

PLANNING COMMISSION MEETING

April 28, 2022

The meeting was called to order at 7:03 p.m. by Vice Chairman Rob Vela. Commission members present were Mayor Mackin, Rob Vela, John Wellstein, and Becky Williams (4). Greg Bade, Andy Lorenz, and Craig Pickerel were absent (3). Also present was Brody Walters, Planning and Zoning Administrator.

APPROVAL OF MINUTES

Mr. Vela moved to approve the minutes of the March 31, 2022 meeting as written. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

ADMINISTRATOR'S REPORT

No report.

***Site Plan Amendment & Special Approval Use
3rd Street Market – Inside the Five Brewing Company
Parcel Q61-000-901213020000 (127 W. Third Street)***

APPLICANT/OWNER/DEVELOPER

Matt DeWood
Redevelopers, Ltd.
30202 Waterford Dr.
Perrysburg, OH 43551
mattdewood@yahoo.com

Benchmark Engineering Group, Inc.
Timothy J. O'Brien
3161 N. Republic Blvd.
Toledo, OH 43615
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REQUEST

Chapter 1250 – Site Design Standards
Chapter 1260.18 Site Plan Amendment
Chapter 1235.04(mm) – Special Approval Use – Restaurant; Outdoor Cafe

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the north side of Third Street between Walnut Street and the alley to the east. The overall project area is approximately 33,153 SF in size (approx. 0.76 acres) and is zoned “C-2” Central Business.

Parcels: Q61-000-901213015000, Q61-000-901213016000, Q61-000-901213017000, Q61-000-901218000, Q61-000-901219000 and Q61-000-9012120000.

BACKGROUND

The Preliminary and Final Site Plan along with a Special Approval Use was granted to this property on June 27, 2019. Since this time the property has been under construction to accommodate new uses and tenants including: Inside the Five, Namay Dentistry, Ameriprise Financial, and Rosaria’s Restaurant. As part of Inside the Five’s success, the building owner is seeking permission to expand the outdoor patio/seating area for the brewery by adding a 24’ x 54’ (1,296 SF) concrete patio to the east of the existing brewery patio.

ANALYSIS

Preliminary Site Plan

- **Zoning: C2** – Central Business
- **Setbacks:** Central Business zoning does not have any setback requirements due to the uniqueness of many of the properties in the downtown area. Building footprints can extend up to the property line and the only dimensional limitation is a 35’ height maximum.

Final Site Plan Amendment

- **Scope of Work:** Additional concrete patio 24’ x 54’ in size to the east of the exiting patio and south of the Inside the Five brewery building. The patio is shown to connect to the existing patio and have a decorative railing enclosing it.

Special Approval Use

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of criteria is the “general conditions” of Ch. 1235.02(d) and the second set are the “specific conditions” of Ch. 1235.04(ff) “Private Outdoor Recreation Areas and Recreation Centers”. If the Planning Commission determines that “Community Recreation” is a more appropriate use category then a Special Approval Use can be considered per the following requirements:

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(mm) Restaurant: Outdoor Cafe:

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.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed all of the provided information and is recommending approval of the Final Site Plan Amendment as submitted. Additionally, it is recommended to re-approve the Special Approval Use based on the expanded area of the proposed outdoor café / seating area.

Mr. Walters reviewed the above Staff Report regarding the Site Plan Amendment and Special Approval Use for 3rd Street Market – Inside the Five Brewing Company at 127 W. Third Street. Matt DeWood, 3rd Street Market, and Chris Morris, Inside the Five Brewing Company, were present. There was a brief discussion about the entrance to the outdoor café in conjunction with DORA (Designated Outdoor Refreshment Area) access, and Mr. Walters referenced “Specific Requirement #3” of Chapter 1235.04(mm). Mr. Morris clarified that the existing sidewalk will encompass the proposed patio. Mr. Walters added that DORA cups should be sold inside the restaurant, and Mr. Morris noted that the patio is a part of the liquor license. Mr. Walters confirmed that no neighboring comments were received. There were no comments or questions from the Commission, nor the public.

Mayor Mackin made a motion to recommend approval of the Site Plan Amendment and Special Approval Use for 3rd Street Market – Inside the Five Brewing Company at 127 W. Third Street. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

OTHER BUSINESS

Ms. Williams asked Mayor Mackin about the nearby parking spots along Walnut Street, and he added that no parking signs have been installed due to site line issues and safety concerns. Mr. DeWood added that they have proposed six (6) parking spots. Ms. Williams noted the striped parking spots along the railroad tracks on West Third Street, and Mayor Mackin said that the City is working on providing more parking along West Third Street.

There being no further business, the meeting adjourned at 7:22 p.m.

Respectfully submitted,

Heather Alfaro