

PLANNING COMMISSION

MAY 28, 2015

The meeting was called to order at 7:00 p.m. by Chairman Chris Carry. Commission members present were: Chris Carry, Byron Choka, Tom Forquer, Seth Hudson, Eric Nicely, and Therese Witt (6). Mayor Olmstead arrived at 7:02 p.m. Also present was Brody Walters, Planning and Zoning Administrator.

APPROVAL OF MINUTES OF APRIL 30, 2015 MEETING

Mr. Forquer moved to approve the minutes of the April 30, 2015 meeting as written. Mr. Hudson seconded and the minutes were approved 5-0. Ayes: Carry, Choka, Forquer, Hudson, Nicely (4). Abstain: Witt (1).

ADMINISTRATOR'S REPORT

Mr. Walters said that for next month's meeting he currently has final site plan amendments for Mercy Phase III and Candlewood Suites.

Rezoning Request – R2 to C3 Zoning Bethel Assembly of God Eckel Junction Road

Kevin Starr, Pastor of Bethel Assembly of God, and Michael Bahner, their representative were present. Mr. Bahner requested that the application for rezoning be tabled until a later date. Mr. Hudson moved to table the Bethel Assembly of God rezoning request. Mr. Carry seconded and it was approved 7-0.

Mr. Carry informed those in attendance regarding this issue that when this item is back on the agenda, notices will be sent out as required by Code.

Rezoning Request – A1 to R3 Zoning Schroeder Company South of Eckel Junction Road, west of Catawba Dr.

APPLICANT/OWNER/DEVELOPER

Schroeder Company
Edward J. Schroeder
4668 Talmadge Rd.
Toledo, Ohio 43623

REQUEST

Chapter 1225.08 – Use Regulations (A1 & R3)
Chapter 1285 – Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located south of Eckel Junction Rd. at the southern end of the stubs of Chippewa Ln. and Delaware Dr. and to the west of Catawba Dr. The subject property consists of 1 parcel (Q61-100-601000043000) a portion of that is approximately 3.954 acres in size zoned A1, that is surrounded by a larger 50.156 acre portion zoned R3.

EJS Enterprise desires to have the A1 (Agricultural) portion of the property rezoned to R3 (Single Family Residential).

BACKGROUND

The subject area is currently owned by EJS Enterprise, who also owns the entire parcel surrounding the subject area. Most of the surrounding area is zoned R3 and the agricultural zoning appears to be out of place for this portion of property. No current farm or agricultural use is evident on the property from aerial photography. The land surrounding the current agricultural property is being developed as part of the overall Riverford subdivision (currently plats 1-6).

ANALYSIS

Rezoning this property to R3 could result in the following uses: (note: SAU = special approval use)

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

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the zone change from A1 to R3 for the 3.954 acres of land contained within parcel # Q61-100-601000043000 as described in this report (see attached legal description).

Further, it is recommended that a public hearing be set before City Council for July 7, 2015 at 6:25 p.m.

Mr. Walters reviewed the above Staff Report. He called attention to a letter from Michael and Margaret Searle of 1919 Ottawa Lane that was received in support of this zoning

change. Mr. Choka asked how this property got zoned A-1. Mr. Walters said that it was before his time with the City, but he would assume it was probably through the transition from the Township into the City.

Mr. Carry made a motion to recommend to City Council approval of the rezoning request from A-1 to R-3 for the 3.954 acres of land contained within parcel number Q61-100-601000043000 and that a public hearing be set before City Council for July 7, 2015 at 6:25 p.m. The motion was seconded by Mr. Forquer and was unanimously approved.

Final Site Plan

Schuetz Container – Chiller and Cooling Tower 2105 S. Wilkinson Way

APPLICANT

Brandon Gartee
GEM Inc.
6842 Commodore Dr.
Walbridge, OH 43465

William Barrett
Schuetz Container
2105 S. Wilkinson Way
Perrysburg, OH 43551

REQUEST

Chapter 1260.18 – Final Site Plan Amendment

PROPERTY LOCATION & DESCRIPTION

The project site consists of approximately 19.48 acres which is located north of Roachton Road and between Ft. Meigs Road and Jennison Drive / S. Wilkinson Way.

The site is immediately south of Spafford Drive and is zoned I - 2 (General Industrial).

ANALYSIS

The proposed amendment includes the placement of a Chiller/Cooling Tower tiered rack unit which is to be placed on the south side of the northern building on the Schuetz Container property. The tiered rack is approximately 15' x 25' x 22' (height) in overall size. The lower part of the rack will house an A/C unit that is associated with new machinery while the upper tier will house the cooling tower.

Due to recent projects completed by Schuetz Container, the overall site plan meets the current code requirements so a detailed analysis of all site features is not warranted at this time.

Setbacks/Height: The proposed utility rack is well within the required setbacks of the I2 zoning district. I2 zoning requires a minimum 60' front yard setback along Wilkinson Way. The maximum permitted height is 45' while this utility rack is only 22' tall.

Building Materials: The applicant has provided an elevation drawing showing the rack and the units that will accompany it on Sheet S200.

Landscape: The previous final site plan approval for Schuetz Container identified a fair amount of existing landscape with more to be added as part of the previous site plan approval.

Site / Civil Plans: Construction drawings are not required to be reviewed and prior to the issuance of a zoning permit due to the scope of this project.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the proposed site plan amendment as submitted. It is also recommended to discuss the possibility of requiring screening for this utility rack as well as for the existing utility rack immediately west of the proposed location. The upper cooling towers may be difficult or impractical to screen but the lower A/C units could be shielded relatively easily which would enhance the view from public streets such as Wilkinson Way and Fort Meigs Rd.

Mr. Walters reviewed the above Staff Report. Brandon Gartee from GEM and Scott Woodward of Schuetz were present. There was discussion regarding possible screening for this project. Mr. Walters said that due to the size, screening would probably need to be a fence or wall. Mr. Choka asked Mr. Gartee if he had looked at what screening would be available if it were required. Mr. Gartee said that screening would be challenging because to cover the lower half would require something 8' – 10'. Mr. Hudson asked if screening would impede the functioning of the equipment. Mr. Gartee said that it could if it were too close. He added that this additional equipment will match the existing, they are just adding another chiller and cooling tower. Ms. Witt asked what is between this and Fort Meigs Road. Mr. Gartee said there are rail cars. Ms. Witt said that if the cooling tower is screened you would still see the rail cars. Joe Better, architect, said that the equipment is architectural in nature and it's attractive.

Mr. Forquer moved to approve the Final Site Plan Amendment as submitted. Mr. Hudson seconded and it was approved 6-0. Ayes: Choka, Forquer, Hudson, Nicely, Olmstead, and Witt (6). Abstain: Carry (1).

Code Amendment – Accessory Buildings and Uses Chapter 1250.61

APPLICANT/OWNER/DEVELOPER

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

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

The proposed code amendment to Chapter 1250.61 would affect all properties within the City of Perrysburg by modifying the criteria for the placement of accessory structures.

BACKGROUND

The Planning and Zoning code provides for strict requirements for the placement of accessory structures on a lot. Generally, Ch. 1250.61 regulates the size, height, use and placement of accessory buildings. Over the last several years there have been different interpretations of the code requirement that regulates the size (SF) of accessory buildings and it is believed that it is necessary to clarify and/or revise this code section to provide a clearer understanding of the size limitation that the code seeks to provide. This issue was previously considered by the Planning Commission on February 26, 2015 and resulted in a lengthy discussion followed by a series of motions/votes that resulted in a recommendation to disapprove the amendment. The issue then progressed to the Planning and Zoning Committee of city council where the issue was debated and referred back to the Planning Commission for additional consideration and a more definitive recommendation.

ANALYSIS

Currently the Planning and Zoning code regulates the size of accessory structures through the following language:

Ch. 1250.61

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

Previous interpretations of this code language have included using 75% of the “footprint” of the main structure to determine the maximum square footage of the accessory building while others have understood this language to include the total square footage of the main structure that is under roof. It is believed that using a proportion between a current building and a future building is both challenging and inappropriate in many instances. Typically, it is easier and seemingly more appropriate to base a size ratio on the size of the lot rather than the size of the structure that is built upon it. This basic logic would suggest that the bigger the lot you have the bigger the accessory structure you can have.

Under either interpretation of the existing code language it is possible to have a 5 acre property with a smaller, maximum sized accessory structure on it than a house on ½ of an acre (depending on the size of the house).

Example

<u>Size of Lot</u>	<u>Max. Permitted Size of Accessory Building at 5% Coverage</u>
¼ acre	545 SF
⅓ acre	719 SF
½ acre	1,089 SF
¾ acre	1,634 SF
1 acre	2,178 SF
5 acres	10,890 SF

RECOMMENDATION

The Planning and Zoning Administrator recommends that Ch.1250.61(f) of the Planning and Zoning code be amended to read:

Ch1250.61(f) “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 July 7, 2015 at 6:20 p.m.

Mr. Walters explained that the Commission previously discussed this matter with the first vote ending in a tie and the second vote of 1-5 against the Code Amendment. The Planning and Zoning Committee asked that it go back to the Commission for further discussion and clarification of the vote. Mr. Choka said that he was a negative and he still has an issue with it because he believes it will affect neighbors, and he does not believe that an accessory structure should be larger than the main structure. Mr. Walters noted that with the proposed Code Amendment as drafted, generally if the property is ¾ of an acre or less, it will reduce the size allowed for an accessory structure, and if it is greater than one acre, it will allow a larger size accessory structure than what is currently allowed. Mr. Hudson asked what the impetus for the change is. Mr. Walters said that he thought it was odd that the size of the structure is related to the size of the residence as opposed to the lot and in the past several years the Planning and Zoning Division has received several reasonable requests for accessory structures that permits could not be issued for.

The Commission discussed many ideas regarding this Code amendment including the possibility of establishing a variance process that would go to the Board of Zoning Appeals. Several of the Commission members agreed that accessory structures should not be larger than the principal residence. Mr. Walters noted that the Code defines the use, not the size, of an accessory structure as supplemental to the principal structure. After a lengthy discussion, Mr. Hudson moved to recommend against the Code Amendment. There was no second to his motion.

Mr. Hudson moved to table the issue. Mr. Carry seconded and it was unanimously approved.

OTHER BUSINESS

Mr. Walters stated that O-I has chosen to withdraw their request regarding wind turbines. He said that he believes they are gathering more information and they may bring the request back at a later time.

There being no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Mary Jo Sutton