

PLANNING COMMISSION

APRIL 27, 2017

The meeting was called to order at 7:00 p.m. by Chairman Chris Carry. Commission members present were Chris Carry, Seth Hudson, Andy Lorenz, Eric Nicely, Mayor Olmstead and John Wellstein (6). Tom Forquer 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

Mayor Olmstead moved to approve the minutes of the March 30, 2017 meeting as written. The motion was seconded by Mr. Hudson. Ayes: Hudson, Lorenz, Nicely and Olmstead (4). Abstain: Carry and Wellstein (2).

Administrator's Report

Mr. Walters apologized to the Commission members for the mix-up with the Staff Reports due to printer problems.

Assignment of Permanent Zoning Heminger Annexation 12548 Ft. Meigs Blvd.

APPLICANT/OWNER/DEVELOPER

AAA Club Alliance Inc.
15 W. Central Pkwy
Cincinnati, OH 45202

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1285.11 – Zoning of Newly Annexed Areas

PROPERTY LOCATION & DESCRIPTION

The subject property is located east of SR25 and north of Fort Meigs Blvd. The rezoning request area pertains to six parcels that were recently annexed to the City of Perrysburg from Perrysburg Township. Those parcels are identified as: P60-400-180304019000, P60-400-180304020000, P60-400-180304021000, P60-400-180304022000, P60-400-180304023000 and P60-400-180304024000. The parcels were purchased by AAA Club Alliance on March 31, 2017 and currently contain a single-family residence and associated open space. These six parcels include approximately .36 acres of land.

April 27, 2017

BACKGROUND

The AAA Club recently purchased the land between Gloria St. and Fort Meigs Blvd. with frontage on SR25 to construct a new auto service location. During the site design process it was determined that additional property was necessary to accommodate the proposed site plan. Due to the nature of annexation in this area (Perrysburg Heights) the additional land needed for the project was located outside of the city in Perrysburg Township. The applicant has navigated the annexation process and has successfully annexed the property to the city and as required by code the city is required to assign a zoning classification to newly annexed land.

ANALYSIS

The subject properties are located in an area that is comprised exclusively of commercial (city) and residential uses (township). Every adjacent property within the city limits is zoned C-4 Highway Commercial and being that the six identified parcels are part of a larger development that is proposed to front on SR25 it would be reasonable, consistent and in line with the request of the owner to allow for C-4 zoning of these parcels.

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the assignment of permanent zoning of C4 (Highway Commercial) for the six parcels identified in this report which collectively consist of approximately .36 acres.

Further, it is recommended that a public hearing be set before City Council for June 6, 2017 at 6:10 p.m.

Mr. Walters reviewed the above Staff Report. There were no questions from the Planning Commission members or the public.

Mr. Carry moved to recommend to City Council the assignment of C4 (Highway Commercial) zoning for the parcels known as the Heminger Annexation and that a public hearing be scheduled before City Council on Tuesday, June 6, 2017 at 6:10 p.m. Mr. Hudson seconded. Ayes: (6). Nays: (0).

Rezoning Request

28801 W. River Rd.

R2 (Single Family Residential) to INS (Institutional)

APPLICANT/OWNER/DEVELOPER

Erin Barlett

Ohio Historical Society

27340 River Rd.

Perrysburg, Ohio

Gerald Bihn

28001 W. River Rd.

Perrysburg, Ohio

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The proposed rezoning is located at 28001 W. River Road, directly west of Ft. Meigs Historic Site on the north side of River Road. It is currently zoned R2 (Single Family Residential).

Adjacent zoning:

1. East: S1 (Scenic and Open Space)
2. North: R1(Single Family Residential)
3. South: R2 (Single Family Residential)
4. West: R1(Single Family Residential)

The property is approximately 1.05 acres (45,738 square feet).

BACKGROUND

This parcel is currently owned by Gerald Bihn and is in the process of being sold to the Ohio Historical Society (OHS). After the sale, the property would then be transferred to the State of Ohio. The property currently houses a garage like structure that OHS would like to keep and utilize to house maintenance tools and equipment for maintaining Ft. Meigs Historic Site. To better match the use of the property, and bring the property to conform to the standards of the zoning code, the applicant has submitted an application for rezoning.

ANALYSIS

The current applicant has requested a zoning change from the current zoning of R2 (Single Family Residential) to INS (Institutional Uses).

Per Ch. 1220.07(h), INS zoning is defined as: Areas which are adaptable for institutional uses such as government buildings, police, fire and emergency services, post office, YMCA, schools, hospital, museum, churches, library, public and private essential services and utilities, cultural art facility, public cemetery and senior/youth centers..

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within INS (Institutional).

- Plant Cultivation
- Assisted Living Units **(SAU)**
- Entertainment and Spectator Sport Facilities **(SAU)**
- Medical Offices **(SAU)**
- Medical Urgent Care Facilities **(SAU)**
- Accessory Building

Cemetery (SAU)
Child Day Care Center (SAU)
Club, Lodges, Fraternal and Civic Assembly (SAU)
College and Universities (SAU)
Convalescent and Nursing Homes (SAU)
Essential Services
Hospital (SAU)
Institutional Use
Part-Time Child Day Care Centers (SAU)
Postal Service (SAU)
Public and Private Schools
Public Service Facility (SAU)
Public/Private Utility (SAU)
Wireless Telecommunication Facility (SAU)
Oil & Gas Wells (SAU)
Outside Storage (SAU)
Wind Generator (Turbine) (SAU)

The Comprehensive Plan – Conservation and Development Map indicates “Developed Land” for the subject site. *Developed Land: Land which has been altered from its original natural state and is currently serving as a public, residential, commercial, or industrial use. Developed land excludes agricultural areas.*

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends that the Planning Commission recommend to City Council approval of the zoning amendment to INS (Institutional Uses) for 28001 W. River Rd.

Further, it is recommended that a public hearing be set before City Council for June 6, 2017 at 6:15 p.m.

Mr. Easterling reviewed the above Staff Report. Fred Smith, manager of Architectural Services for the Ohio Historical Society was present on behalf of the applicant. He said that this property would allow the Fort to move equipment from the shop area and use it for exhibits. Mr. Wellstein said that he thought there is an apartment on the property. Mr. Smith said there is an apartment now, but they would use it for staff offices and training.

Mike Rawson, 27507 W. River Road, said that he lives directly behind this property. He said that access to the property is from a small city road and there is no parking. He stated that the Ohio Historical Society has their name on the application, but the project could fall through or they could decide to sell and the property would still be zoned INS. He asked that the rezoning request be denied.

Judy Justus, President of the Spafford House Museum, gave some history of what happened when the building on the property was built. She said that the property was once known as the Spafford Cemetery and they believe there are at least eight more bodies buried there. She said that she does not want to see trucks driving on it or an additional building built on the property.

Dalynn Badenhop read prepared comments, a copy of which is attached hereto and made a part of these minutes.

Clair Climo, 1401 Rivercrest, said that she concurs with Mr. Rawson and Mr. Badenhop's comments. She is okay with the rezoning if the Fort owns the property and it could be reverted back if it is sold.

Linda Fatica, 1521 Rivercrest, said that most of the neighborhood agrees with the rezoning for the Ohio Historical Society, but has concerns if the State of Ohio decides to get rid of the property. She asked if that could be addressed legally.

Sean Cadaret, 27547 W. River Road, said that he agrees with the others and wonders what might happen to the property in the future.

Jay Gardner, 2090 Kenton Trail, said he just purchased 27575 W. River Road, and is concerned about the future use of the building.

Mr. Smith said the intention is to transfer ownership to the State of Ohio so it would be a state owned property. He said that he understands the neighbors' concerns. He said if there is some other classification or if there is some use restriction that can be attached to the property they are agreeable to that. He added that their policy is that with any ground penetration activity, it is monitored by an archaeologist. Before they would do any open storage on the property, they would have to seek approval.

Mayor Olmstead asked if there is any way to attach a restriction so the property would revert back to R2 if it were sold. Ms. Henderson said that there is, but it gets a little sticky when a governmental authority gets involved. Mr. Wellstein asked if the use can be restricted. Ms. Henderson said there is and she stated that most of the uses in INS require Special Approval Use. She added that she would like to do more research regarding any type of restriction. Mayor Olmstead said that he understands the concerns expressed by the neighbors. Mr. Carry said that this is only a recommendation from the Planning Commission, and there is adequate time for review before it is considered by City Council.

Mr. Hudson made a motion to recommend to City Council that the property at 28001 W. River Road be rezoned from R2 (Single Family Residential) to INS (Institutional) and that a public hearing be scheduled before City Council on Tuesday, June 6, 2017 at 6:15 p.m. Seconded by Mr. Lorenz. Ayes: Carry, Hudson, Lorenz (3). Nays: Nicely, Olmstead, Wellstein (3).

**Final Site Plan Amendment &
Special Approval Use
Holiday Inn & Suites
27355 Carronade Drive**

APPLICANT

Ramesh Patel
Sunrise Hospitality, Inc.
27350 Lake Vue Dr.
Perrysburg, OH 43551

Tom Worline, P.E.
The JDI Group
360 W. Dussel Dr.
Maumee, OH 43537

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1250 – Site Design Standards
Chapter 1235.04(y) – Motels and Hotels

PROPERTY LOCATION & DESCRIPTION

The proposed project is located on parcel #s Q61-400-090105001007 and Q61-400-090105004000. This property is located north of Carronade Drive, east of Hulls Trace Drive and south of Candlewood Suites. The property is approximately 5.584 acres in size and is zoned C - 4 Highway Commercial. All adjacent city property on the north side of Carronade Drive is also zoned C-4. The Kroger property on the south side of Carronade Drive is zoned C-3 Community Shopping.

BACKGROUND

This project received preliminary site plan approval on February 25, 2016 and final site plan approval on April 28, 2016. Special approval was also granted in April of 2016. Special approval uses are only valid for a period of one year so the planning commission will need to reconsider the special approval use due to the expiration of the previous approval and because of minor site plan changes.

ANALYSIS

The proposed site and building has not changed significantly from the previous submission but it is important to identify a few areas of change:

1. The entrance drive off of Carronade Drive has shifted to the east and has been aligned with the drive across the street. The applicant has obtained a permanent access easement from the City of Perrysburg to allow the hotel driveway to occupy the existing Inn Lane right-of-way. (This is the driveway Zippy's Car Wash will also take access from)
2. The area of the building closest to Lake Vue Drive has been extended/enlarged.
3. Minor parking lot modifications as a result of the relocated entrance drive.

Signage – A full review of signage will be conducted by the Planning and Zoning Division prior to the issuance of permits.

**Note: Relief for area, height and setback can be sought from the BZA. No relief can be provided for sign quantity.*

Sidewalks – A multi-use path is shown along Carronade Drive and along Lake Vue Drive, with a sidewalk located along Hulls Trace Drive. Per the city's multi-use plan the multiuse path along Carronade should be replaced with a 5' concrete sidewalk. Additionally, the previous final site plan provided for a pedestrian access sidewalk from Carronade Drive to the front entrance of the building. The newest version of the plan does not show this sidewalk connection. This sidewalk should be included on the new plan and where a crosswalk is added across the driveway there should be an area demarcating the crossing to the front entrance. This crosswalk should be demarcated with different pavement material as paint is not effective long term.

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.

Specific Requirements

Ch.1235.04(y) Motels and Hotels

1. It shall be demonstrated that ingress and egress does not conflict with adjacent business uses.
2. A four (4) foot solid wall such as brick, decorative block or decorative poured concrete must be provided where abutting or adjacent districts are zoned for residential use. The height of the wall shall be measured from the surface of the ground of the abutting residential district.
3. No kitchen or cooking facilities are to be provided within the dwelling units with the exception of units for the use of the manager or caretaker unless otherwise approved by the Planning Commission.
4. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the final site plan amendment and the special use request for the Holiday Inn Express located at 27355 Carronade Drive subject to the following conditions:

1. Provide a pedestrian access sidewalk from Carronade Dr. to building entrance with the crosswalk through the driveway featuring a different color and material than the asphalt driveway.
2. Remove the section of multi-use path along Carronade Dr. and replace it with a 5' concrete sidewalk but keep the multi-use path along the Lake Vue Dr. side.

Mr. Walters reviewed the above Staff Report. Ramesh Patel and Tom Worline of The JDI Group were present. Mr. Worline showed where the pedestrian access sidewalk was on the plans. Mr. Walters apologized and said that he missed that. Mr. Worline said that they have no issue changing the sidewalk per Mr. Walters' second recommendation.

Mr. Carry moved to approve the Final Site Plan Amendment and Special Approval Use for the Holiday Inn and Suites, 27355 Carronade Drive, subject to Recommendation #2 in the Staff Report. Mr. Hudson seconded and it was unanimously approved.

Preliminary Plat Approval Horseshoe Bend Plats 10 & 12

APPLICANT/OWNER/DEVELOPER

Mr. Brian Gruber / Mr. Matt Gruber
Fort Roach Developers, LLC
3135 Hidden Ridge Dr.
Maumee, OH 43537

R.J. Lumbrezer, P.S.
DGL Consulting Engineers
3455 Briarfield Blvd. Suite E
Maumee, OH 43537

REQUEST

Chapter 1295.01 – Preliminary Plat

PROPERTY LOCATION & DESCRIPTION

Horseshoe Bend is an R-3 residential subdivision consisting of approximately 58.4578 acres located south of Roachton Road, directly south of Michael Owens Way. It is bordered on the west by Perrysburg High School. Plats 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11 have already been finalized. The remaining preliminary plat which includes plats 10 and 12 shows 41 lots.

BACKGROUND

The Preliminary Plat was first approved April 24, 2003 and was most recently reapproved on February 4, 2016. The plat has since expired on February 4, 2017. Due to the fact that there is no current preliminary plat for the remainder of this subdivision this request is not an extension but rather a new plat request. Through a recent code amendment process the Planning Commission is now authorized to approve a preliminary plat for a period of up to 2 years.

The applicants have requested preliminary plat approval which would be valid until April 27, 2019 for the remaining plats of Horseshoe Bend (plats 10 and 12).

Past activity in this subdivision is as follows:

- Plat 1**, 22 lots – finalized on December 30, 1999
- Plat 2**, 12 lots – finalized on July 3, 2001
- Plat 3**, 16 lots – finalized on July 24, 2002
- Plat 4**, 15 lots – finalized on June 12, 2003
- Plat 5**, 14 lots – finalized on October 27, 2003
- Plat 6**, 11 lots – finalized on August 26, 2004
- Plat 7**, 14 lots – finalized on June 2, 2005
- Plat 8**, 14 lots – finalized on October 5, 2005
- Plat 9**, 19 lots – finalized on September 6, 2006
- Plat 10**, 24 lots – **Expired February 4, 2017**
- Plat 11**, 12 lots – finalized on February 4, 2016
- Plat 12**, 17 lots – **Expired February 4, 2017**

ANALYSIS

The City of Perrysburg's current Comprehensive Plan indicates "Encouraged Growth/Economic Development Area" for the subdivision. The land proposed for the subdivision was once agricultural land but now sits as an empty parcel. The land that is part of this preliminary plat request is located between the first 9 plats of Horseshoe Bend subdivision and a separate R-4 zoned subdivision to the south.

An analysis of the remaining lots reveals the following deficiencies:

LOT	ISSUE	LOT	ISSUE	LOT	ISSUE
140	None				
141	None				
142	None				
143	Frontage < required				
144	Frontage < required				
145	Frontage < required				
146	Frontage < required				
147	Lot size < required				
148	None				
149	None				
150	Lot size < required				
151	Lot size < required				
152	Lot size < required				
153	Lot size < required				
154	Lot size < required				
155	Lot size < required				
156	None				
157	None				
158	Lot size < required				
159	Lot size < required				
160	Lot size < required				
161	Lot size < required				
162	Lot size < required				
163	Lot size < required				
176	None				
177	None				
178	Lot size < required				
179	Lot size < required				
180	Lot size < required				
181	Frontage & Lot size < required				
182	Frontage < required				
183	Frontage < required				
184	Frontage < required				
185	None				
186	None				
187	Lot size < required				
188	Lot size < required				
189	Lot size < required				
190	Lot size < required				
191	Lot size < required				
192	Lot size < required				

The Code provides for a minimum lot area of 11,600 SF with 75' of street frontage for R-3 Zoning.

Only one street name (Valley Hall Drive) would be approved through the approval of this preliminary plat as the other streets would be extensions of existing streets into the remaining plats.

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

- Per Ch. 1295.05(a)(6)(G) lots shall not have an average depth which is more than three times its average width, nor shall it have a depth of less than one hundred twenty feet unless otherwise approved by the Planning Commission. There are two lots that do not meet a maximum 3:1 ratio (please see lots 144 and 145).
- Per Ch. 1295.05(a)(6)(E), the Planning Commission can approve lots with frontage that is less than 65'.
- Preliminary plat indicates the developer intends to provide an open space payment in lieu of dedicated open space. If the Planning Commission should choose to accept payment in lieu of open space the open space fee will be calculated according to the following formula: 7.5% of the "unimproved" appraised value of the area of the subdivision + \$100 per each lot contained in the subdivision. Due to the age of the subdivision a current appraisal will need to be completed for the land included in plat 10 and 12.

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 remaining preliminary plat for Horseshoe Bend which includes the remaining lots shown within Plats 10 and 12. Despite any code changes that have gone into effect since this original preliminary plat, this subdivision is substantially complete and it would seem reasonable to permit the remainder of this subdivision to be completed under the same requirements as the first 10 completed plats. The developer has shown a recent commitment to finish this subdivision and another 2 years should provide reasonable time to complete all plats.

Mr. Walters reviewed the above Staff Report. Matt Gruber, developer, was present. Mr. Hudson stated that there are 41 lots and 30 of them would not meet the Code requirements today and it's been eleven years since the Code changed. He asked Mr. Gruber what the likelihood was that they'll be able to complete these two plats. Mr. Gruber said at this time it's looking pretty good. He said that they hope to do plats 10 and 11 this year and then plat 12 in the spring.

Mr. Carry moved to approve the Preliminary Plat of Horseshoe Bend Plats 10 and 12 for two years. Mr. Wellstein seconded and it was unanimously approved.

**Rezoning Request
13877 Roachton Road
R4 (Single Family Residential) to I1 (Light Industrial)**

APPLICANT/OWNER/DEVELOPER

Pam Addy & Dale Sheeks
13790 Roachton Rd.
Perrysburg, Ohio

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The proposed rezoning is located directly south of 13790 Roachton Road, between Ft. Meigs Road and Hull Prairie Road, directly west of the CSX railroad tracks on the south side of Roachton Road. It is currently zoned R4 (Single Family Residential).

Adjacent zoning:

1. East: S1 (Scenic and Open Space)
2. North: R3(Single Family Residential)
3. South: R3 (Single Family Residential)
4. West: R4(Single Family Residential) / Middleton Township Property

The property is approximately 3.46 acres (150,717 square feet).

BACKGROUND

This parcel, currently owned by Pam Addy and Dale Sheeks, completed a lot split on the subject parcel in December 2016 although it has not yet been recorded with the Wood County Auditor. The lot split was made with the intent of potentially placing a self-service storage facility on the parcel should the zoning change be approved. The property is

currently vacant with a horse stable just to the west. The applicant has made a request to change the zoning to fit a potential future use.

ANALYSIS

The current applicant has requested a zoning change from the current zoning of R4 (Single Family Residential) to I1 (Light Industrial).

Per Ch. 1220.06(a), I-1 zoning is defined as: Areas which are adaptable for industries of a restricted nature and generally limited to operations conducted wholly within a building and having no detrimental effects on neighboring land uses...

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within I1.

Kennels (SAU)

Agriculture, Construction, Semi-Truck Sales/Service

Automotive Repair – General

Automotive Sales or Lease for New and Used Vehicles-Outdoors **(SAU)**

Commercial Recreational Facilities **(SAU)**

Commercial Semi-Truck Sales/Service

Printing

Recreational Vehicles/Equipment Outdoor Sales **(SAU)**

Restaurant Full Service **(SAU)**

Sales and Storage of Building Materials

Self-Service Storage

Sexually Oriented Business **(SAU)**

Nursery/Green House

Medical Urgent Care Facilities

Accessory

Child Day Care Centers **(SAU)**

Essential Services

Institutional Use **(SAU)**

Non-Commercial Recreation Facilities **(SAU)**

Part-Time Child Day Care Centers **(SAU)**

Public Service Facility

Public/Private Utility

Wireless Telecommunication Facility **(SAU)**

Food Processing

Laboratories

Manufacturing, Sale/Storage Building Materials

Manufacturing: Light

Oil & Gas Wells **(SAU)**

Outside Storage (SAU)
Publishing
Research & Testing
Transport & Trucking (SAU)
Warehousing
Wholesale Business
Wind Generator (Turbine) (SAU)

The Comprehensive Plan – Conservation and Development Map indicates “Controlled Growth/Neighborhood Development Area” for the subject site. *Controlled Growth/Neighborhood Development Area: Areas that are appropriate for a variety of development types because of their proximity to planned or existing roadways and utilities. They include both traditional neighborhood pattern (walkable with a distinct center and edge) and an open space development pattern.*

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends that the Planning Commission recommend to City Council denial of the zoning request for the above mentioned 3.46 acres from R4 (Single Family Residential) to I1 (Light Industrial). After a review of the zoning map and current and future land use patterns, it is shown that industrial zoning does not fit the future land use patterns for the area. This land use could potentially lower surrounding property values and hinder future development. Furthermore, should this property be sold in the future, the majority of the permitted land uses would go against the comprehensive plan and future development plans for the area.

Further, it is recommended that a public hearing be set before City Council for June 6, 2017 at 6:20 p.m.

Mr. Easterling reviewed the above Staff Report. There was no representation for the applicant present at the meeting. Rick Prokup was present on behalf of Saba Home Builders and North Creek Properties who have contracts to buy over 600 lots in Hawthorne and Canterbury subdivisions and they are vehemently opposed to this rezoning request. Mark Rich, developer, said that he has reservations about the request.

Mr. Carry made a motion to recommend to City Council that the rezoning request be denied and that a Public Hearing be set before City Council on Tuesday, June 6, 2017 at 6:20 p.m. Mayor Olmstead seconded and the motion was unanimously approved.

**Code Amendment
Medical Marijuana
Chapter 1215.02 and Chapter 1225.08**

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02 – Definitions
Chapter 1225.08 – Land Use Regulations

DESCRIPTION

House Bill 523, effective on September 8, 2016, legalizes medical marijuana in Ohio. The Ohio Medical Marijuana Control Program will allow people with certain medical conditions, upon the recommendation of an Ohio-licensed physician certified by the State Medical Board, to purchase and use medical marijuana.

The Bill does have built in restrictions on placement such as a retail dispensary is prohibited from being located within 500 feet of a school, church, public library, public playground, or public park. In addition, cities, villages and townships may adopt additional regulations to prohibit or limit the number of retail dispensaries.

The proposed code amendment would clearly indicate that the cultivation, processing, or dispensing of medical marijuana, even under license issued under Ch. 3796 of the Ohio Revised Code is prohibited within the City of Perrysburg, Ohio.

ANALYSIS

Existing Code Language

Medical marijuana sales is not currently defined in the Planning and Zoning Code

Proposed Code Language

1215.02 DEFINITIONS

(110.1) Medical Marijuana: “Medical Marijuana” has the same meaning as provided in Section 3796.01(A)(2) of the Ohio Revised Code which is marijuana that is cultivated, processed, dispensed, tested, possessed or used for a medical purpose.

(A) The cultivation, processing, or retail dispensing of medical marijuana, even under a license issued under Chapter 3796 of the Ohio Revised Code, is prohibited within the City of Perrysburg, Ohio.

Existing Code Language

1225.08 LAND USE REGULATIONS

(exhibit A)

Proposed Code Language

1225.08 LAND USE REGULATIONS

(exhibit B)

RECOMMENDATION

The law director for the City of Perrysburg 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 June 6, 2017 at 6:05 p.m.

Mr. Hudson moved to untable the Code Amendment regarding medical marijuana. Mr. Wellstein seconded and it was unanimously approved.

Ms. Henderson said that per the Commission's request, she revised the amendment to use statutory language.

Mr. Hudson moved to recommend to City Council approval of the proposed Code Amendment regarding medical marijuana and to set a Public Hearing before City Council on Tuesday, June 6, 2017 at 6:05 p.m. Mr. Carry seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Mary Jo Sutton

Good evening. I am Dalynn Badenhop. I live at 1421 Rivercrest Drive, directly across the street from 28001 West River Road. Thank you for the opportunity to provide the City of Perrysburg Planning Commission comments regarding the request to rezone 28001 West River Road from R2 (Single Family) to INS (Institutional). I have four specific comments regarding this request.

1. I am opposed to rezoning the property if it has any potential to decrease property values in the residential neighborhoods bordering 28001 West River Road. This would include the Rivercrest subdivision and those residential properties on the north and west side of 28001 West River Road.
2. I am opposed to rezoning the property if it has any potential to increase traffic flow at the intersection of Ft. Meigs Road and West River Road. That particular intersection is very difficult to negotiate in its current configuration. This is especially true for people who are trying to make a turn in either direction from Ft. Meigs road onto West River Road or people who are who are heading west on West River Road and trying to make a left hand turn onto Ft. Meigs Road.
3. I am opposed to rezoning the property if it has any potential to detract from the historical significance of Ft. Meigs. The Ft. Meigs historical site is a unique gem for the Perrysburg community and should be preserved as such.
4. I am concerned about the future ownership of the property. Mark Easterling has informed me that the Ohio Historical Society has a contract with the owner to purchase 28001 West River Road that is contingent on the property being rezoned to INS (Institutional). I also understand from Mark that if the property is rezoned Institutional, the Ft. Meigs historical site plans on using it to store their maintenance equipment. My concern is what happens in 5, 10 or 20 years if the Ohio Historical Society decides it wants to sell that property. According to the Codified Ordinances of Perrysburg, Ohio; Part Twelve – Planning and Zoning Code; Chapter 1215.02 under definition (93.1) Institutional Use is defined as: A use that provides a public service and is operated by a Federal, State or local government, a public or private utility, a public or private school or college, a tax-exempt organization, and/or a place of religious assembly. If the Ohio Historical Society decides to sell the property at 28001 West River Road, does the zoning stay INS (Institutional) or does it revert back to R2 (Single Family)? Or if the Ohio Historical Society decides to sell the property, would the City of Perrysburg Planning Commission have the opportunity to review the sale?

Thank you, again, for this opportunity to speak about the requested rezoning of 28001 West River Road and for your time and effort to make an informed decision that will be in the best interests of the Perrysburg community.