

PLANNING COMMISSION

FEBRUARY 28, 2019

The meeting was called to order at 7:00 p.m. by Craig Pickerel. Commission members present were Greg Bade, Andy Lorenz, Mayor Mackin, Gilda Mitchell, Craig Pickerel, John Stout, and John Wellstein (7). Also present was Brody Walters, Planning and Zoning Administrator, and Laura Alkire, Law Director.

Approval of Minutes

Mr. Wellstein moved to approve the minutes of the January 31, 2019 meeting as written. Seconded by Mayor Mackin. Ayes: Bade, Lorenz, Mackin, Pickerel, and Wellstein (5). Nays: (0). Abstain: Mitchell and Stout (2).

Administrator's Report

Mr. Walters said that there will likely not be a March meeting, as there are no items for the agenda yet. He also welcomed new members, Gilda Mitchell and John Stout to the Planning Commission.

Preliminary Site Plan & Special Approval Use Yark Automotive Group 26997 N. Dixie Highway

APPLICANT

Jerry Parker
Gressley, Kaplin & Parker, LLP
1 Seagate, Suite 1645
Toledo, OH 43604

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1250 – Site Design Standards
Chapter 1235.04(e) – Special Approval Use
Chapter 1245.33 & 1245.34 – Corridor Overlay

PROPERTY LOCATION & DESCRIPTION

The proposed project site is located on the west side of SR 25 at the intersection of Findlay Street. This property is immediately north of the existing Perrysburg Auto Mall (Ed Schmidt). The parcels included in this request are: Q61-400-6704012000 and Q61-400-6704013000 which together contain approximately 19.933 acres of property that is zoned C-4 Highway Commercial, within the corridor overlay.

Adjacent zoning:

North – I-1 Light Industrial

East – C-4 Highway Commercial, R-5 Two-Family Residential, R-3 Single Family Residential

South – C-4 Highway Commercial

West – PBP Planned Business Park

ANALYSIS

Preliminary Site Plan

Land Use – The proposed use has been reviewed and determined to be “Automotive Sales or Lease for New and Used Vehicles – Outdoors.” This use is permitted in the C-4 zoning district with an approved Special Approval Use.

Dimensional Standards - The proposed site plan shows a portion of two different parcels being used to accommodate a proposed car dealership. The setbacks that will apply to this project site are as follows:

Front Yard – 50’

Rear Yard – 30’

Side Yard (min) – 10’

Max Height – 35’

The site plan indicates a principal building to be used for the sale of automobiles as well as an accessory building located to the south and west of the main building. Ch. 1250.61(a) states that “No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.” As shown the accessory building is located in the side yard. This issue could be resolved by relocating the accessory building approximately 17’ to the west fully into the rear yard.

Access – The proposed access to the property is shown to be from the newly reconfigured, stub-access at the fully signalized intersection at Findlay Street and SR 25.

Parking – The parking requirement for this use was not able to be calculated due to not having the square footage size of the dealership’s showroom. Overall the site features 446 parking spaces which is projected to far exceed any required parking requirement the code would provide (although it is unknown at this time how many vehicles are planned to be stored at this location).

Landscape Islands – The zoning code requires that landscape islands be installed at an interval to break up runs of large parking into rows of 10 or less. The total of 8 landscape islands that are shown on site do not meet the quantity or placement required by the code.

Parking Lot Landscape – The parking area of the site is to be landscaped at a minimum of six (6) percent. Areas that are within or immediately adjacent to the parking lot can contribute to this percentage. Any areas within or adjacent to the parking lot cannot also be counted towards the ten (10) percent “site landscaping” requirement. The available space within the parking lot does not contain sufficient area to accomplish the minimum parking lot landscape percentage.

Site Landscape – The overall site (the area of the site minus the parking lot area) is required to provide at least ten (10) percent of its area as intentional landscape. Turf grass is not considered intentional landscape. Site landscape details are not required with this submission but it is important to note that any landscape plan submitted along with the final site plan request must demonstrate that at least ten (10) percent of the overall site is landscaped and irrigated.

Street Trees – A street tree plan will be created for this property by the City’s Street Tree Commission. The quantity of trees is determined by taking the frontage of the parcel, subtracting 35’ (allowable driveway width) and dividing that length by 40’ (the average spacing of street trees).

Site = approximately 738’ frontage – 35’ driveway = 703’ divided by 40’ = **17 street trees (\$475 each)**

The Street Tree Commission will select the species and placement of these trees. Fees for required street trees will be collected at the time the zoning permit is obtained. All trees will be planted by the city.

Signage – A full review of signage will be conducted by the Planning and Zoning Division prior to the issuance of permits. The current sign code allows for variances to address height restrictions as well as size restrictions but no allowance for increasing the quantity of signs is available.

Lighting – None currently shown on Preliminary Site Plan.

Sidewalks – Public sidewalks are required across all frontages but are not shown on the site plan. These sidewalks are required to be continuously poured through each driveway and the backside of the 5’ sidewalk should be located 1’ from the property line (within the public right-of-way). The code also requires sidewalks/pedestrian connectivity from the public sidewalk to the entrance of the business where pedestrian access is reasonably expected. Due to the nature of this business and the potential for having customers who may wish to drop off their vehicles for service and then leave the dealership to eat, shop etc. it is worth discussing the requirement for this connectivity.

Waste Receptacles – The Preliminary Site Plan does not indicate any separate outdoor trash receptacles. If any shall be required at a later point they shall be in accordance with Ch. 1250.57 and may require additional landscaping to screen their enclosures.

Other Considerations:

The detention pond that is shown along the north property line may be an issue with the Department of Public Utilities due to it being off-site of the development that it serves.

Intersection contribution fees will be assessed to this project based on the traffic counts associated with the development. These fees will be function as a reimbursement to the City of Perrysburg for previous improvements to Eckel Junction Road and SR 25.

Corridor Overlay

Ch. 1245.33

(a) Utility Lines: All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping. All utility pad fixtures and meters should be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

(b) Loading Areas: Sites shall be designed and buildings shall be oriented so that loading areas are visually screened from any of the project perimeters adjoining any agricultural or residential district or any public right-of-way. Screening shall be in accordance with landscaping requirements specified within this Zoning Code.

(c) Building Materials: No building facade (whether front, side or rear) shall consist of architectural materials which differ in composition, appearance or detail from any other facade of the same building. The intent of this requirement is not to preclude the use of different materials on different building facades (which would be acceptable if representative of good architectural design), but rather to preclude the use of inferior materials on sides which face adjoining property and thus might adversely impact pedestrian activity, existing or future development and property values. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

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

(e) 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. The screen wall shall be located at least three (3) to four (4) feet from the property line and this area is to be landscaped with small shrubs and

perennial flowers. The height of the screening wall shall be thirty-eight (38) to forty-two (42) inches in height.

(f) 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. The spacing of these trees will depend on the species and the distance between trees and the species shall be determined by the City.

(g) Driveways and Parking Areas: Driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Concrete curb and gutters shall be installed around the perimeter of all driveways and parking areas. Drainage shall be designed so as not to interfere with pedestrian traffic.

(h) Outside Storage Areas: Outdoor storage shall be as permitted by the outdoor storage standards of underlying zoning districts; provided, that all outdoor storage areas shall be visually screened from public streets, internal roadways and adjacent property. Screening shall consist of materials specified in this Zoning Code. All such screening shall be of sufficient height to screen storage areas from view. Outdoor storage shall include the parking of all company-owned and operated vehicles with the exception of passenger vehicles.

Ch. 1245.34

The purpose and intent of this Chapter is to regulate the use of publicly visible displays or graphics; to protect and enhance the character of arterial roadways and surrounding areas; to prevent diminishing property values within these areas; to safeguard the public use and nature of arterial roadways; and to minimize visual distractions to motorists along public roads.

- (a) The following shall apply to all signs in the Corridor Overlay:
 - (1) Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder or opening intended to provide light, air or ingress and egress for any building or structure.
 - (2) Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory.
 - (3) A unified system of signage and graphics shall be designed for each individual development. Letter style, graphic display and color shall be analogous for all signage and graphics within an individual development. Signage concepts should be considered during the design of buildings so that signage and graphics are architecturally incorporated into those buildings and the site they inhabit. Size, height, location, material and color should strongly relate to building and site design.
 - (4) All new and replacement signs within the Corridor Overlay from the effective date of this Zoning Code shall be limited to a freestanding sign no higher than six (6) feet, pursuant to the specifications outlined in the sign standards of Section 1250.29 - 1250.39.

Special Approval Use

GENERAL

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

Ch.1235.04(e) – Automotive Sales or Lease for New or Used Vehicles - Outdoors

1. A minimum lot width of fifty (50) feet fronting on a street and containing a minimum of at least five thousand (5,000) square feet of area shall be provided.
2. A suitable building for said use shall be located on the site.
3. All lighting shall be shielded from adjacent residential districts. String lights shall be prohibited.
4. No repair or refinishing shall be done out of doors on the property.
5. Banners, pennants, spinners and attention getting devices shall be prohibited.
6. Ingress and egress to the outdoor sales area shall be at least twenty (20) feet from the intersection of any two (2) streets.
7. A six (6) foot wall or solid fence must be provided when abutting or adjacent districts are zoned or used for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.
8. 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 Chapter

and the procedures of Chapter 1285. City Council may require an agreement between the City and the developer in order to guarantee specified improvements and City Council may impose impact fees and/or required escrows related to the project.

RECOMMENDATION

The Planning and Zoning Administrator recommends **CONDITIONAL** approval of the Preliminary Site Plan and Special Approval Use with the following conditions:

1. The accessory building be shifted to the west by approximately 17' to position it entirely within the rear yard or obtain a variance of its current location.
2. A solution to the parking lot and site landscaping percentages be developed. It is understood that car dealerships have unique needs for the display and storage of their products but this need should not eliminate the requirement for thoughtful landscaping within the site.
3. Address the issue of parking lot landscape islands with the Planning Commission.
4. Address the issue of the wall as required by the corridor overlay.
5. Address the issue of the pedestrian access to the building from the public sidewalk.

In the event that the above items can be addressed at the meeting it would then be recommended that a Public Hearing be set before City Council for April 2, 2019 at 6:10 p.m.

Mr. Walters reviewed the above Staff Report. Jerry Parker, Gressley, Kaplin & Parker, LLP, was present on behalf of Yark Automotive and added that he agrees with all of the staff comments except for three. Mr. Parker stated that the Yark parking lot (#3) is technically not a parking lot, but a display area. He added that the two car dealerships to the south of Yark do not have landscape islands in their parking lots, nor a pedestrian sidewalk (#5) leading to the building from S.R. 25. Mr. Parker stated that the wall (#4) isn't applicable because the "display area" is not off-street parking in his opinion. He added that the Planning Commission will need to make the determination of the parking lot, as to whether it is a display area or off-street parking, which will then identify conditions 3, 4, and 5 as listed in the staff report. Mr. Walters noted that ten (10) percent of the overall site needs to be landscaped, as stated in condition #2. Mr. Wellstein confirmed that Perrysburg Auto Mall was built, and refurbished under a different code, and Mr. Walters stated that it was also built in the township. There was a brief discussion about the pillars at Perrysburg Auto Mall versus the masonry wall that is now required within the corridor overlay. Mr. Bade added that a new build is required to have more, and that there needs to be some landscaping, and that it cannot be all asphalt. Mr. Walters clarified the two different landscape requirements, the overall ten (10) percent of the site, and the six (6) percent in the parking lot with regards to landscape islands. Mr. Walters stated that when the Collision Center at the Perrysburg Auto Mall was built that the Planning Commission at that time made certain accommodations for

the overall site to be brought up to code. He added that this was decided at an earlier time, and under a different Planning Commission. Mr. Walters noted that he will need to understand the Planning Commission's expectation as to how the parking lot and overall site plan are being viewed, so that he can work with Mr. Parker on this project administratively. Mayor Mackin questioned why landscaping, and a wall would be adverse to the Yark project as a whole, and Mr. Parker stated that he does not believe that the wall is applicable because the parking lot is not considered off-street parking in his opinion. Mr. Wellstein asked Mr. Walters if there is a distinction in the code that differentiates between off-street parking versus a display area, and Mr. Walters stated that the wall is designed to screen off-street parking in the code. There was a brief discussion about the portions of display area that was recently approved for Ohio CAT. Mr. Wellstein added that landscape islands could be beneficial at the end of the display areas, and Mr. Parker disagreed. Mr. Wellstein also stated that a thirty-eight (38) inch tall wall will still provide visibility to the cars on display, and Mr. Parker stated the wall would hinder the visibility. There was a brief discussion about landscaping at Taylor Hyundai, and comparing that in conjunction with Yark Automotive. Ms. Mitchell added that the Commission should consider the conditions provided in the staff report, and stated that she agrees with the ten (10) percent landscape requirement, as well as with the wall along the corridor overlay. Mr. Pickerel said that the landscape islands would be a nice feature, and would differentiate Yark Automotive from its competition.

Jim Hagen, 10741 Avenue Road stated that the Commission should be reviewing Yark as a new development, and that they should consider what the site will be ten years from now.

Mayor Mackin moved to approve the Preliminary Site Plan for the Yark Automotive Group located at 26997 N. Dixie Highway, and to grant conditional approval with conditions 1, 2, 3, and 5 as listed in this report. Seconded by Mr. Bade. Ayes: Bade, Mackin, Mitchell, Pickerel, and Stout (5). Nays: Lorenz and Wellstein (2).

Mayor Mackin moved to approve the Special Approval Use for the Yark Automotive Group located at 26997 N. Dixie Highway, and that a public hearing be scheduled for April 2, 2019 at 6:10 p.m. Seconded by Mr. Wellstein. Ayes: (7). Nays: (0).

**Preliminary Plat Extension
Hawthorne Subdivision
South of Coe Ct., North of Roachton Rd.**

APPLICANT/OWNER/DEVELOPER

Mr. Mark Rich
23285 W. SR 51
Genoa, Ohio 43430

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

Maumee, Ohio 43537

REQUEST

Chapter 1295.06(i) – Preliminary Plat Extension

PROPERTY LOCATION & DESCRIPTION

The overall Hawthorne subdivision is proposed to consist of 242 lots and is located south of Coe Ct., north of Roachton Rd., and is immediately west of the CSX railroad tracks. The subject property (107.8 acres) is currently zoned R-3 (Single Family Residential) and S-1 (Scenic and Open Space).

BACKGROUND

On July 25, 2013 the Planning Commission approved the Preliminary Plat for the Hawthorne subdivision.

On December 19, 2014 the Planning Commission approved the Final Plat for Hawthorne Plat 1 which consisted of 30 lots.

On March 26, 2015 the Planning Commission approved the Final Plat for Hawthorne Plat 2 which consisted of 28 lots.

On November 19, 2015 the Planning Commission approved the Final Plat for Hawthorne Plat 3 which consisted of 25 lots (reduced from 27).

On July 30, 2015 the Planning Commission extended the Preliminary Plat approval for Hawthorne subdivision until July 30, 2016. The applicant submitted the renewal request prior to the expiration date.

On February 23, 2017 the Planning Commission extended the Preliminary Plat approval for Hawthorne subdivision until February 23, 2019.

On October 26, 2017 the Planning Commission approved the Final Plat for Hawthorne Plat 4 which consisted of 20 lots.

On December 13, 2018 the Planning Commission approved the Final Plat for Hawthorne Plat 5 which consisted of 27 lots.

ANALYSIS

The Code requires a minimum lot area of 11,600 S.F. for R-3 Zoning. All proposed lots currently meet or exceed the minimum lot size.

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

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 Preliminary Plat extension for Hawthorne subdivision which shall be valid until February 28, 2021.

Mr. Walters reviewed the above Staff Report. Mark Rich, Developer of Hawthorne Subdivision was present. There were no comments or questions from the Commission, nor the public.

Mr. Wellstein moved to approve the Preliminary Plat Extension for the Hawthorne Subdivision located south of Coe Court, and north of Roachton Road for twenty-four (24) months. Seconded by Mr. Bade. Ayes: (7). Nays: (0).

**Preliminary Plat Extension
Villages at Canterbury
S.E. corner of Hull Prairie Rd. & Roachton Rd.**

APPLICANT/OWNER/DEVELOPER

Mr. Mark Rich
23285 W. SR 51
Genoa, Ohio 43430

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

REQUEST

Chapter 1295.01 – Preliminary Plat
Chapter 1295.06(i) – Tentative Approval Time Limit: Plat Resubmission

PROPERTY LOCATION & DESCRIPTION

The Villages at Canterbury is a proposed subdivision consisting of 453 lots located at the southeast corner of Roachton Road and Hull Prairie Road. It is bordered to the east

by the CSX railroad tracks. The subject property is currently zoned R-4 (Single Family Residential) and is comprised of approximately 222.85 acres.

BACKGROUND

On June 3, 2011, the annexation into the City of Perrysburg was completed.

On October 4, 2011, permanent zoning of R-4 (Single Family Residential) was approved by City Council.

On June 28, 2012, Planning Commission considered a Preliminary Plat request for The Villages at Canterbury. During the review, issues related to drainage, right-of-way, easements, and open space were identified and the Planning Commission tabled the issue until these issues could be resolved / further explored.

On July 26, 2012, Planning Commission un-tabled the Preliminary Plat request for The Villages at Canterbury and was presented with a revised preliminary plat drawing, which addressed the issues from the previous meeting. At this meeting a Preliminary Plat was approved by the Planning Commission subject to the comments and recommendations included in the report.

On July 31, 2014, Planning Commission provided a Preliminary Plat extension. Dr. Rich has again applied for a preliminary plat extension per Chapter 1295.06(i) to renew the approval that was originally granted on July 26, 2012 and last renewed on July 31, 2014.

In 2015, Perrysburg Schools announced that they are under contract to purchase approximately 18 acres (800' N-S, by 960' E-W) of land in the northwest corner of this subdivision area, shown on the plat as "excepted area". The proposed sale of this land to the schools resulted in the loss of approximately 18 acres from the original Preliminary Plat.

On February 4, 2016, Mr. Rich applied for new Preliminary Plat approval that excluded the 18 acres that was acquired by Perrysburg Schools. The Planning Commission voted 6-0 to approve the requested Preliminary Plat.

February 23, 2017, The Planning Commission approved a Preliminary Plat extension to allow the for the Preliminary Plat approval to be extended until February 23, 2019.

January 31, 2019, in preparation for the expiration of the Preliminary Plat, Mr. Rich has applied for an extension to the Preliminary Plat for the subdivision.

ANALYSIS

The City of Perrysburg's current Comprehensive Plan indicates "Controlled Growth/Traditional Neighborhood Area."

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

The following list is a timeline of development activity for this subdivision:
July 26, 2017 – Plat 1 was finalized and recorded (37 lots).

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 extend the approval of the submitted Preliminary Plat for 24 months (expiration of February 28, 2021).

Mr. Walters reviewed the above Staff Report. Mark Rich, Developer of Villages at Canterbury was present. Ms. Mitchell asked how many homes are complete, and Mr. Rich stated that there are 31 homes that are either in some form of construction or completed. There were no further comments or questions from the Commission, nor the public.

Mr. Wellstein moved to approve the Preliminary Plat Extension for the Villages at Canterbury located at S.E. corner of Hull Prairie Road & Roachton Road for twenty-four (24) months. Seconded by Mr. Lorenz. Ayes: (7). Nays: (0).

**Preliminary Plat
Mutchler Farms Subdivision
Northwest corner of Five Point Rd. & Fort Meigs Rd.**

APPLICANT/OWNER/DEVELOPER

Steve Mitchell
Summerfield Perrysburg Development, Ltd.
3150 Republic Blvd., Suite 3
Toledo, OH 43615

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

REQUEST

Chapter 1295.01 – Preliminary Plat

PROPERTY LOCATION & DESCRIPTION

Mutchler Farms is a proposed subdivision consisting of 154 lots located north of Five Point Road and west of Fort Meigs Road. The subject property (74.86 acres) is currently zoned R-3 (Single Family Residential).

BACKGROUND

No significant background information is available.

ANALYSIS

Due to the north-south distance of the subdivision along an existing roadway with established intersections on the east side it is recommended to require this subdivision to provide two points of access along Fort Meigs Road. These access points are recommended to line up with the existing Falling Waters Lane and the portion of property located further south and indicated as “Lot N” on the preliminary drawing. Additionally, the subdivision only provides for one stub-street to the west (between proposed lots 98 and 99). Connectivity is important between subdivisions and other developments, and due to the number of lots and the north-south distance of the subdivision it would also be recommended to provide a second stub-street that could provide future connectivity to the property to the west.

The zoning code states, “Where future parks or other open spaces are not specifically shown on the Comprehensive Plan to be within a proposed residential subdivision of ten (10) acres or more, the Planning Commission shall determine which of the following options shall be required to best meet the needs of the community:

1. Dedicate to the City a minimum of five percent (5%) of the area of the subdivision as open space. Open space shall not be considered to include required detention/retention areas.

The subdivision plan shows a 2.54 acre park in the center of the subdivision and the open space calculation also includes 1.32 acres for a multi-use path. Based on the function of sidewalks and multi-use paths it is not recommended to include required infrastructure in the open space calculation.

2. Dedicate to the City other suitable land outside the subdivision equal to five percent (5%) of the area of the proposed subdivision.

3. Deposit in escrow with the City a fee equivalent to the “before developed” appraised fair market value of seven and one-half percent (7.5%) of the land in the subdivision immediately prior to its development, plus one hundred dollars (\$100.00) per recorded lot in the final plat. Such deposit shall be allocated for

acquisition and improvement of open space and recreational lands and may be expended only for such purposes at the discretion of the City.

The Code requires a minimum lot area of 11,600 S.F. for R-3 Zoning. All proposed lots currently meet or exceed the minimum lot size.

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

Planning & Zoning:

- Lots must have at least 65' of frontage along a street, unless approved by Planning Commission. In no case shall a lot have a width less than 65' at the building line.
- Sidewalks shall be 5' wide.
- Any future revisions to this subdivision will need to retain the area dedicated for a Multi-Use Path.
- Crosswalks to be provided where blocks exceed 900' in length.
- The name "The Preserve at Fort Meigs" appears on the 11x17 version of the preliminary drawings. Due to the frequency of use of the word "Reserve" the word "Preserve" will need to be replaced with a less similar name.

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 not approve the Overall Preliminary Plat drawing for the Mutchler Farms subdivision as submitted.

Mr. Walters reviewed the above Staff Report, and provided a revised plat map to address some concerns for the subdivision for the Commission. He noted that on the revised plat there is a second stub street to the west for land that is likely to be developed for residential use in the future, as well as an entrance drive that has been shifted to the north to line up with Falling Waters Lane. Mr. Walters noted that his request for a second access point to the subdivision (out-lot N) that would fall in line with the former Falls at Rivers Edge subdivision has not been revised. Mr. Pickerel asked Mr. Walters for a recommendation clarification with the revised plat map for Mutchler Farms, and Mr. Walters stated that he is still an advocate for having a second drive on Fort Meigs Road (lots 18 & 19) to service the overall development and to line up with the proposed stub-street at the former Falls at Rivers Edge subdivision. Steve

Mitchell, Developer of Mutchler Farms, and Don Feller, Feller Finch Associates, were present on behalf of the application. Mr. Mitchell stated he has attempted to try to address all but one comment from the Staff Report, that being out-lot N as an access point. He added that originally they had proposed building their street across from the lift-station, and then the street would enter into the park flow of the subdivision. Mr. Mitchell noted the various surrounding subdivisions that only have one or two access points. There was a brief discussion about the opinions of connectivity between Mutchler Farms and the Falls at Rivers Edge. Mr. Bade noted that there is a culvert in the ditch abutting Fort Meigs, and raised his concerns with flooding in the area. Mr. Mitchell stated that the rules on detention and retention have changed since 2014, and that he does not want flooding either. Mr. Bade and Mr. Wellstein both stated that they are in agreement for an additional entrance on the west side of the subdivision.

Gary Ehrmin, 15552 Five Point Road, asked if the older homes on Five Point Road are going to be tapped into the sewer. Mr. Walters clarified that the development of Mutchler Farms will not require neighboring homes to tap into the sanitary sewer.

There was a brief discussion about the open space dedication, and the multi-use path that will run parallel to Fort Meigs Road. Mr. Mitchell stated that his intent is to replicate the Saddlebrook subdivision with Mutchler Farms in that there be a two and a half (2.5) acre park in the middle of the subdivision that is maintained by the home owners association. He requested that this park and the multi-use path (10 feet) be considered as obtaining a portion of the open space. There was a brief discussion between the board members and Mr. Mitchell regarding the intention of the open space.

Mr. Mitchell spoke briefly about the two access points on Fort Meigs Road, and Mr. Feller noted that access streets in the surrounding subdivisions do not intersect across from one another. Mr. Walters noted that a traffic study will be required moving forward with this project. He added that he consulted with Doug Dariano, City of Perrysburg Engineer, regarding this new subdivision, and that it was encouraged that there be two points of access off of Fort Meigs Road. Mr. Mitchell asked that the Commission consider tabling the Preliminary Plat approval for Mutchler Farms based on confirmation of the two access points on Fort Meigs Road.

John Moosman, 13582 Five Point Road, stated that he lives across from Brookhaven, and that traffic is already congested.

Mr. Bade moved to table the Preliminary Plat for Mutchler Farms. Seconded by Ms. Mitchell. Ayes: (7). Nays: (0).

**Special Approval Use
Bonita Bead Boutique
133 W. Second Street, Suite B**

APPLICANT/OWNER/DEVELOPER

Ann Tristan
133 W. Second St. Ste. B
Perrysburg, OH 43551

REQUEST

Chapter 1235.02(d) – SAU – Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the north side of West Second Street between Burlingwood Drive and Walnut Street.

Property Size: approximately .25 acres

Parcel: Q61-000-901208016200

Zoning: OS (Office Service)

BACKGROUND

The applicant is looking to occupy one of the suites in the building to operate a jewelry store. The operations of the business will consist of watch repair, stringing, the sale of beads, and the sale of finished jewelry. There would be two employees whom would operate Monday through Friday between the hours of 10AM and 6PM, and Saturday between the hours of 10AM and 5PM. The building has private parking for all tenants and customers in the rear, as well as public parking in the front of the building. The jewelry store would be classified under the land use of “Neighborhood Business less than 10,000 SF”.

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”, but there are some uses that are only required to meet the “general conditions”. Bonita Bead Boutique is only required to meet the “general 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.

RECOMMENDATION

The Planning and Zoning Deputy Administrator has reviewed the application for a Special Approval Use for the Bonita Bead Boutique "Neighborhood Business less than 10,000 SF" located at 133 W. Second Street and recommends approval of the request as submitted.

Mr. Walters reviewed the above Staff Report. Owners Ann & Anita Tristan were present, and added that they have been in business since 2005 in Maumee, Ohio. Ms. Ann Tristan stated that she originally came to the City offices to get the taxes in order for her business, and that is when she had learned that she would need a Special Approval Use to operate in this office space setting. Mr. Bade confirmed that there is adequate City parking available for this business.

Virginia Luce, 127 W. Second Avenue, read a prepared statement and expressed her concerns with the recent opening of Bonita Bead Boutique.

Ann and Anita Tristan both agreed that the orange sandwich board sign is ugly, and that they will not use it. Ann added that she wanted to receive approval first through the Planning Commission, and next she was looking into new signage for their business. Anita noted that they did look at the Louisiana Avenue store fronts first, and did not find a store front that best served their needs. Ann and Anita added that they are more so a

specialty rather than a store front, as they work with many others outside of their office space. Mr. Pickerel stated that the Planning Commission is solely looking at the business under the Special Approval Use guidelines.

Jon Orser, 125 E. Front Street, asked that the zoning categories be provided for the outlying areas. Mr. Walters clarified that the building at 133 W. Second is zoned Office & Service, and that Bonita Bead Boutique may legally operate with a Special Approval Use. He added that in a C-2 zoning district that single family residential uses are a permitted use by right. Mayor Mackin confirmed that all six Special Approval Use requirements have been satisfied for Bonita Bead Boutique.

Mr. Lorenz moved to approve the Special Approval Use for Bonita Bead Boutique located at 133 W. Second Street, Suite B. Seconded by Ms. Mitchell. Ayes: Bade, Lorenz, Mackin, Mitchell, Pickerel, and Stout (6). Nays: (0). Abstain: Wellstein (1).

Code Amendment

Chapter 1230.01

Intensity & Dimensional Standards – R1 Setbacks

APPLICANT/OWNER/DEVELOPER

Retreat Associates
4331 Keystone Dr.
Maumee, Ohio 43537

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

REQUEST

Chapter 1285.06 – Changes and Amendments
Chapter 1230.01 – Intensity & Dimensional Standards

PROPERTY LOCATION & DESCRIPTION

The proposed code amendments to Chapter 1230.01 would affect all properties that are currently zoned R-1 (Single-Family Residential) by reducing the required rear yard setback on these lots.

BACKGROUND

Chapter 1230.01 Intensity & Dimensional Standards identifies the required dimensional lot requirements for each zoning classification included on the City of Perrysburg's zoning map. The subject amendment to the zoning code proposes to reduce the

required rear yard setback of R-1 lots from 60' to 50' and also to reduce the required front yard setback from 50' to 45'. All other dimensional requirements of the R1 zoning classification are proposed to remain the same. The proposed amendment increases the buildable area of corner lots, especially in existing platted subdivisions.

ANALYSIS

While this code amendment is proposed for all R-1 zoned properties, the justification for this amendment came after reviewing the development status of the Sanctuary Subdivision on the west side of town. For years the Planning and Zoning Division received complaints from both developers and customers of corner lots in existing subdivisions. After reviewing the development map (gray lots = sold/built out) (white lots = unsold) it became clear that corner lots in existing subdivisions have become less desirable and harder to fit appropriate houses on due to the size, shape and location of the lots. Traditionally corner lots have been highly desirable for the increased street presence and the flexibility that comes with having two street frontages but that has not been the case in this very large, high-end subdivision. Opponents of the amendment may argue that the lots could have been platted differently (larger lots) or that customers of these corner lots could obtain a setback variance to accommodate an appropriate home. Both of these arguments are in fact true but what is also true is that this particular subdivision was designed in the township under different requirements and then later annexed into the city. These lots were sized and originally platted for a 35' front yard setback while in the township. Secondly, a setback variance is an option for each individual lot but as the provided map indicates this is a fairly widespread problem which would suggest that a more sweeping solution may be appropriate. A setback variance is always an option for setback requirements but it is also important to realize that the process does not guarantee relief, it takes time, adds uncertainty to a major expenditure and does require an additional expense. When considering the requested amendment it is helpful to review the following information to better understand how the lot characteristics compare among the different zoning districts.

EXISTING

Zoning	Front	Side (min/total)	Rear
R1	50'	10'/25'	60'
R2	40'	10'/25'	35'
R3	35'	8'/20'	35'
R4	35'	6'/16'	30'

PROPOSED

Zoning	Front	Side (min/total)	Rear
R1	45'	10'/25'	50'
R2	40'	10'/25'	35'
R3	35'	8'/20'	35'
R4	35'	6'/16'	30'

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission recommend approval of the proposed code amendment to city council. Adoption of this amendment would provide flexibility for challenging lots and would likely allow for the sale and development of lots that have been passed over for many years. It is also believed that the statistical differences between setbacks (in each single-family district in the charts provided) would maintain a reasonable distinction between each district.

Further, it is recommended that a public hearing be set before City Council for April 2, 2019 at 6:20 p.m.

Mr. Walters reviewed the above Staff Report, and noted that there has been a slight modification since originally written, with a request to reduce the front and rear yard setbacks. Ed Bryant and Dick Wehrle, Retreat Associates were present. Mr. Bryant stated that the buildable area is decreasing with corner lots in the Sanctuary which is creating a problem with the desirability of those lots. He added that he is trying to allow homeowners to build larger homes with these reduced setbacks. Mr. Bade noted the public outcry about three years ago when Retreat wanted to change the lots to R-3, and Mr. Bryant noted that the homeowners didn't understand what Retreat was trying to do. Mr. Bade asked if the Homeowners Association was notified, and Mr. Walters clarified the HOA and individual neighbors were not notified of this request, being that there is not a set address associated with this proposed code amendment. Mr. Bade added that when bigger houses are built on smaller lots that there is more run-off. Mr. Pickerel asked if there was a way to address a second front yard on a corner lot, and Mayor Mackin said that this would still be an issue. There was a brief conversation about the side yard setbacks versus the rear and front. Mr. Wellstein noted that the majority of the setback issue seems to be with the corner lots. There were no further comments or questions from the Commission, nor the public.

Mr. Bade moved to deny the proposed Code Amendment to Chapter 1230.01 Intensity & Dimensional Standards in R-1 Setbacks. Seconded by Mr. Wellstein. Ayes: Bade and Wellstein (2). Nays: Lorenz, Mackin, Mitchell, Pickerel, and Stout (5).

Mayor Mackin stated that he has a concern with the public notice, and Mr. Wellstein added that a notice from the HOA would be a great idea, and Mr. Bryant agreed. Mr. Walters stated that tonight's decision will not be final, rather the Planning Commission will make a recommendation to City Council for a final vote. Mr. Stout added that there should be very transparent communication. Mayor Mackin clarified that there ought to be a legal notification directly from the HOA, rather than the City, as that has already been met. There was a discussion about options for this proposed code amendment, whether to table or to make another motion.

Mayor Mackin moved to recommend that the front yard setback remain the same at fifty (50) feet for all R-1 lots, and that the rear yard setback be reduced to fifty (50) feet for all R-1 lots, and that a public hearing be scheduled for April 2, 2019 at 6:20 p.m. Seconded by Mr. Bade. Ayes: Bade, Lorenz, Mackin, Mitchell, Pickerel, and Stout (6). Nays: Wellstein (1).

There being no further business, the meeting adjourned at 9:39 p.m.

Respectfully submitted,

Heather Alfaro