting upon an agreement to conditions set forth in regard to the billboard. Construction since this meeting has been well underway on the new building with most of the exterior work being near completion. Since these previous approvals, Taco Bell has discovered that the current location of the trash enclosure in the rear yard of the building would present difficult circumstances in allowing trucks to have access to the receptacle to remove waste from the site without interfering with traffic flow or forcing the truck to uneasily access the enclosure.

## **ANALYSIS**

The proposed amendment includes changes to the location of the trash enclosure. Chapter 1250.57(2) states that waste receptacles shall be located in the rear or non-required side yard, and the current property has three front yards forcing the current location of the enclosure to be located in the center of the parking lot, on the east side of the property, behind the building. This location could prove very difficult for trucks to access during the removal of waste from the property. The landscape islands constructed between the parking spaces would provide the most difficulty in allowing the trucks to navigate to the receptacle. Therefore, the movement of the receptacle still allows the parking lot to meet the requirement of one landscape island be provided per each ten parking spaces.

The proposed location would allow direct and easy access to trucks from Lincoln Boulevard, as well as allow for additional screening from potential landscaping. The area between the proposed sidewalk and the trash enclosure would be approximately twenty-eight (28) feet wide.

## **RECOMMENDATION**

The Zoning Inspector recommends that the Planning Commission approve the final site plan amendment to allow the location and installation of the trash enclosure to be placed

in the northeast corner of the property with the condition that additional landscaping be used to screen the enclosure from view along Lincoln Boulevard.

Mr. Easterling reviewed the above Staff Report. George Kentris, President of G Made, Inc. and Skip Schumaker, General Manager, were present. Mr. Nicely asked if any comments were received by neighbors and Mr. Walters said no comments were received. Mr. Choka asked if there were any comments from Social. Mr. Walters said he had not heard from Social. Mr. Choka asked if this would affect ingress or egress. Mr. Kentris said it is actually better than the previous location. Mr. Forquer asked who owns the property to the east and Mr. Kentris said that his company, G Made, Inc. owns it. Mr. Forquer stated that if the adjacent property is developed or sold, that this change will be a known entity to the new owner. Mr. Kentris agreed. Mr. Forquer asked if the Commission is being asked to only approve the amendment and Mr. Walters said that is correct. Mr. Forquer asked who authorized construction prior to approval. Mr. Schumaker said that they knew that if it was not approved they would have to tear it down.

Mr. Forquer moved to approve the final site plan amendment for Taco Bell to allow the location and installation of the trash enclosure to be placed in the northeast corner of the property with the condition that additional landscaping be used to screen the enclosure from view along Lincoln Boulevard. Mr. Wellstein seconded and it was unanimously approved.

Mr. Forquer stated that the additional landscaping will need to be approved by the Planning and Zoning Administrator. Mr. Kentris said that he is aware of that.

**Special Approval Use – Outdoor Animal Services  
Perrysburg Pet Lodge & Spa  
399 West Boundary Street**

**APPLICANT/OWNER/DEVELOPER**

Kendall Goodell  
KG Grooming Company, LLC  
1242 Old Trail Rd.  
Maumee, OH 43537

**REQUEST**

Chapter 1215.02 Definitions (Animal Services – outdoor)  
Chapter 1225.08 – Animal Services (outdoor)  
Chapter 1235.02(d) – General Provisions, Standards

**PROPERTY LOCATION & DESCRIPTION**

**Location:** The property is located on the north east corner of the intersection of W. Boundary and Indiana Avenue (immediately north of Master Chemical).

**Property Size:** approx. 1.59 acres

**Parcel:** Q61-400-070301013005

## **BACKGROUND**

The applicant has recently acquired the property located at 399 W. Boundary Street (formerly the non-conforming use of Weaver Animal Clinic). The property was recently rezoned to C-1 Neighborhood Commercial. Per Ch. 1225.08 uses that involve animal activities “outdoors” require a special approval use in order to be located in C-1 Neighborhood Commercial districts. 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 but the use of Animal Services (outdoor) only requires the “general conditions” of Ch. 1235.02(d) be met.

According to documents provided by the applicant, the business plans to provide full-service animal grooming, boarding and animal day care. The business is also planning to sell supplemental dog supplies such as food, apparel and other accessories. A detailed “Daily Schedule” has been provided and is shown as **exhibit A** to this report.

During a pre-meeting with the applicant she explained that the business is planned to provide service for 40 dogs (25 daycare dogs & 15 overnight boarding dogs) in addition to any dogs with routine grooming appointments during the day. Also during this pre-meeting, the applicant stated that the outdoor activities of the dogs would only consist of scheduled restroom breaks which would take place in a 55’ x 60’ fenced in area connected to the east side of the building.

## **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.

### **RECOMMENDATION**

The Planning and Zoning Administrator recommends approving the request for special approval for the use of Animal Services (outdoor) subject to the following requirements:

The area dedicated to outdoor dog activities shall not;

- 1.) increase in size,
- 2.) be relocated to another part of the property,
- 3.) Be used before or after the hours indicated on the attached "Daily Schedule" **(exhibit A)**.

## **EXHIBIT A**

### **Perrysburg Pet Lodge & Spa Hours**

399 W. Boundary St.  
Perrysburg, OH 43551

#### **Daily Schedule**

##### **Monday-Friday**

6:30-7:00am - All our dog boarders are awoken and taken outside, ready to start the day while our daycare guests begin to arrive

7:30am - Dogs are let back outside to eliminate before daycare

10:00-10:30am - Potty break

12:30-1:00pm - Potty break

2:00-2:30pm - Potty break

4:30-5:00pm - Potty Break

5:30-6:00pm - Boarding dogs let out once more outside before nap time. Daycare guests head home for the day.

10:00-10:30pm - Just like at home boarding dogs are let out once more before going to bed for the evening

### **Saturday**

8:00-8:30am - All our dog boarders are awaken and taken outside, ready to start the day while our daycare guests begin to arrive

9:00am - Dogs are let back outside to eliminate before daycare

12:30-1:00pm - Potty break

2:00-2:30pm - Potty break

4:30-5:00pm- Potty Break

5:30-6:00pm - Boarding dogs let out once more outside before nap time

10:00-10:30pm - Just like at home boarding dogs are let out once more before going to bed for the evening

6:00am – Boarding dogs are let out for a potty break

### **Sunday**

10:00-10:30am - All our dog boarders are awaken and taken outside, ready to start the day while our daycare guests begin to arrive

11:00am - Dogs are let back outside to eliminate before daycare

12:30-1:00pm - Potty break

2:00-2:30pm - Potty break

4:30-5:00pm- Potty Break

5:30-6:00pm - Boarding dogs let out once more outside before nap time

10:00-10:30pm - Just like at home boarding dogs are let out once more before going to bed for the evening

6:00am – Boarding dogs are let out for a potty break

Mr. Walters reviewed the above Staff Report. He explained that if any of the three items in his recommendation change, then the applicant would be required to go through the Special Approval Use process again. Kendall Goodell, Brad Brown and Phil Dombey were present on behalf of the applicant. Mr. Dombey noted that there is a large area of trees and shrubs between this outdoor area and the neighbors. Mr. Choka asked if the area will be fenced in and Mr. Dombey said it will be. Mr. Walters noted that the fence has been reviewed and approved. Mr. Hudson asked what type of fence and Mr. Walters said he believes it is stockade fencing. Mr. Hudson asked if the applicant has any experience operating this type of business. Ms. Goodell said that she has not run her own business, but she has animal grooming skills. Mr. Brown said that he has been in sales. Mayor Olmstead asked about the schedule and clarified that those are the only times the dogs would be outside so no one will be able to say that the dogs were outside barking all day. Ms. Goodell said that they will follow the schedule and someone will always be outside with them. Ms. Goodell added that the fence will be a 6' vinyl privacy fence and the dogs' last time out would be 10:00 p.m. to 10:30 p.m. Mr. Forquer asked how they came up with the 15 dogs to be boarded overnight, the 25 dogs for daycare and the outside area of 55' x 60'. Ms. Goodell said that the 55' x 60' will keep it within the vegetation area of the property. Mr. Brown said this will provide a buffer between the neighboring properties. Mr. Forquer said that he has concerns about the noise level regardless of the time of day. He stated that a potty break schedule was provided, but he asked about a clean-up schedule and an exercise regimen. Ms. Goodell said that they will have 15 kennels for the boarded dogs and they have a large room indoor where they can play all day. Mr. Dombey said that the dogs will play inside and employees will clean up after each outside break so there will be no intrusion to the neighbors. Mr. Forquer clarified that the potty break schedule and the clean-up schedule are the same, and exercise is taking place inside and there will be no walking dogs through the neighborhood. Mr. Choka asked if anyone will be with the dogs overnight. Ms. Goodell said that is under consideration. Mr. Choka asked if this Special Approval Use limits the number of dogs. Mr. Dombey said that the size of the available area will dictate the number of dogs allowed. Mr. Walters said that the Planning Commission's task is to review the health, safety and general welfare criteria and if that requires them to put a cap or limit on the number of dogs allowed, he thinks that it is appropriate for them to do so.

Katy Davis, 586 Perry Drive, said that she lives directly to the east of this property and she feels 6:00 a.m. is very early and 10:00 p.m. is late. She is having a baby soon and she also has a dog that went to doggy daycare. She said those dogs were outside and she expressed concern that the dogs will be barking as people go in and out. Mr. Dombey said that Perrysburg has a barking dog ordinance that he's sure will be enforced. He said employees will take care of the noise and that they want to be good neighbors.

Peter Johnston, 550 Perry Drive, also expressed concerns about barking.

Mr. Choka said that he has a dog that they board and it can go outside whenever it wants and his concern is that as the dog owners find out their dogs can't go outside that the schedule will change. Mr. Dombey said that they are agreeable to the limitation of the schedule provided. Mr. Choka said that 30 minute breaks are long and he added that 15

dogs outside for 30 minutes could be a lot of barking. He said that he struggles with adding conditions because he doesn't know their business so he wouldn't know if the conditions would make the business unsustainable. Mr. Forquer asked if the noise ordinance could be enforced if the Special Approval Use were granted. Mr. Dombey said they would still be subject to the noise ordinance. Concerns were raised regarding the dogs being alone at night and if they start barking there would be no one there to calm them down. Mr. Dombey said that he is sure his client would be willing to provide contact information to the neighbors. The applicants were asked if they are doing any sound proofing. Mr. Brown said they are putting up sound proof ceiling tiles and the windows will be replaced.

Mr. Nicely moved to approve the Special Approval Use for Animal Services (outdoor) for the Perrysburg Pet Lodge and Spa at 399 West Boundary Street subject to the following requirements: The area dedicated to outdoor dog activities shall not: 1.) increase in size, 2.) be relocated to another part of the property, and 3.) be used before or after the hours indicated on the attached "Daily Schedule" (**exhibit A**). Seconded by Mayor Olmstead. Ayes: Nicely, Olmstead, Wellstein (3). Nays: Choka, Forquer (2). Abstain: Hudson (1). The motion did not carry because they did not get a majority of votes; four affirmative votes were needed.

Mr. Hudson was asked why he abstained and he said that he was undecided on the issue. It was noted that per the Law Director's email several months ago, that was not a valid reason to abstain. Mr. Walters contacted the Law Director who stated that the vote was not illegal, but the abstention was improper. She recommended that there be a revote, but it has to be requested by a member who voted no or abstained on the motion.

Mr. Hudson requested a revote on the motion to approve the Special Approval Use for Animal Services (outdoor) for the Perrysburg Pet Lodge and Spa at 399 West Boundary Street subject to the following requirements: The area dedicated to outdoor dog activities shall not: 1.) increase in size, 2.) be relocated to another part of the property, and 3.) be used before or after the hours indicated on the attached "Daily Schedule" (**exhibit A**). Seconded by Mr. Wellstein. Ayes: Nicely, Olmstead, Wellstein (3.) Nays: Choka, Forquer, Hudson (3). *The motion needed four affirmative votes for approval.*

## **Preliminary Plat Riverford Plat 7**

### **APPLICANT/OWNER/DEVELOPER**

Schroeder Company  
4668 Talmadge Rd.  
Toledo, Ohio

The JDI Group  
360 W. Dussel Dr.  
Maumee, OH 43537

## **REQUEST**

Chapter 1295.01 – Preliminary Plat

## **PROPERTY LOCATION & DESCRIPTION**

The subject property is located on south of Eckel Junction Rd. along the extension of Chippewa Dr. and Delaware Dr. This plat is bordered on the south by I-475 and on the west by Hull Prairie Farms Plat 1.

The proposed Plat 7 consists of 27 lots, approximately 11.635 acres and is zoned R3 (Single Family Residential).

## **BACKGROUND**

Final Plat 1 was approved while still in Perrysburg Township prior to annexation. Final Plats 2, 3, 4, 5 and 6 were approved per the following:

Plat 2: December 3, 1992

Plat 3: May 25, 1995

Plat 4: June 25, 1998

Plat 5: August 19, 2004

Plat 6: August 28, 2014

## **ANALYSIS**

The City of Perrysburg's current Comprehensive Plan indicates "Controlled Growth/Traditional Neighborhood Area."

The subject property is currently vacant and being farmed.

The Code provides for a minimum lot area of 11,600 SF for R-3 Zoning. All proposed lots currently meet or exceed the minimum lot size. Each lot is also in accordance with the dimensional requirements for depth and width.

The subject property shall be subject to Chapter 1295 – Subdivision Regulations.

### ***Planning & Zoning:***

#### **General**

- Lots must have at least 65' of frontage along a street, unless approved by Planning Commission. In no case shall a lot have a width less than 65' at the building line. There are two lots that do not currently meet this requirement; lots 153 and 154 which are 63.32' and 60.69' respectively at the right-of-way line.
- Open space has not been set aside for this subdivision so the developer is proposing cash in lieu of open space. The calculation for this fee will be calculated

per the following formula: 7.5% of the appraised (predeveloped) value of the acreage + \$100 per lot included in the plat.

- A 2' buffer lot along with appropriate language is required at the end of dead end streets (Delaware Dr. and Barber Lane).
- 5' sidewalks are required throughout the plat.
- Rear yard catch basins will be required on every other lot. (This is a new requirement that will be reviewed upon the submission of construction plans).

**Preliminary Plat approval shall be effective for a maximum period of twenty-four (24) months unless, upon application of the developer, the Planning Commission grants an extension. If the Final Plat has not been recorded within this time limit, the Preliminary Plat must again be submitted to the Planning Commission for approval.**

#### **RECOMMENDATION**

The Planning and Zoning Administrator recommends that the Planning Commission approve the overall Preliminary Plat for the Riverford Plat 7 subject to the comments and recommendations in this report.

Mr. Easterling reviewed the above Staff Report. Ed Schroeder was present. He said that he is okay with the recommendations except for the open space. He said that he paid for the open space when the property was in the township and the city accepted it. He asked that the Planning and Zoning Division see if the letter from the City accepting it can be located. Mr. Choka noted that two lots are too small. Mr. Schroeder said that Mr. Walters spoke to his engineer and that will be taken care of. Mr. Forquer asked if the two lots are 65' at the building line and Mr. Schroeder said that they are. Mr. Forquer noted that the approval will include the open space requirement unless a letter can be found that waives the open space fee.

Mr. Choka moved to approve the Preliminary Plat for Riverford Plat 7 subject to the comments and recommendations in the Planning and Zoning Administrator's report. Mr. Hudson seconded and it was unanimously approved.

#### **Code Amendment**

##### **Section 1245.34**

##### **Limitation of Signs in the Corridor Overlay**

#### **APPLICANT/OWNER/DEVELOPER**

City of Perrysburg  
201 W. Indiana Ave.  
Perrysburg, OH 43551

## **REQUEST**

Chapter 1285 – Changes and Amendments  
Chapter 1245.34 – Limitation of Signs (Corridor Overlay)

## **DESCRIPTION**

The proposed code amendment to Chapter 1245.34 would clean up conflicting code language between the more recently revised Chapter / Table 1250.34(a) and Ch. 1245.34 which was last revised in 2006. The proposed code amendment would also provide for the proper range of code sections which collectively make up the “sign standards”.

The proposed code amendment would make the height limitation of signs consistent between both chapters at a height of 6’. Ch. 1245.34 limits the height to 5’ and Ch. 1250.34(a) limits them to 6’. The most recent revision allowed for 6’ so that height is the standard that is recommended.

## **ANALYSIS**

### **Existing Code Language**

#### **1245.34 LIMITATION OF SIGNS.**

The purpose and intent of this Chapter is to regulate the use of publicly visible displays or graphics; to protect and enhance the character of arterial roadways and surrounding areas; to prevent diminishing property values within these areas; to safeguard the public use and nature of arterial roadways; and to minimize visual distractions to motorists along public roads.

(a) The following shall apply to all signs in the Corridor Overlay:

- (1) Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building or structure.
- (2) Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory.
- (3) A unified system of signage and graphics shall be designed for each individual development. Letter style, graphic display and color shall be analogous for all signage and graphics within an individual development. Signage concepts should be considered during the design of buildings so that signage and graphics are architecturally incorporated into those buildings and the site they inhabit. Size, height, location, material and color should strongly relate to building and site design.

(4) All new and replacement signs within the Corridor Overlay from the effective date of this Zoning Code shall be limited to a freestanding sign no higher than five (5) feet, pursuant to the specifications outlined in the sign standards of Section 1250.29. (Ord. 25-2006. Passed 3-7-06.)

## Proposed Code Language

### **1245.34 LIMITATION OF SIGNS.**

The purpose and intent of this Chapter is to regulate the use of publicly visible displays or graphics; to protect and enhance the character of arterial roadways and surrounding areas; to prevent diminishing property values within these areas; to safeguard the public use and nature of arterial roadways; and to minimize visual distractions to motorists along public roads.

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(2) Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory.

(3) A unified system of signage and graphics shall be designed for each individual development. Letter style, graphic display and color shall be analogous for all signage and graphics within an individual development. Signage concepts should be considered during the design of buildings so that signage and graphics are architecturally incorporated into those buildings and the site they inhabit. Size, height, location, material and color should strongly relate to building and site design.

(4) All new and replacement signs within the Corridor Overlay from the effective date of this Zoning Code shall be limited to a freestanding sign no higher than **six (6)** feet, pursuant to the specifications outlined in the sign standards of Section 1250.29 – **1250.39**.

### **RECOMMENDATION**

The Planning and Zoning Administrator recommends that the Planning Commission recommend to city council approval of the proposed code amendment as presented in this report.

**Further, it is recommended that a public hearing be set before City Council for August 16, 2016 at 6:15 p.m.**

Mr. Easterling reviewed the above Staff Report. Mr. Forquer clarified that it will make the Code consistent with the 6' and Mr. Easterling said that is correct.

Mr. Forquer moved to recommend approval of the proposed Code Amendment as presented and to schedule a public hearing before City Council on August 16, 2016 at 6:15 p.m. Mr. Nicely seconded and the motion was unanimously approved.

**Other Business**

Mr. Choka stated that this will be his last meeting because he is moving out of the City. Mr. Walters thanked Mr. Choka for serving on the Planning Commission.

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Mary Jo Sutton