

PLANNING COMMISSION

MARCH 30, 2017

The meeting was called to order at 7:00 p.m. by Vice-Chairman Tom Forquer. Commission members present were Tom Forquer, Seth Hudson, Andy Lorenz, Eric Nicely, and Mayor Olmstead (5). Chris Carry and John Wellstein were absent (2). Also present were Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator and Mark Easterling, Deputy Planning and Zoning Administrator.

Approval of Minutes

Mr. Hudson moved to approve the minutes of the February 23, 2017 meeting as written. The motion was seconded by Mr. Nicely. Ayes: Forquer, Hudson, Lorenz, Nicely (4). Abstain: Olmstead (1).

Administrator's Report

Mr. Walters called attention to email correspondence distributed to the Commission. The email was from Teresa Grodi in support of chickens.

Preliminary Plat Summerfield Subdivision Five Point Road

APPLICANT/OWNER/DEVELOPER

Steve Mitchell & Mike White
MB Investments, LLC.

Feller Finch and Associates, Inc.
1683 Woodlands Drive, P.O. Box 68
Maumee, Ohio 43537

REQUEST

Chapter 1295.01 – Preliminary Plat

PROPERTY LOCATION & DESCRIPTION

Summerfield is a proposed subdivision consisting of 145 lots, and is located just north of Bay Shore Village Plat 1, on the north side of Five Point Road between SR25 and Fort Meigs Road. This subdivision (54.3 AC) is an R-4 (Single Family) residential subdivision with an area (separate from this request) outside of but adjacent to the eastern side of this plat proposed as R-5 (Two Family) residential. The request to rezone this adjacent R4 to R5 is a later agenda item for this meeting.

BACKGROUND

The Preliminary Plat for Bayshore Village was first approved June 6, 2005. Subdivision Plats 2-8 expired on November 21, 2015 and were not approved for a Plat Extension on February 4, 2016. The current owner is currently in the process of selling the property to Steve Mitchell if the proposed subdivision receives preliminary approval from the Planning Commission. The previous plan for Bayshore Village contained a Planned Unit Development (PUD) and featured lots smaller than those required by code as well as an area of multi-family apartments.

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 Code provides for a minimum lot area of 9,500 SF for R-4 Zoning. All proposed lots currently meet or exceed the minimum lot size.

The applicant shall provide an open space fee to the City of Perrysburg (prior to final plat approval) for the improvement of open space or recreational areas within the city per the following formula: Open space requirement = 7.5% of appraised value of 54.3 acres + \$100.00 per lot. An official appraisal of the property has not been submitted to calculate the open space fee.

Only two street names are given across the entire subdivision so street names would need to be reviewed as part of the final plat review.

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

- The street along the west side of the property has two intersections that have curved approaches to each intersection.
 - Ch. 1295.05(a)(9)(C)(7) states that approaches to intersections shall be straight for a distance of at least one hundred (100) feet from the centerline of the street intersected.
- 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 is one lot that does not meet a maximum 3:1 ratio (please see lot 12 which has a ratio of 3.015).
- Each of the lots on the chart below, has a frontage less than 65'. This would require the approval of the Planning Commission according to Ch. 1295.05(a)(6)(E).

Lot	Frontage (FT)
3	57
5	57
12	65
40	65
41	44
42	44
43	44
44	44
45	63
113	53
114	53
115	53

RECOMMENDATION

The Deputy Planning and Zoning Administrator recommends that the Planning Commission deny the Preliminary Plat for Summerfield due to the following issue:

1. The curved intersections are not in compliance with Ch. 1295.05(a)(9)(C)(7) as two intersections are located on curves and do not have a straight line distance that meets or exceeds 100' in length.

Mr. Easterling reviewed the above Staff Report. Don Feller and Mike White were in attendance. Mr. Feller stated that this was previously approved as the Bayshore Village subdivision with 154 lots and they are proposing 145 lots. He said that with regards to the curved intersections, they tried to eliminate a long straight street on the west side of the property. He said that he would request approval of the preliminary plat and they will work with the City's Engineering Division to come up with an acceptable design. Mr. Feller said there is no problem increasing the width of lot 12. He said that the third issue regarding frontage less than 65' is typical and they request that this condition be waived. Mr. Walters said that Lot 12 is not a big issue and with regard to the lots with frontage less than 65', the Planning Commission has typically given more weight to the width at the building line. Mr. Walters said that they have been working with the Engineering Division on the street layout and the Engineering Division has indicated that the proposed layout would not be approved. If the intersections are changed to T intersections it would not change the lot widths. Mr. Feller added that he is confident they can work out a solution with the Engineering Division.

Mr. Nicely asked if the authority to approve the new layout can be delegated to the Planning and Zoning Administrator. Mr. Walters said that if he were a Commission member he would want to see the plat again because a T intersection versus a traffic circle could make a difference. Mr. Walters distributed a revised drawing submitted by Feller, Finch. Mr. Feller said that there were no changes in the number of lots or the overall layout. Mr. Hudson asked if the Code requirement referenced in the Staff Report

is a City code or ODOT. Mr. Walters said that it is the City code. Mr. Hudson asked if it could be waived. Mr. Walters stated that during the construction phase the City Engineer would trump that and would not approve the plans. Mr. Forquer asked if the City Engineer has endorsed either drawing because he would not be comfortable approving it without approval from the City Engineer. Mr. White said that they just recently submitted the second drawing because it was submitted in response to the Staff Report.

Mr. Hudson moved for conditional approval of the Preliminary Plat for Summerfield Subdivision subject to approval of the City Engineer. Seconded by Mayor Olmstead. Ayes: Hudson, Lorenz, Olmstead (3). Nays: Forquer and Nicely (2).

**Rezoning Request
Summerfield Subdivision
R4 (Single Family Residential) to R5 (Two Family Residential)**

APPLICANT/OWNER/DEVELOPER

MB Investments, LLC – Mike White & Steve Mitchell

Feller Finch & Associates – Greg Feller
1683 Woodlands Dr.
Maumee, OH 43537

REQUEST

Chapter 1285 - Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located approximately 1,375' west of N. Dixie Hwy, north of Five Point Road and south of the existing Horseshoe Bend subdivision. The area identified for this rezoning request is approximately 17.157 acres in size and is planned to be the eastern portion of the proposed Summerfield subdivision. The property is currently zoned R4 single family and the applicant proposes to rezone this acreage to R5 two-family residential. This property was formerly reviewed as Bay Shore subdivision which also had a Planned Unit Development (PUD) overlay on it.

Adjacent zoning:

1. North: R3 (Single Family Residential) Horseshoe Bend subdivision
2. East: PBP (Planned Business Park) Harbor Town and Reitzel Property
3. South: R-4 (Single Family Residential) Bay Shore Village Plat 1 and I2 (General Industrial)
4. West: R4 (Single Family Residential) Falls at River's Edge subdivision and RM (Otterbein Facility)

BACKGROUND

On February 4, 2016 the planning commission reviewed a request for a preliminary plat extension for Bayshore Village subdivision. This subdivision had been in the planning stages for approximately 10 years and was not yet constructed (beyond Plat 1). The planning commission voted not to renew the preliminary plat and therefore dissolved the preliminary plat as well as the PUD overlay for this property. Since this time the current owners have agreed to sell the property to a new developer who is now requesting to rezone a portion of the land along the eastern edge to two-family residential.

ANALYSIS

The applicant has requested a zoning change from the current zoning of R4 (Single Family Residential – 9,500 SF lots) to R5 (Two-Family Residential – 10,000 SF lots).

Per Ch. 1220.03, R4 zoning is defined as: high density residential development conveniently accessible to all community services and major traffic arteries. R5 zoning is defined as: Intended to provide areas for two-family dwellings.

Per Ch. 1230.01 the minimum lot size for R4 zoning is 9,500 SF with 65' of frontage while the minimum lot size for R5 is 10,000 SF with 90' of frontage.

The following uses are permitted uses or permitted with a Special Approval Use (SAU) within **R4**:

- One Family Dwelling
- Bed & Breakfast **(SAU)**
- Rooming House **(SAU)**
- Accessory Building
- Child Day Care Center **(SAU)**
- Essential Services
- Non-Commercial Recreation Facility **(SAU)**
- Parks and Recreation Facilities **(SAU)**
- Part-Time Child Day Care Centers **(SAU)**
- Public Service Facility **(SAU)**
- Public/Private Utility **(SAU)**

The following uses are permitted uses or permitted with a Special Approval Use (SAU) within **R5**:

- One Family Dwelling
- Two Family Dwelling 
- Bed & Breakfast **(SAU)**
- Rooming House **(SAU)**

Accessory Building
Child Day Care Centers **(SAU)**
Essential Services
Non-Commercial Recreation Facilities **(SAU)**
Parks and Recreation Facilities **(SAU)**
Part-Time Child Day Care Centers **(SAU)**
Public Service Facility **(SAU)**
Public/Private Utility **(SAU)**

The Comprehensive Plan – Conservation and Development Map indicates “Encouraged Growth/Economic Development Area”.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the zoning amendment to R5 (Two Family Residential) for the approximately 17 acres of property as identified in the attached survey and legal description. This zoning transition would allow a gradual step down in use from the PBP zoning to traditional single family zoning.

Further, it is recommended that a public hearing be set before City Council for May 2, 2017 at 6:20 p.m.

Mr. Easterling reviewed the above Staff Report. Mr. Feller said that this rezoning would provide a transition from single-family residential to the adjacent planned business park zoning. He said that in Bayshore Village there was multi-family proposed and this request is for two-family zoning. Jim Rose, 13250 Five Point Road, said that the original development did not plan as many multi-family dwellings and he is concerned about property values. Teresa Rose, 13250 Five Point Road, asked if these units will be townhouses or condos and if they will be rentals. Mr. White stated that they have not determined that yet; they want to keep their options open. He said they will be some type of townhouse but he's not sure if they'll lease or sell them. Ms. Rose asked how the Commission can vote without knowing all the details. Mr. Forquer asked if Mr. White is anticipating side by side townhouse units. Mr. White said yes. Mr. Forquer said that the Commission would probably assume they'll be rentals because basically they assume the worst. Mr. Feller stated that there will be 35 lots in the proposed area to be rezoned so there would be 70 units. That is 46 fewer units than what was proposed in Bayshore Village. Mr. White said that if they are rentals they aren't going to be \$500 a month units. He said he built the Woodmont rental units and they go for \$1,500 to \$1,700 a month.

Mr. Forquer moved to recommend approval of the rezoning of the easterly 17.57 acres pf the Summerfield Subdivision from R-4 (Single Family Residential) to R-5 (Two Family

Residential) and that a public hearing be set before City Council on May 2, 2017 at 6:20 p.m. Mr. Hudson seconded. Ayes: (5). Nays: (0).

**Preliminary & Final Site Plan
Saint John XXIII – New Building
24250 N. Dixie Highway**

APPLICANT

SSOE, Inc
1001 Madison Ave.
Toledo, OH 43604

Saint John XXIII
24250 N. Dixie Hwy
Perrysburg, OH 43551

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

The subject property is located at 24250 N. Dixie Highway, just south of Five Point Road on the east side of the road. The closest neighboring uses include Southview Estates Mobile Home Park and the St. Clare Commons nursing home campus. The current zoning of the property is Institutional (INS) and the site size is approximately 26 acres. The current property contains an existing church that is planned to be repurposed if the new church structure is approved.

ANALYSIS

Land Use – The current and requested use of the property has been reviewed and determined to be an “Institutional Use.” This existing facility has previously obtained a Special Approval Use for the property/use which did anticipate future expansion so it is not recommended to require additional review of the SAU at this time.

Dimensional Standards - The proposed building addition as shown on the Site Plan is consistent with the dimensional standards of Chapter 1230 with regard to minimum yard setbacks as the closest point of the proposed building to any property line is approximately 300’. The height of the building is 44’ to the ridge line and the decorative

tower on the top is an additional 27' bringing the total height of the tower to 71'. Per Ch. 1230.03 the additional 27' from the decorative tower is not required to be used in the height calculation of the building. The overall size of the building is approximately 41,157 SF and at this size there is no concern about the maximum lot coverage of 60%.

Building Materials – The applicants have provided two elevation sheets (AE-200 and AE-202) which show that the building would be constructed of CMUs in a brick configuration with corresponding soldier course patterns and metal fascia. The proposed building materials are consistent with Ch. 1250.48.

Access – The subject location does have direct access to SR25 from an existing curb cut which would remain in place. The driveway however is shown to be relocated on the property to accommodate the additional parking area and the new connection to St. Clare Common's campus.

Parking – The total number of proposed parking spaces for this site is 294. Per the zoning code the required uses and square footage would typically require 421 parking spaces. On March 13, 2017 the applicant applied to the Board of Zoning Appeals (BZA) and was granted a variance to reduce the required parking by 30%. This variance was found to meet the requirements of Ch. 1250.02(r) 1-5 largely due to the repurposing of the existing church area and the fact that most traffic would not be overlapping due to the programming schedules of the different areas of the building.

Parking Landscaping – The area of the parking lot was determined to be 115,912 SF in size. The PZ Code requires that not less than 6% of this area be landscaped. According to calculations provided by the landscape architect 11% of the parking lot has been landscaped with trees and other low growing vegetation.

Site Landscaping – The area of the site after subtracting the building and parking lot area is 976,797.8 SF. Ch. 1230 requires that not less than 10% of the overall site be landscaped (97,680 SF). The landscape architect did not provide the calculation to verify that this requirement is being met. It is recommended to request verification that this requirement is being met. Additional landscape requirements such as on site trees and street trees are being met in terms of quantity and spacing (see sheet L200 for calculations). Per Ch. 1250.10(b) it is recommended to require that on site landscaping be irrigated due to the site being larger than ½ acre in size.

Street Trees – The street tree plan will be required to be reviewed and approved by the city of Perrysburg Street Tree Commission prior to a zoning permit being issued.

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.*

Lighting – The last page of the submission (the photometric plan) indicates that there are several new light fixtures as well as several relocated fixtures on site. The indicated height of free standing light fixtures is 25'. The photometric plan does show some light spillage outside of the boundary of the property (north) but it is in a location that is not likely to cause any problem for the adjacent property and it is also important to note that the light pole with the most light spillage is an existing pole that was installed in approximately 2008.

Sidewalks – Sidewalks are not shown across the frontage of the property but are required by code. The site plan indicates that if installed the sidewalk would likely be on private property based on where the portion of sidewalk through the driveway is located. If any portion of the driveway is on private property the city will require an access agreement be recorded with the Wood County Recorder prior to the issuance of a zoning permit.

Waste Receptacles – The entire property is shown to be serviced by the existing trash enclosure on site.

Corridor Overlay – This property is within the corridor overlay and therefore has additional restrictions and requirements that don't affect projects outside the overlay district. The corridor requirements for this property have been met based on the proposed site plan with the exception of signage which will be reviewed separately by the Planning and Zoning Division.

General Engineering – The applicant shall submit and obtain City of Perrysburg construction review approval for drainage calculations and general engineering prior to a zoning permit being issued. Additionally, a pre-construction meeting must be conducted prior to the issuance of zoning permits.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission approve the preliminary and final site plan for the Saint John XXIII site at 24250 N. Dixie Highway subject to the following condition(s):

1. Provide confirmation from a registered landscape architect that the requirement that 10% of the site be landscaped. This calculation should exclude parking lot landscaping and street trees. The plan should also indicate with a shaded color, the areas used in the calculation. If the landscape is determined to be insufficient it is recommended that the planning commission delegate further landscape reviews for this project to the Planning and Zoning Administrator.

Mr. Walters reviewed the above Staff Report and added two conditions to his recommendation:

2. Landscaping be irrigated.

3. Sidewalk should be installed across all frontages with access agreement if necessary.

Fr. Herb Weber, pastor of St. John XXIII, was present and stated that this second building was always planned. He said that the sidewalk across the front of the property was discussed nine years ago and they were granted a waiver to install it later because there is no one to the north or south of their property. He asked that the waiver be continued. Fr. Weber also asked what landscape consists of. Mr. Walters stated that turf grass is not included. Faith Perales of SSOE stated that they are working on a drawing for the landscape. She said that they have some gardens on the property that are maintained by members and they have more planned. With regard to the irrigation, she said that the beds have sprinkler hoses installed but as far as future irrigation, the members come and tend to them daily and they use gator bags for trees. Ms. Perales asked for a waiver because of what was previously installed and the way the members of the congregation take care of the landscaping. Mr. Walters said that it has been waived in the past, and the Commission will have to consider if they are convinced the landscaping will be taken care of so it survives. Mr. Forquer asked what the Code defines irrigation as. Mr. Walters said that he does not think the Code intended it to mean people watering with hoses. Ms. Perales said it is a manual system but it has worked for them. Mr. Lorenz asked if there is a Grounds Committee at the church. Fr. Weber said there is. Mr. Forquer asked about the seating capacity of the sanctuary. Ms. Perales said that it is approximately 850 and the area where services are currently held would not be used during service times. Mr. Forquer asked if they are comfortable with a 3:1 ratio for parking and Ms. Perales said that they are. Mayor Olmstead said that he is on board with the sidewalk issue, but he has concerns with the irrigation issue because when another applicant comes up, if they waive it, they have to be prepared to defend that decision. Fr. Weber said that they have a track record of maintaining the landscaping. Mr. Hudson asked about putting it in the motion that this is in institutional use. Ms. Henderson said that it certainly lays a foundation. Mr. Forquer said that he too is on board with the sidewalk and he understands the Mayor's concern about the irrigation.

Mr. Hudson moved to approve the Preliminary and Final Site Plan for St. John XXIII subject to: 1) a landscape plan being reviewed and approved by the Planning and Zoning Administrator 2) the landscape irrigation being satisfied by the St. John XXIII community, recognizing that this is an unusual circumstance and this is an Institutionally zoned property supported by its own community 3) the sidewalk to be installed across the front of the property including an access easement if necessary, however the enforcement be postponed until the development of the property to the north of this property, with this condition being memorialized with a letter or agreement to be completed through the City's attorney. Seconded by Mr. Forquer. Ayes: (5). Nays: (0).

**Preliminary Site Plan
26675 N. Dixie Highway**

APPLICANT

John Sperry
Thomas DuBose & Associates, Inc.
350 S. Reynolds Rd
Toledo, Ohio 43615

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

The proposed project site is located at 26675 N. Dixie Highway, on the southwest corner of West South Boundary and N. Dixie Highway. The property currently consists of a single-story commercial building built in 1985, which now houses Re/Max. The subject property is approximately 2.5 acres in size and is currently zoned C-4 Highway Commercial. All adjacent city property on the north and west sides of the site are also zoned C-4, with C-3 Community Shopping to the south.

ANALYSIS

Preliminary Site Plan

Zoning – C-4 (Highway Commercial) (Within the Corridor Overlay)

Land Use – The requested use has been reviewed and determined to be “Shopping Centers” which is an approved use in C-4 zoning districts.

Dimensional Standards - The proposed building shown on the Site Plan is consistent with the dimensional standards of Chapter 1230 with regard to setbacks (50’ front yard and 30’ rear yard). Currently, no elevations were submitted that show the height of the building. The building should not exceed the 35’ maximum unless approval from the Board of Zoning Appeals is granted. The current lot coverage is approximately 21.67% and the maximum allowed in C-4 districts is 30%.

Access – The proposed site plan shows three curb cuts on the property. Two of the curb cuts on the north side of the property access W. South Boundary and one curb cut would access N Dixie Highway on the east side. Each curb cut shown does not display the width

at the approach, it instead shows the width of the driveway being 25' wide. Each curb cut shown is greater than the maximum allowed 35' (any curb cut larger than 35' would require approval by the City Engineer).

Parking – The parking requirement for this use was calculated at 88 required spaces (see Ch. 1250.03(s)) with 111 spaces provided. This plan appears to be dimensionally consistent with the requirements of the zoning code. Additionally, parking is not permitted to be located in the required front yard without the approval of the Board of Zoning Appeals (Applicant is scheduled to go before the BZA on 4/10/17).

Landscape Islands – The landscape islands that are shown on site are sufficient in both quantity and arrangement. It does appear that three of the landscape islands appear to be undersized. Traditionally, landscape islands would be the same size as a standard parking space (10' X 20').

Street Trees – A street tree plan will be required to be reviewed and approved by the City's Street Tree Commission prior to the issuance of a zoning permit. The Street Tree Commission conducts monthly meetings.

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.*

Lighting – None currently shown on preliminary site plan.

Sidewalks – Public sidewalks are required across all frontages and are shown on the site plan; however, the portion of the sidewalk along the east side of the property (parallel to N. Dixie Highway) is shown to be on private property and not in the public right-of-way. This would require an access easement. Sidewalks are also shown through all potential driveways.

Waste Receptacles – Receptacles shall be in accordance with Ch. 1250.57. The proposed location of the waste receptacle is in compliance with the zoning code which states that waste receptacles should be located in a rear yard or a non-required side yard. The receptacle is shown as being fully enclosed on all sides.

Corridor Overlay District.

Utility Lines - All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. All junction and access boxes shall be screened with appropriate landscaping.

Loading Areas - Sites shall be designed and buildings shall be oriented so that loading areas are visually screened.

Building Materials - No building facade shall consist of architectural materials which differ in composition, appearance or detail from any other façade of the same building. The intent of this requirement is to preclude the use of inferior materials on sides which face adjoining property. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view.

Exterior Lighting - All exterior lights shall be arranged and installed to comply with the exterior lighting provisions of this Zoning Code.

Parking Lots Adjacent to Public Right-of-Way - Parking lots, which have frontage along a public right-of-way, shall be screened with a wall and landscaping.

Landscaping along Corridor - The area of land between the property line and the curb, typically known as the terrace, shall be landscaped with street trees.

Driveways and Parking Areas - Driveways and parking areas shall be paved. Concrete curb and gutters shall be installed around the perimeter of all driveways and parking areas.

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends disapproving of the preliminary site plan due to the following issues that are likely to require that the site plan be significantly changed:

1. A 38"-42" wall be added to screen the parking lot between the south property line and the driveway shown closest to the intersection on W. South Boundary.
2. The sidewalks are moved to the city right-of-way or an access easement is created.
3. Undersized landscape islands are increased to the size of a standard parking space (10' X 20').
4. Driveway locations required to conform to the newly updated access management plan. (Proudfoot Engineering Study) Likely resulting in the elimination of the drive on N. Dixie Highway.
5. One sign shown on N. Dixie Highway to be removed.
6. Driveways required to line up with those across the street (W. South Boundary).
7. Need a wall between the parking lot and sidewalk; plus, allowance for 4' of landscape between wall and sidewalk.

Mr. Easterling reviewed the above Staff Report. John Sperry was present and addressed the recommendations from the Staff Report. He stated that he is aware of the parameters

for the screen wall because of the Corridor Overlay, but the property is bound by four easements including a 20' waterline and pipeline easements along the frontages. Mr. Sperry said if they moved the screen wall, it would interfere with the parking. He said they are working with Buckeye Pipeline, but he's not sure what they can do about the screen wall. With regard to recommendation #2, Mr. Sperry said that the sidewalks are shown on private property because of a drainage swale and if they move them out, they could have a slide slope so they would opt for the access easement. He said they are agreeable about the signage, and they will try to line up the driveways. Mr. Sperry said that they are agreeable to widening the landscape islands but they request that they not have to make them the full depth of a parking stall because they don't want drivers to create ruts in them when pulling in and out of parking spots. With regard to access on Dixie Highway, they propose that the driveway on SR25 be right out only because they would like delivery trucks to access the rear of the center and then go back out to SR 25.

Mr. Nicely asked Mr. Walters about the screen wall because it seems that all projects along SR25 have had to have them. Mr. Walters stated that this has been a controversial issue, and the role of the Planning and Zoning office is to respond to what is submitted. He said the Planning Commission can request more documentation regarding what Buckeye Pipeline will allow, and he feels that the building ends could be clipped and parking moved back to provide a screen wall. He said that he is confident that they can come up with a creative solution to not just throw out the Code. Mr. Nicely asked Mr. Sperry if he has received anything from Buckeye Pipeline. Mr. Sperry said that he received a 64 page document about what you can do, but they still need to submit plans to their offices in Pennsylvania.

Mr. Forquer said that he does not feel this is ready for review because it is deficient in a number of ways. He added that since there are more parking spaces than what is required, perhaps if some of the parking were eliminated they could find a solution. Mr. Hudson asked Mr. Walters about access to SR 25. Mr. Walters said that the City had a study of SR25 done and although it has not yet been formally accepted, he cross-checked this development with the study and approving a driveway onto SR25, even if only right-out turns were allowed, would be in conflict with the study. Mr. Hudson said that he does not remember screen walls being required on South Boundary. Mr. Walters stated that because this is a corner lot, the screen wall would curve around from SR25 and a logical place to terminate would be at the first access drive on West South Boundary. Mr. Lorenz asked Mr. Sperry if he has submitted anything to the pipeline company. Mr. Sperry said that he just got the depths, so no he has not submitted anything yet.

Mayor Olmstead moved to approve the Preliminary Site Plan pending successful resolution of the seven outstanding items as reviewed by the Planning and Zoning Administrator. Mr. Nicely seconded. Ayes: Nicely and Olmstead (2). Nays: Forquer, Hudson and Lorenz (3).

Code Amendment Medical Marijuana

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 establishments selling, dispensing, growing, processing or possessing marijuana based products for medical or other purposes are not permitted to exist in the city of Perrysburg within any zoning district.

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 Sales: Any business, building, structure, dispensary or other location that is involved in the sale, warehousing, distribution, cultivation, production or refining of medical marijuana or any derivative containing Tetrahydrocannabinol (THC).

Medical marijuana means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose. Medical marijuana means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. Medical marijuana does not include the mature stalks of the plant, or fibers or oils produced from the stalks.

Existing Code Language

1225.08 LAND USE REGULATIONS

(see exhibit A)

Proposed Code Language

1225.08 LAND USE REGULATIONS

(see exhibit B)

RECOMMENDATION

The Planning and Zoning Administrator 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 May 2, 2017 at 6:25 p.m.

Mr. Walters reviewed the above Staff Report. Mr. Hudson asked what the genesis of this Code Amendment was. Mr. Walters replied that it was the approval of House Bill 523. The City Administration has been working with the Prosecutor and Police Chief and it is the overall opinion of City personnel to not allow it within the City. Mr. Hudson questioned the use of the word possessed in the proposed language. Mr. Walters stated that the term was used as part of the definition for medical marijuana. Mr. Forquer said that the use of the words possessing and using are over broad. He asked if this is language was written by us or if it is a template. Ms. Henderson said that it is a combination. She said the intent is to not allow the dispensaries, grow houses, etc. Mr. Hudson suggested that we use the Ohio Revised Code's definition of medical marijuana so we do not inadvertently use incorrect verbiage. Ms. Henderson said that she would bring back revised language next month.

Mr. Forquer moved to table the proposed Code Amendment regarding medical marijuana. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

Code Amendments Specialized Animal Raising

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02(180) – Specialized Animal Raising and Care

DESCRIPTION

The proposed code amendment to Chapter 1215.02(180) would change the definition of “Specialized Animal Raising and Care” to more clearly indicate that non-traditional pets including but not limited to chickens, goats, pigs, skunks, and llamas are not permitted in the City of Perrysburg except on Agriculturally (A-1) zoned land or on land zoned R-1 (Single Family Residential) with a Special Approval Use (per Ch. 1225.08). The proposed changed to this definition is not intended in any way to modify or override Ch. 618.22 which includes a list of restricted animal species.

BACKGROUND

During the enforcement of the “Specialized Animal Raising” portion of the code several affected citizens have indicated that they believe the definition associated with this land use is confusing or unclear in its intention. It has been the consistent practice of the planning and zoning division to consider the raising of chickens (hens and roosters) “Specialized Animal Raising” and therefore finding this use to be permitted only in agricultural zoning districts or in R-1 Single-Family Residential zoning districts with an approved Special Approval Use. It is the intent of this amendment to clarify what constitutes the raising of a specialized animal and in which zoning districts this can be done.

ANALYSIS

Existing Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

The use of land or buildings for the raising and care of fur-bearing animals, such as rabbits, stabling and care of horses, animal kennels, pigeon raising and the raising of any other animals or birds of a similar nature, for the purpose of boarding, distributing, or selling such animals or birds, excluding household pets.

Proposed Code Language

1215.02(180) Specialized Animal Raising and Care

The use of land or buildings for the raising and/or care of animals other than dogs, cats, hamsters, rabbits, gerbils, guinea pigs, hermit crabs, hedgehogs, ferrets, frogs, turtles, fish, non-venomous snakes or spiders and indoor caged birds. For the purposes of this code the raising or keeping of poultry shall be considered Specialized Animal Raising and Care. Animals held for exhibit or use by research institutions and other governmental agencies having legal authority to handle wild animals shall not be subject to the limitations placed on this land use.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend approval of the proposed code amendment to city council.

Further, it is recommended that a public hearing be set before City Council for May 2, 2017 at 6:05 p.m.

APPLICANT/OWNER/DEVELOPER

Krista Kiessling
947 Maple St.
Perrysburg, OH 43551

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1215.02(180) – Specialized Animal Raising and Care
Chapter 1225.08 – Land Use and Base Zoning Table
Chapter 1235.04(vv) – Specialized Domestic Animal Raising and Care

DESCRIPTION

The proposed code amendment to Chapter 1215.02(180) would change the definition of “Specialized Animal Raising and Care” to include specific language that allows the raising of “pet” hens in accordance with specific conditions that are also proposed as part of this amendment application. The last portion of this proposed amendment would include making the land use of “specialized animal raising” possible through the special approval use process in R-2 (Single Family Residential) and R-3 (Single Family Residential) zoning districts (in addition to the zoning districts where this is already possible, A-1 and R-1).

BACKGROUND

For many years, the Planning and Zoning Division has been enforcing portions of the code that prohibit the raising of chickens in many zoning districts within the city. Throughout this time several residents have either asked prior to purchasing chickens or

been told after buying them that they are in violation. During a recent pool inspection (and later a neighbor complaint), it was noticed that Ms. Kiessling was raising chickens within her backyard. The Planning and Zoning Division promptly notified Ms. Kiessling of the violation, which was not remedied within the allowed timeline so charges for a zoning violation are now pending. Instead of removing the chickens from the property, Ms. Kiessling has chosen to advocate for a code change that could allow her to keep the chickens so long as they are kept in a manner that is consistent with the requirements she has proposed. The Planning and Zoning Division has been instructed to stay enforcement until the Planning Commission and City Council have had an opportunity to review the proposed code amendment.

ANALYSIS

Existing Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

The use of land or buildings for the raising and care of fur-bearing animals, such as rabbits, stabling and care of horses, animal kennels, pigeon raising and the raising of any other animals or birds of a similar nature, for the purpose of boarding, distributing, or selling such animals or birds, excluding household pets.

Proposed Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

The use of land or buildings for the raising and care of fur-bearing animals, such as rabbits, stabling and care of horses, animal kennels, pigeon raising and the raising of any other animals or birds of a similar nature, for the purpose of boarding, distributing, or selling such animals or birds, excluding household pets. Hens raised as pets require a permit and must adhere to the conditions outlined in 1235.02(d) of the Planning and Zoning Code.

Existing Code Language

1225.08 Land Use and Base Zoning Table

Agricultural	A1	R1	R2	R3	R4	R5	RM	C1	C2	C3	C4	OS	I1	I2	PBP	P	S1	INS
Farm Markets and Stands	P							S	S	S								
Kennels	P												S	S				
Plant Cultivation	P															P	P	P
Specialized Animal Raising	P	S																

Proposed Code Language

1225.08 Land Use and Base Zoning Table

Agricultural	A1	R1	R2	R3	R4	R5	RM	C1	C2	C3	C4	OS	I1	I2	PBP	P	S1	INS
Farm Markets and Stands	P							S	S	S								
Kennels	P												S	S				
Plant Cultivation	P															P	P	P
Specialized Animal Raising	P	S	S	S														

Existing Code Language

1235.04(vv) Specialized Domestic Animal Raising and Care

- (1) Buildings, structures and fenced areas used for the domestic raising of animals shall be confined to rear yards and shall not be maintained closer to any lot line than the distance specified herein:

<u>Type of Facility</u>	<u>Minimum Yard Requirements</u>
Kennels or structures and enclosures of a similar nature used for domestic pets	10 Feet
Houses for pigeons and birds	10 Feet
Buildings or shelters for horses or ponies	50 Feet

Proposed Code Language

1235.04(vv) Specialized Domestic Animal Raising and Care

- (1) Buildings, structures and fenced areas used for the domestic raising of animals shall be confined to rear yards and shall not be maintained closer to any lot line than the distance specified herein:

<u>Type of Facility</u>	<u>Minimum Yard Requirements</u>
Kennels or structures and enclosures of a similar nature used for domestic pets	10 Feet
Houses for pigeons and birds	10 Feet
Buildings or shelters for horses or ponies	50 Feet

- (2) Hens raised as pets require a minimum of 10 square feet of confined space per hen. Outside run should be a minimum of 90 square feet for 6 hens. Total – just under 110 square feet (minimum) for 6 hens. Coop must not exceed size requirements for accessory buildings as outlined in 1250.61

- (3) Permit – Before the keeping of hens may occur, a permit must be obtained through the Zoning Office. The permit application must be accompanied by a one time, \$25 fee paid to the City of Perrysburg. New permit applications shall include the following information: name, phone number, home address and email address of the applicant; the size and location of the subject property; the land use zoning designation (R1, R2 or R3); a proposal containing the number of hens the applicant seeks to keep on the property; a description of the coop or outdoor enclosure providing precise dimension and precise location of enclosures in relation to property lines and adjacent properties, with specifications and drawings if available; a certificate or letter showing that the applicant has taken a class in keeping backyard hens from The Ohio state University Extension office or similar organization;
- (4) Owners of hens as backyard pets will comply with code requirements for responsible animal care as outlined in 618.
- (5) No more than 6 hens may be kept on one property. Roosters are strictly prohibited.
- (6) Sanitation: Slaughtering – the coop must be kept clean, dry and sanitary; free from debris and offensive odors. It shall be so located that adequate draining is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent proof container.
- (7) Permit revocation – the City of Perrysburg may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this subsection.

RECOMMENDATION

The Planning and Zoning Administrator recommends the planning commission recommend disapproval of the proposed code amendment in favor of the competing code amendment that would continue and strengthen the prohibition of raising chickens in areas of the city where they are not currently already permitted.

Further, it is recommended that a public hearing be set before City Council for May 2, 2017 at 6:05 p.m.

Mr. Forquer moved to untangle discussion on both proposed Code Amendments dealing with specialized animal raising. Seconded by Mr. Hudson. Ayes: Forquer, Hudson, Lorenz, Nicely (4). Mayor Olmstead had temporarily left the meeting.

Mr. Walters reviewed the above Staff Reports noting that the only changes from past meetings is that the recommended date for a public hearing has been updated.

Krista Kiessling, applicant on the proposed Code Amendment to permit backyard hens, gave a PowerPoint presentation in hopes of clarifying some of the outstanding issues from the last meeting. She said that a lot of personal opinion has come into this issue and

there is a fear of the unknown. Her presentation covered the following issues along with her response to those issues:

Noise – the noise from chickens is quieter than street traffic

Waste and odor – ten chickens produce less waste than one forty pound dog

Disease – chickens are not any more likely to carry disease than any other animal

Predators – they are already here, the chickens are not going to bring them here

Chicken coops – chicken houses can vary quite a bit

Coop aesthetics – they don't have to be large structures and watching the chickens is entertaining

Chickens and property values – the Forbes Top 10 Housing Markets that are appreciating in value all allow backyard chickens and according to Investopedia, the five fastest appreciating housing markets allow backyard chickens. Ms. Kiessling stated that they talked to local realtors, including one who recently sold a house in the Historic District with a backyard coop, and they say it does not affect the sale of houses. She added that according to movoto.com, backyard chickens are allowed in five of the ten best places to live in Ohio

Ms. Kiessling said that they contacted seven other cities in Ohio that allow backyard chickens and they said there has been no increase in complaints and no requests to allow other farm animals.

Ms. Kiessling summarized the proposed ordinance stating that no roosters would be permitted, there would be a limit of six hens per property, a permit would be required along with a \$25 fee, the coop would have to be at least three square feet per hen, it references nuisances, cleanliness, humane housing and treatment laws, and no slaughtering. She said that if necessary, a pilot period could be introduced to give a year or two to track the data to see if there are any issues. Ms. Kiessling concluded her presentation by stating that these chickens are their pets, they have names and are part of their family.

Mr. Nicely asked about the top cities and the correlation to chickens. Ms. Kiessling said that these are the top places to live and chickens are allowed so it is not preventing it from being a top place to live. Mr. Nicely asked about the permit fee. Ms. Kiessling said that it is not a license for the chickens, it is a registration fee so the Planning and Zoning office knows that they have chickens. Mr. Walters said that it is based roughly on one hour of an inspector's time to do the permit and make one follow-up inspection. Mr. Nicely said that he does not think the cost is high enough to cover the costs of monitoring the coops. Ms. Kiessling said that she is not opposed to a higher fee – it is \$150 in the township, but aesthetic expectations will be discussed in the education portion. Mr. Nicely said that there are no standards set for the coop requirements. Mr. Walters said that it would require some education on his part because he doesn't know what they would be looking for. Ms. Kiessling said that they can ask other communities that have established programs. Mr. Hudson asked what the penalty for a violation is. Mr. Walters said that a zoning violation can be up to \$100 per day per violation. Ms. Kiessling said that she received a letter and was given time to resolve the issue. Mr. Hudson asked about re-

inspections. Mr. Walters said that the City of Euclid has a provision that you waive your right moving forward for them to come inspect the chickens. Mr. Hudson asked if there is currently anything in the Code to prohibit slaughtering. Mr. Walters said there is nothing in the Planning and Zoning Code, but there could be something about animal cruelty in other parts of the Code. Ms. Kiessling said that this is a first step and she knows that the Planning Commission does not address Animal Control issues. Mr. Forquer noted that there is a lot of crossover on this issue and that the Planning Commission only makes recommendations to City Council on Code Amendments and City Council is more familiar with different sections of the Code. Mr. Hudson asked if non-property owners can apply for permits. Mr. Walters said that they would be permitted, but in Euclid they prevent anyone other than owner occupied properties from having chickens. Mr. Hudson asked about the reference to 618 in the proposed language. Ms. Kiessling said that is the Animal Control part of the Code. Mr. Lorenz asked how many permits Ms. Kiessling would expect in the first year. Ms. Kiessling said that she thinks currently there are 12-15 properties with chickens. She added that if they did a pilot program, the number of permits could be limited. Mr. Walters stated that he's not saying he's in favor of this, but the zoning needs to be applied as uniformly as possible and if it is as benign as has been presented, there would not need to be a cap on the number of permits. Ms. Kiessling said that there is not a proven nuisance and the chickens have been here for years with no issues so she does not think a cap is necessary given the facts. Mr. Walters said that we have received complaints and there could be a difference of opinion on whether they are reasonable or justifiable. Ms. Kiessling said that there have not been enough complaints to enact a ban. Mr. Forquer clarified that the Planning Commission is just making a recommendation to City Council. Mr. Walters said that is correct. Ms. Kiessling asked if they could approve the people that currently have chickens to keep them recognizing that more work needs to be done.

Teresa Grodi, 908 Walnut Street, admitted that she was a bad chicken owner but backyard hens are a societal trend and she personally spoke to Emily Schifferly, a realtor, and she said that people want houses in communities that allow chickens. Tony Rodriguez, 953 Maple Street, said that chickens are not pets and he has chickens that live next to him and although they don't smell, he can't understand why anyone would want a chicken for a pet. Leslie Stanford, 304 Mulberry, said that she does not have chickens, but her neighbor does and her grandkids love them. A Perrysburg Township resident stated that she is a chicken owner and she paid a one-time fee of \$150 for a conditional use permit to keep six hens, no roosters, and that they are pets and part of her family. Jeff Hoffman, 310 Mulberry, said that he has had chickens for five years and there have been no complaints. He added that his neighbor's dog barks 18 hours a day. He suggested that a public records check be done to see how many barking dog complaints there have been. He asked why this is being debated and asked that they be left alone and let them be happy.

Mr. Forquer reviewed the options the Commission could take. Mr. Nicely and Mr. Hudson said that they do not want to table it again. Mayor Olmstead suggested that both Code Amendments be sent on to City Council, the final arbiter, with an unbiased recommendation so they are on an equal playing field. Mr. Lorenz said that he agrees

since City Council makes the final decision. Ms. Kiessling asked if the language could be changed as it moves forward. Mr. Forquer said that she would have a better chance changing it with City Council because City Council understands the effect on the Code better than the Planning Commission does.

Mr. Forquer made a motion to move forward both Code Amendments regarding specialized animal raising to City Council without a recommendation from the Planning Commission and that a public hearing be set for May 2, 2017 at 6:05 p.m. Seconded by Mr. Hudson. Ayes: Forquer, Hudson, Lorenz, Olmstead (4). Nays: Nicely (1).

Mr. Forquer thanked Ms. Kiessling for her presentation.

There being no further business, the meeting adjourned at 10:07 p.m.

Respectfully submitted,

Mary Jo Sutton