PLANNING COMMISSION MEETING

JUNE 26, 2014

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, Mayor Olmstead, and Therese Witt (5). Greg Bade and Chris Carry were absent. Also present were Brody Walters, Planning and Zoning Administrator and Mathew Beredo, Law Director.

APPROVAL OF MINUTES FROM THE APRIL 24, 2014 MEETING

Mr. Choka moved to approve the minutes of the April 24, 2014 meeting. Mr. Hudson seconded and they were unanimously approved.

ADMINISTRATOR'S REPORT

Mr. Walters reported that a special meeting has been scheduled for July 17, 2014 at 7:00 p.m. to consider two items: a replat at Crossroads Business Park and rezoning of Westside Montessori. He said there is also a full agenda for the July 31, 2014 meeting.

Rezoning Request
OS to R4 Zoning
201 Walnut Street

APPLICANT/OWNER/DEVELOPER

Stephen & Elizabeth Fowler
201 Walnut Street
Perrysburg, OH 43551

Jeff Normand (Architect)
29030 E. River Road
Perrysburg, OH 43351

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1225.08 – Use Regulations (OS & R4)

PROPERTY LOCATION & DESCRIPTION

The subject property is located at the northwest corner of the intersection of W. Second Street and Walnut Street. The subject property consists of 1 parcel (Q61-000-901207019000) that is approximately .25 acres in size. The property is inlot 287.

The property is currently zoned OS (Office & Service) and the applicant has requested to rezone the property to R4 (Single-Family Residential).

BACKGROUND

The subject property has been used as a single-family residence for many years and has been considered to be a non-conforming use during this time. Ch. 1225.08 of the Planning and Zoning Code declares that residential uses shall not be permitted on land zoned "OS". The use enjoys a legal non-conforming status and would need to be returned to an Office and Service use should either of the following occur:

- The current use is discontinued for a consecutive period of 2 years or more;
- The structure (60% or more) is damaged

Additionally, the use cannot be expanded on the property, nor can the use be changed to one that is "more intense".

The applicant requests the zoning of R4 (Single-Family Residential) to permit the construction of a new residence which would be more compatible with the current use of the surrounding land.

Rezoning this property to R4 could result in the following uses: (note: SAU = special approval use)

1. Single-Family Dwelling
2. Bed & Breakfast (SAU)
3. Rooming House (SAU)
4. Accessory Use
5. Child Day Care Center (SAU)
6. Essential Services
7. Non-Commercial Recreational Facilities (SAU)
8. Parks and Recreation Facilities (SAU)
9. Part-Time Child Day Care Centers (SAU)
10. Public Service Facility (SAU)
11. Public/Private Utility (SAU)

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the zone change from OS to R4 for the .25 acre parcel owned by Stephen and Elizabeth Fowler at 201 Walnut Street, Perrysburg, Ohio.

Further, it is recommended that a public hearing be set before City Council for August 5, 2014 at 6:20 p.m.

Mr. Walters reviewed the above Staff Report. Mr. Normand and Mr. Fowler were present. Mr. Choka asked if the plan is for a single family residence. Mr. Normand said that is the plan and they have already been to the Historic Landmarks Commission for approval to demolish the existing house and preliminary approval on a new house. Dale Barnard, 202 W. Front Street, said that his back door faces the back door of this property and he is absolutely in favor of the rezoning request. Mr. Choka asked how it was ever zoned OS. Mr. Walters said that he is speculating, but perhaps the previous owner wanted to attract professionals who wanted an office that looked like a house.

Mr. Hudson moved to recommend approval of the zoning change for 201 Walnut Street from OS to R4 (Single Family Residential) and to schedule a public hearing before City Council on Tuesday, August 5, 2014 at 6:20 p.m. Mr. Choka seconded and it was unanimously approved.

Special Approval Use: Outdoor Café
Revolver Electronic Cigarette
25680 N. Dixie Highway

APPLICANT/OWNER/DEVELOPER

Dennis Beaver
7416 Berkey Hwy
Blissfield, MI 49228

Matt Smith
6027 Blossman Rd.
Toledo, OH 43617

Paul Avery (property owner)
2780 Centennial Rd.
Toledo, OH 43617

REQUEST

Chapter 1235.04(mm) – Special Approval Use: Restaurant – Outdoor Café

PROPERTY LOCATION & DESCRIPTION

The subject property is located at 25680 N. Dixie Highway and is located in the Scrambler Marie's plaza. The subject property is within the corridor overlay and is zoned C4 (Highway Commercial).

BACKGROUND

Revolver Electronic Cigarettes has been in business at this location for approximately one year. The applicants have requested to make use of an existing concrete patio on the south side of the building and operate this area as an outdoor café. This request as submitted required approval by the Board of Zoning Appeals (BZA) for the installation of a 6' high fence in a front yard. The BZA approved this request at their June 9, 2014 meeting.

ANALYSIS

Although there is an existing concrete patio on the south side of the building there is no current utilization of this space for outdoor café purposes. The zoning code requires a Special Approval Use (SAU) to operate it for such purposes. In addition to the general SAU requirements this request must be found to meet the following criteria:

Per Chapter 1235.04(mm), the following provisions shall be strictly observed for all aspects of the outdoor café areas:

Chapter 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.

In addition, it is recommended to add the following requirements to any granted approval:

- The applicant is required to keep the outdoor café area free of refuse and litter.

- There shall be no plastic furniture. There can be a choice of umbrella colors but there shall be no signs or any other forms of advertising in the outdoor areas or on the umbrellas with the exception of the name of the establishment.

- Ingress and egress from the outdoor café features shall be reviewed and approved by the City of Perrysburg Fire Division.

Per Chapter 1235.03(c), a Special Approval Use shall be in effect for one (1) year from the date of issuance. If the Special Approval Use and any associated improvements have not been started within one (1) year, the Special Approval Use shall expire.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the Special Approval Use for the outdoor café for Revolver Electronic Cigarettes per Chapter 1235.04(mm) located at 25680 N. Dixie Highway subject to all the comments and recommendations set forth in this report.

Mr. Walters reviewed the above Staff Report. Timothy Corser, manager of the Perrysburg Revolver store, was present. Mr. Forquer asked Mr. Corser if he understood the recommendations and if he had any issue with them. Mr. Corser said that they are okay with the recommendations. He said they don't plan on having music; they just want to offer a more intimate setting. Mr. Hudson asked how close the residence behind them is. Mr. Corser said it is about 25 yards away and they have a good relationship with the resident. Mr. Choka asked if neighbors were notified about this meeting. Mr. Walters said that property owners within 200' were notified. Ms. Witt asked if they served food, and Mr. Corser said they serve finger food.

Mr. Choka moved to approve the Special Approval use for the outdoor café for Revolver Electronic Cigarettes per Chapter 1235.04(mm) subject to all the comments and recommendations set forth in the Planning and Zoning Administrator's report. Mr. Hudson seconded and it was unanimously approved.

Preliminary & Final Site Plan Review
"The Guesthouse"
120 W. Indiana Avenue

APPLICANT/OWNER/DEVELOPER

Syd Rogers
120 W. Indiana Ave.
Perrysburg, OH 43551

Duket Architects
830 N. Summit St.
Toledo, OH 43604

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1250 – Site Design Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located near the southwest corner of the intersection of Louisiana Avenue and Indiana Avenue, next to the Schaller Building and across the street from "V Couture".

Property Size: .251 acres

Parcel: Q61-000-902206004101

BACKGROUND

This property has been and continues to be occupied as a residence and a bed and breakfast use. The current property contains a primary structure used for the residential use as well as the bed and breakfast use and a garage that has been converted into a studio/meeting room.

ANALYSIS

The applicants have provided the necessary documents to conduct a joint preliminary and final site plan review for the proposed changes including a separate living space addition to the existing studio/meeting room. This application will be reviewed according to the requirements for preliminary and final site plan. Specific review of the requirements pertaining to setback and parking will not be needed due to the zoning classification of the location. Additionally, it should be noted that the applicant has received a variance from the Board of Zoning Appeals on April 14th, 2014 to permit the construction of more than one main building on the lot. The proposed addition shall be considered a second main building due to the inclusion of a restroom, kitchen and a bedroom.

Preliminary Site Plan

- **Zoning:** C2 (Central Business)

- **Setbacks:** Front: none
  Side: none
  Rear: none

- **Adjacent Zoning/Uses:**
  North – C2 Central Business (V Couture)
  East – C2 Central Business (Antique Shop)
  South – C2 Central Business
  West – INS Institutional (Schaller Memorial Building)

- **Land Use(s):** Residential / Bed and Breakfast

- **Site Layout:** This property features a two-story residential structure and a studio/meeting room that is separated from the house by a fairly extensive garden/courtyard. The closest edge of the garage is approximately 20' from the property line along the alley.

- **Roads and Access:** A Traffic Impact Study has not been requested for this project due to the limited number of trips generated.

Final Site Plan

- **Parking:** Land zoned C2 has no onsite parking requirement. C2 zoning is primarily found in the downtown location where buildings occupy most or all of the available property. Additionally, the site plan indicates that the existing non-conforming gravel driveway at the rear of the garage will be removed and replaced with a "new grass courtyard".

- **Signage:** The existing signage is expected to remain, without adding additional signage at this time. Any future signage changes will require review and approval from the Planning and Zoning Division.

- **Building Materials:** The applicant is proposing to construct the addition out of wood siding. Chapter 1250.48 states that the use of wood siding in a C2 district may not exceed 50%. While the exclusive use of wood siding is appropriate considering the existing structures on site, it does not satisfy the building material requirements of the Zoning Code.

- **General Engineering:** The applicant shall submit and obtain City of Perrysburg engineering approvals for site civil construction plans, including pavement and drainage, water, storm and sanitary sewer prior to a zoning permit being issued. A zoning permit is required prior to Wood County issuing a building permit.

RECOMMENDATION

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

1. The building materials of the existing studio/meeting room and the proposed addition should be changed to satisfy the requirements of Ch. 1250.48 or in the alternative, the applicant should file to rezone the property to a residential use.
2. A fence permit shall be obtained from the Planning and Zoning Division.
3. A pergola permit shall be obtained from the Planning and Zoning Division.

Mr. Walters reviewed the above Staff Report. Ms. Rogers said she wants the proposed building to look like the existing building. She asked if she could use cement board that could be painted to match. Mr. Walters explained that the use of wood is capped at 50% and cement board at 25%. Mr. Hudson asked if the requirement regarding various building materials is for structural integrity. Mr. Walters said it is an aesthetic requirement. Mr. Hudson asked if the Planning Commission can waive the requirement on building materials. Mr. Beredo said that they should use the Planning and Zoning Code as a guide and if they tell the applicant she has to use various building materials she can appeal to City Council. However, if they tell her she does not have to use different building materials, there is no second step to change that decision. There was discussion regarding possible variations of building materials that could be used. Mayor Olmstead applauded Ms. Rogers on her desire to make changes and he said that the proposed building looks great, but he does not think that the Code should be ignored. Ms. Rogers asked specifically what they are looking for. Mr. Walters said that the City is looking for high quality materials that are diverse but work well together. Mr. Forquer told Ms. Rogers that her architect will be able to give her ideas for alternative building materials and their estimated cost. He added that they are not trying to discourage her from making the improvements. Ms. Witt said that she is comfortable with the Planning and Zoning Administrator reviewing the building materials in a revised submission so it would not need to come back to the Planning Commission. Mr. Forquer said that when Ms. Rogers revisits this with her architect other things may change.

Mr. Choka moved to table the Preliminary and Final Site Plan for the Guesthouse, 120 West Indiana Avenue. It was seconded by Mr. Hudson and was unanimously approved.

There being no further business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Mary Jo Sutton