

**PLANNING COMMISSION
MARCH 31, 2016**

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, Mayor Olmstead and John Wellstein (7). Also present were Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Zoning Inspector.

Approval of Minutes

Mr. Forquer moved to approve the minutes of the February 25, 2016 meeting. Mr. Nicely seconded and they were unanimously approved.

Administrator's Report

No report.

***Special Approval Use
Commercial Recreation
Advancing Karate, Ltd.
13003 Flagship Drive***

APPLICANT/OWNER/DEVELOPER

G REM Family Investors, Ltd.
1045 N. Main St., Ste. 7B
Bowling Green, OH 43402

REQUEST

Chapter 1225.08 – Commercial Recreation Facilities
Chapter 1235.04(I) – Commercial Recreation

PROPERTY LOCATION & DESCRIPTION

Location: The applicant has proposed to establish a commercial recreation use (Karate) at 13003 Flagship Drive, within a Planned Business Park. The property is located at the southeast corner of Eckel Junction Rd. and Flagship Drive.

Property Size: approx. 2.5 acres (tenant space 1,800 SF)

Parcel: Q61-400-180000072000

BACKGROUND

Brig Niagara Commerce Park is the name given to the Planned Business Park where the applicant has requested consideration for the establishment of the commercial recreation facility "Karate". Per Ch. 1225.08 "Commercial Recreation Facilities" require a special approval use in order to be located in PBP zoned areas. 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(I).

ANALYSIS

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of requirements is what is referred to as the “general conditions” and the second set is referred to as the “specific conditions”.

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(l) Commercial Recreation

1. Within industrial zoning districts commercial recreation uses shall only be allowed within existing buildings which conform to code requirements.
2. Facilities used by children outdoors shall be fenced on all sides with a minimum four (4) foot wall or fence.
3. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four (4) foot wall or fence where adjacent to any outdoor use area of the facility.
4. Ingress and egress will not conflict with adjacent business uses.
5. Such uses shall be located as to not create a nuisance to abutting property, nor injurious to the surrounding neighborhood or contrary to the spirit and purpose of the Planning and Zoning Code.
6. Banners, pennants, spinners and other attention getting devices are prohibited. (Ord. 149-2012. Passed 9-4-12.)

RECOMMENDATION

The Planning and Zoning Administrator recommends granting conditional approval for the special approval use for “Karate” at 13003 Flagship Dr. It is recommended to condition the approval on the demonstration that adequate parking can be provided on-site. Due to the parking calculations of Ch. 1250.03 the quantity of necessary parking cannot be determined until Wood County Building Inspection issues a “maximum occupancy” number for this tenant space. If parking quantities are shown to be adequate after reviewing the occupancy number it is recommended to grant the special approval use request.

Mr. Walters reviewed the above report. Amanda Kaufman, owner of Advancing Karate Ltd., was present. She said that she had no issues with Mr. Walters’ report. Mr. Choka asked if there would be any outdoor activities. Ms. Kaufman said that she had originally planned to have outdoor activities but since they are not allowed, she will not be doing them.

Mr. Forquer made a motion to grant conditional approval of the Special Approval Use for Advancing Karate, Ltd. subject to the demonstration that adequate parking can be provided on-site per the Planning and Zoning Administrator’s report. The motion was seconded by Mr. Nicely and was unanimously approved.

***Request for Qualification
Planned Unit Development
Schoen Builders
Carronade Park***

APPLICANT/OWNER/DEVELOPER

Aaron Schoen
Schoen Builders
134 W. South Boundary St. Ste. B
Perrysburg, Ohio

REQUEST

Chapter 1240.01 – Planned Unit Development
Chapter 1240.06 – Submittal and Request for Qualification
Chapter 1255.01 – Impact Assessment

PROPERTY LOCATION & DESCRIPTION

The subject property is comprised of three separate parcels; Q61-400-080401001001, Q61-400-080401002004, and Q61-400-090302001005. These parcels are bounded by I-75, Blue Jacket Rd., Kenton Trail and Lake Vue Apartments. Collectively this site is approximately 22.77 acres in size and all properties are zoned R-5 (Two-Family Residential).

ANALYSIS

The applicant is requesting preliminary determination as to whether the provided plan for these parcels meets the qualification standards for the eventual approval of a Planned Unit Development (PUD). The applicant desires to develop this property for residential purposes in a way that will provide a transition between single-family and high-density multi-family. The overall plan for this property includes both 1 and 2 story apartments that are a mixture of two and three bedroom units. In total this plan would create an additional 120 rental units by constructing 30 buildings, each with 4 separate living units.

Proposed Statistics:

30 buildings x 4 living units each = **120 apartment units**

60% or 72 of the apartments are 2 bedroom units

40% or 48 of the apartments are 3 bedroom units

Total possible beds = 288

Current Statistics with R-5 Zoning:

Under existing zoning regulations this property could be developed with 10,000 SF lots that would each feature a duplex.

Typically streets are considered to require 20% of the site area. That would leave 793,488.96 SF available for lots. With this remaining square footage there could theoretically be 79 lots possible on this property.

79 lots with 2 units each = **158 apartment units**

Per Ch 1240.03, in order to qualify for the Planned Unit Development option all of the following must be met:

- a) The PUD option may be effectuated only in the R, RM, C, OS and I Districts.
- b) The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety and welfare in the area affected.
- c) The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards. Problems or constraints presented by applicable zoning provisions shall be identified in the PUD application.
- d) The Planned Unit Development option may be effectuated only when the proposed land use will not materially add service and facility loads beyond those contemplated in the Comprehensive Plan unless the proponent can demonstrate to the sole satisfaction of the City that such added loads will be accommodated or mitigated by the proponent as part of the Planned Unit Development.

- e) The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

Additionally, at least two of the following must be met:

The proposed Plan Unit Development appears to meets four (4) of the eight (8) objectives per Chapter 1240.03(f) and are indicated below with a numbered circle:

- 1) ❶ To permanently preserve open space or natural features because of their exceptional characteristics or because it can provide a permanent transition or buffer between land uses.
- 2) ❷ To permanently establish land use patterns which are compatible or which will protect existing or planned uses.
- 3) To accept dedication or set aside open space areas in perpetuity.
- 4) ❸ To provide alternative uses for parcels which can provide transition buffers to residential areas.
- 5) To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- 6) To promote the goals and objectives of the Comprehensive Plan.
- 7) ❹ To foster the aesthetic appearance of the City through quality building design and site development; the provision of trees and landscaping beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.
- 8) To bring about redevelopment of sites where an orderly change of use or requirements is determined to be desirable.

In conclusion, it has been determined that the submission materials provided by the applicant are sufficient for making a preliminary determination as to the qualification of the proposed plan.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the Preliminary Determination and allow the applicant to proceed in the preparation and submission of a Planned Unit Development per Chapter 1240.07 for the proposed Carronade Park project.

Mr. Walters reviewed the above report. He said that this is the first step in a multi-step process. The applicant, Aaron Schoen, was present. Mr. Schoen said that his goal is to create more of an open park feel with high-end units. He said that the PUD will allow him to bring the front buildings closer and increase the rear yard. He plans to do permanent landscape buffers around the property and he feels as a single owner he will maintain the property better than duplexes with multiple owners. Mr. Choka asked if Mr. Schoen considered condos. Mr. Schoen said that he did not, that is not his vision. Mr. Hudson asked if there would be a mailbox building or a management office. Mr. Schoen said that he is not to that level of design yet, but he does not think there will be a management office, he will probably have one unit as a model.

Carol Klocheska, 293 Blue Jacket Road, said that the back of her house faces this field and she was told that this was going to be a church and a park. She said that although Mr. Schoen says he will take care of the property, he could sell it later. She said that rentals will bring down the value of her house and that as rentals go in, crime goes up so she is against this project.

Mr. Carry asked how long this property has been zoned R5? Mr. Walters said at least ten years. He said that the current owner may have planned on locating a church there and at the time the homes in that area were built, a church may have been a permitted use in R5 zoning.

Ann Studer, 357 Blue Jacket Road, echoed Ms. Klocheska's comments and she added that there is no park east of SR199 so they have no open space. She said that she is opposed to this project. She asked if a study gets done regarding the impact or burden on the schools.

Mike Studer, 357 Blue Jacket Road, asked what criteria is used to approve this plan. Mr. Walters clarified that the matter before the Planning Commission at this time is not to approve a plan. Mr. Studer added that the schools are overcrowded and that this use instead of a church would be a burden on the schools. He added that there is not much open space left in that area and it was his and all his neighbors' understanding that this parcel was going to be developed as a church.

Mayor Olmstead stated that the property owner has control over the property and even though they said it was going to be a church, they can sell the property if they choose to do so. Mr. Studer said that he would like some history on the property. Mr. Forquer stated that he was involved in choosing a site for a church back in 1999-2000 and at that time there were no restrictions on churches being built in residential areas. Mr. Walters added that two family dwellings were a permitted use in R5 zoning at that time also. He added that he would be happy to look into the history of the property, but the evolution of the property is not as important as the project to be considered today.

Mr. Carry stated that one of the keys is that what is proposed is 25% less dense than what is permitted.

Donna Brogan, 333 Blue Jacket Road, said that they were told there would never be anything there besides a church. She said that they are going to have to put up with vandalism if this project is allowed.

Richard Sabo, 317 Blue Jacket Road, said that tenants of apartments don't pay tax. He added that Tom Martin was the developer and he is now deceased, but Mr. Martin told Mr. Sabo that a church would be built there.

Mr. Hudson asked if the property taxes would go up once the property is developed. Mr. Walters said that they would.

Mr. Schoen estimated that he would be paying \$2,500 a year per unit in property taxes for a total of \$300,000. He also said that he estimates that the rent for each unit will be \$1,400 a month.

Mr. Studer asked if the percentage of students in high density areas is considered. Mr. Walters said that it would be considered in rezoning issues, but is not relevant to this because it is not a request for rezoning. Mr. Carry encouraged Mr. Studer to contact Tom Hosler, Superintendent of Perrysburg Schools, because he believes a study regarding projected growth was done when Waterstone Apartments were built.

Mr. Schoen said that he plans on having 60% of the units be two bedroom single story units similar to Briarwood Cove and he doesn't believe they attract many families. The remaining 40% of the units will be three bedroom.

Doug Smith, 26596 Carronade Drive, asked Mr. Walters to reread criteria D. He said that his real issue is the traffic on Carronade Drive and there is no enforcement of the speed limit on Carronade. He said that they basically live on the Indy 500 and the additional traffic load from 120 units will make it worse. He asked what criteria is in place to assess criteria D and determine if it is acceptable versus unacceptable. Mr. Walters stated that Mr. Schoen would have to have a traffic impact study completed, but the goal is not to have Mr. Schoen be held responsible for current traffic issues but for the additional traffic load that his development will add. Mr. Smith said that he would like the Planning Commission to make it a requirement that access be off of Lake Vue Drive instead of Carronade. Mr. Walters said that we would be forcing more traffic onto a street less equipped to handle it. Mr. Carry added that we aren't to that point yet; there is no site plan. Mr. Studer asked Mr. Walters why he would not recommend traffic go out onto Lake Vue Drive. Mr. Walters reiterated that Carronade Drive is better equipped to handle the traffic. Ms. Studer asked why objective #6 is not a yes. Mr. Walters said that he did not give it much consideration; the other four were more obvious to him.

Mr. Hudson moved to approve the Preliminary Determination and allow the applicant to proceed in the preparation and submission of a Planned Unit Development per Chapter 1240.07 for the proposed Carronade Park project. Seconded by Mr. Forquer. Ayes: Carry, Forquer, Hudson, Nicely, Olmstead, and Wellstein (6). Nays: Choka (1).

Landmark Feature/Signage Request
Schoen Builders
The Reserve

APPLICANT/OWNER/DEVELOPER

Aaron Schoen
Schoen Builders
134 W South Boundary St # B
Perrysburg, OH 43551

REQUEST

Chapter 1215.02 – Definitions: “Landmark Feature/Signage”
Chapter 1235.04(zz) – Landmark Feature & Signage

PROPERTY LOCATION & DESCRIPTION

Location: The applicant has proposed to construct a structure resembling a miniature gate house along Forest Gate Drive near the entrance to the newly created Reserve Subdivision. The proposed structure would be located in the boulevard approximately 20’ west of the intersection of Hull Prairie Rd. and Forest Gate Drive.

Property Size: N/A

Parcel: P60-100-604000009500 (located in the City of Perrysburg)

BACKGROUND

The Planning Commission approved the Final Plat of the Reserve Subdivision on 12-17-2015. Due to the unique design and layout of this subdivision which features a long winding road with lots being approximately 470’ or more from Hull Prairie Road the applicant has requested to install a unique identifier at the entrance to the subdivision as a visual landmark.

ANALYSIS

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of requirements is what is referred to as the “general conditions” and the second set is referred to as the “specific conditions”. This is a unique request in that the applicant has proposed to install this landmark feature within a boulevard that is within the public right-of-way.

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

3. 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.
4. 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.
7. 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.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
9. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
10. 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(zz) Landmark Feature/Signage

Landmarks featuring signage are exempt from the provisions of the zoning code (including the sign code) but shall require City Council approval in accordance with the criteria of the Special Approval Use (SAU). No Landmark Feature/Signage shall be approved by the Planning Commission unless it shall find the following:

1. The feature utilizes materials that are of high quality, and are arranged in a way to be complementary to its surroundings.
2. The feature provides a broad interest or benefit to the public. Any signage or promotion of private enterprise does not in any way dominate the visual impact of the structure or property.
3. Any signage or promotion of private enterprise does not in any way dominate the visual impact of the structure of property.
4. The features shall provide landscaping at its base where possible.
5. If signage is present, the location of the structure is reasonable in relation to the messages provided on it.
6. Landmark feature/signage shall not be placed closer than 1,000' to other established landmark features/signs.
7. The proposed structure shall not pose a danger to visibility or pedestrian/vehicular traffic.
8. Details shall be provided outlining the relief/deviation from the Zoning Code that an approval would grant the applicant.

9. After review, the Planning Commission shall make a recommendation to the City Council. City Council shall hold a public hearing with respect to the proposed use, in accordance with the same procedures as provided for in Chapter 1285, shall review and decide whether or not the use will be permitted in accordance with the criteria of this Zoning Code.

The applicant has provided detailed architectural drawings of the proposed gatehouse but has not indicated the relief/deviation from the zoning code that this approval would permit. After reviewing the zoning code it appears approval of this request as a landmark feature/sign would allow the applicant to place both a structure and signage within the public right-of-way. Typically a building nor non-governmental signage cannot be placed in the public right-of-way but this special approval use allows for these rules to be suspended if the request is ultimately approved by City Council.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the Special Approval Use request for a Landmark Feature/Sign as proposed. It should also be recommended that the applicant be required to submit a maintenance agreement to the city of Perrysburg prior to any final approval for construction. This maintenance agreement should clearly define the maintenance responsibility and a removal clause in the event the structure is damaged or not maintained.

Further, it is recommended that a public hearing be set before City Council for May 17, 2016 at 6:25 p.m.

Mr. Walters called attention to new renderings submitted by Mr. Schoen that were distributed to Planning Commission members. Mr. Schoen stated that because of the design changes he would like this issue to be tabled.

Mr. Carry moved to table consideration of the Special Approval Use for the Landmark Feature/Sign at the Reserve Subdivision. The motion was seconded by Mr. Hudson and was unanimously approved.

Code Amendment

Ch. 1295.06(i)

Preliminary Plat Extensions

APPLICANT/OWNER/DEVELOPER

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

REQUEST

DESCRIPTION

The proposed code amendment to Chapter 1295.06 would change the length of time that a preliminary plat is valid. Currently, preliminary plats are valid for 12 months. After 12 months the preliminary plat approval will either expire or be extended for an additional 12 months if a request for an extension is granted by the Planning Commission. The proposed code amendment would change the expiration timeline from 12 months to 5 years (60 months).

BACKGROUND

The Planning Commission currently reviews and approval preliminary plat drawings. The code specifically limits the duration of this approval to 12 months (maximum). Typically 12 months is not a long enough period of time to record the necessary final plats for a multi-plat subdivision so developers are required to request a significant amount of extensions/re-approvals to complete their projects at a cost of \$200 each. The benefits of this code amendment would include; fewer extension requests, fewer staff reports, fewer Planning Commission agenda items, reduced cost for developers and a more realistic timeframe for the Planning Commission to judge whether reasonable progress is being made with the project as it relates to plats that may have been designed under older subdivision regulations.

ANALYSIS

Existing Code Language

1295.06(i) Tentative Approval Time Limit; Plat Resubmission.

Tentative Approval Time Limit: Plat Resubmission. Tentative approval shall be effective for a maximum period of twelve (12) 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.

Proposed Code Language

1295.06(i) Tentative Approval Time Limit; Plat Resubmission.

Tentative Approval Time Limit: Plat Resubmission. Tentative approval shall be effective for a maximum period of sixty (60) 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 recommend to city council approval of the proposed code amendment which would increase the length of time that preliminary plat approval is valid.

Further, it is recommended that a public hearing be set before City Council for May 17, 2016 at 6:20 p.m.

Mr. Walters reviewed the above Staff Report. Mr. Hudson asked where the 60 months came from. Mr. Walters stated that some other municipalities have limits of five years, some have ten and some have two. He said that he felt five years was appropriate and this change gives the flexibility of extending it for twelve months up to sixty months. Mr. Choka asked if this would be applicable to existing preliminary plats. Mr. Walters said that they could, but would not be required to lengthen the time. Mr. Choka noted that their terms are only 48 months, and he agrees with the change but feels two to three years would be long enough. Mr. Forquer said that he agrees with Mr. Choka and he would suggest going with two years. He said that he does not envision the Planning Commission telling one developer one year and another five years. He said that a two year review is twice as long as they have now, but it keeps the pressure on the developer. Mr. Nicely said that two years seems to be good. He said that five years is too long and the developer has to have accountability. Mr. Walters said that part of the reason he proposed a maximum of five years was because if there was not development in that five year period he felt it would make it easier to deny the extension. Mr. Hudson said that he thinks five years would be the default and he feels they would have to justify why if they varied from that number. Mr. Wellstein said that he agrees with the majority that two to three years is long enough. Mr. Carry said that he thinks the standard should be two years. It lengthens the time frame but removes subjectivity and creates a singular standard. Mayor Olmstead said that this is one example of items that will be coming forward from concerns heard from developers. He said that he thinks one year is too short and he thinks three years would be better, but he won't quibble over two years versus three years.

Greg Bade said that when he was on the Planning Commission there was some discussion about a sunset clause for preliminary plats and he asked if anything has been done about that. Mr. Carry said that some preliminary plat extension requests were denied because no infrastructure had been done. Those with significant amounts of infrastructure were approved.

Mr. Carry made a motion recommending to City Council that Section 1295.06 (i) be amended to read for a maximum period of twenty-four (24) months instead of twelve (12) months for preliminary plat resubmission and that a public hearing be set for May 17, 2016 at 6:20 p.m. The motion was seconded by Mr. Forquer and was unanimously approved.

Code Amendment
Chemical Sales and Storage

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02 – Definitions
Chapter 1225.06 – Unlisted Uses
Chapter 1225.08 – Use Regulations
Chapter 1235.04 – Special Approval Uses

DESCRIPTION

The proposed code amendment to Chapters 1215.02, 1225.08 and 1235.04 are all related to the issue of adding a land use classification to the code “Chemical / Petroleum Storage, Sales or Distribution”. These code sections work together to define a use, identify where the use is permitted or not permitted and specify any special conditions for the establishment of the use. Chapter 1225.06 – Unlisted Uses, currently allows the Planning Commission to classify a business under an existing land use category. If no similar use determination can be made, the Planning Commission can initiate an amendment to the zoning code to deal with the unlisted use. This report is being prepared under the assumption that the Planning Commission will be unable to include the described use into an existing category.

BACKGROUND

The Planning and Zoning Division was recently made aware of a business that may be interested in relocating to the City of Perrysburg. The proposed business deals in the handling, processing and or repackaging of chemicals. Due to the unique nature of businesses such as this it was determined that our code may not be adequately prepared to deal with this use. This amendment or addition to the code is intended to proactively create rules as to how these businesses are regulated, if at all should they request to locate within the city. The specific business that prompted this code amendment may or may not ultimately select the City of Perrysburg but nonetheless it would still be beneficial to review this use and establish criteria for its operation.

ANALYSIS

Ch. 1215.02

Existing Code Language

Not applicable.

Proposed Code Language

Ch. 1215.02 – Definitions

(37.1) Chemical / Petroleum Storage, Sales or Distribution:

The storage, sale, repackaging, or distribution of chemicals or petroleum products. This definition does not include the incidental or accessory use of chemicals within a larger manufacturing process or otherwise permitted uses. This definition does not include traditional gasoline stations.

Ch. 1225.08

Existing Code Language

Not applicable.

Proposed Code Language

See the attached “Exhibit A” which is part of this report.

Ch. 1235.04

Existing Code Language

Not applicable.

Proposed Code Language

Ch. 1235.04 –

(37.1) Chemical / Petroleum Storage, Sales or Distribution:

The sale and handling of chemical and petroleum products, especially in bulk quantities represents a potential hazard to the community. Due to this, such uses must meet the following requirements:

- (a) A minimum lot area of five acres shall be required.
- (b) Notwithstanding any other minimum yard sizes required by this Zoning Code, Chemical / Petroleum Storage, Sales or Distribution facilities shall be set back at least 100 feet from the right-of-way of any public street, private road or highway.
- (c) Present evidence that all required Federal and State permits, licenses, etc. have been secured, or are in the process of being secured. Specifically, the regulations of the Ohio State Fire Marshall shall be followed. This includes approval of underground tank installation. The applicable standard(s) of the National Fire Protection Association Code

shall also apply as determined by the Perrysburg Fire Department. A certificate of occupancy will not be issued until all such permits are finalized.

- (d) No structure involving the use, storage, or handling of chemical or petroleum products shall be within 500 feet of a residential use or district nor closer than 1000 feet from a school.
- (e) All such uses shall conform to the regulations of the BOCA National Fire Prevention Code and the City's Fire Control Measures and Regulations.
- (f) For chemical operations, a list of substances to be handled at the development shall be furnished. Plans showing any underground piping, storage facilities and related appurtenances as they involve chemical or petroleum products must be presented. "As built" corrections must be made before a certificate of occupancy is issued. *(This information will be shared with public safety organizations)*

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to city council approval of the proposed code amendment to deal with the categorization and regulation of Chemical / Petroleum uses. It is also recommended to include any additional Special Approval Use conditions as provided by the Perrysburg Fire Department before or during the meeting.

Further, it is recommended that a public hearing be set before City Council for May 17, 2016 at 6:15 p.m.

Mr. Walters reviewed the above Staff Report. He said that the requirement regarding the Fire Division can be removed because they are comfortable that the requirements of the State Fire Marshall and BOCA will address any concerns they may have.

Mr. Nicely asked how this business that is looking to relocate compares to Master Chemical. Mr. Walters said that he is not sure exactly what Master Chemical does, but if they are the same then Master Chemical would be a legal non-conforming use. Mr. Nicely asked if we know the location. Mr. Walters said that this Code change is not site specific. Mr. Forquer asked where the distance and size requirements came from like the five acres, 100' from right-of-way and 500' from residential, 1,000' from a school. Mr. Walters said that some of them are from other areas of the Code, some from other municipalities and others are his opinion. Mr. Forquer said that transportation to and from the site is not addressed and that safety issue is a big concern. He added that it references the Fire Division and various codes, but specific chemicals are not addressed. Mr. Walters said that specific chemicals are referenced in the BOCA National Fire Prevention Code. Mr. Hudson asked if the Law Director was involved in drafting this language and if it was

modeled after another community. Mr. Walters said that the Law Director was not involved in drafting it. Mr. Hudson asked if this amendment is not approved if this use would not be permitted in the City. Mr. Walters read Section 1225.06 of the Code which reads, "If an application is submitted for a use type that is not classified in the Land Use Table of this Chapter, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission may initiate an amendment to the text of the Zoning Code." Mr. Forquer said that if this is a once in a lifetime thing he feels that by putting it into the Code it says we're interested but he is not. Mr. Walters said that his first instinct is always to fit a use into an existing land use but he could not fit this use into any of them. Mr. Carry noted that if a company with this use were fit into an existing category the restrictions would be less restrictive than what is being proposed. Mr. Wellstein said that perhaps Master Chemical could be consulted. Greg Bade, Cedarwood Lane, said that he feels the distances between this type of use and residential uses and schools should be increased.

Mr. Carry moved to table discussion regarding the proposed Code Amendment. Mr. Forquer seconded and it was unanimously approved.

Other Business

None.

There being no further business, the meeting adjourned at 9:33 p.m.

Respectfully submitted,

Mary Jo Sutton