

PLANNING COMMISSION MEETING

FEBRUARY 26, 2015

The meeting was called to order at 7:00 p.m. by Chairman Chris Carry. Commission members present were: Chris Carry, Byron Choka, Tom Forquer, Seth Hudson, Eric Nicely and Mayor Olmstead. (6). Absent: Therese Witt (1). Also present were Mathew Beredo, Law Director and Brody Walters, Planning and Zoning Administrator.

Approval of Minutes from the January 22, 2015 Meeting

Mr. Hudson moved to approve the minutes of the January 22, 2015 meeting as written. Mr. Forquer seconded. Ayes: Carry, Forquer, Hudson, and Olmstead (4). Abstain: Choka and Nicely (2).

Administrator's Report

Mr. Walters stated that the only agenda item for next month's meeting is a final plat for Hawthorne Plat 2.

Preliminary and Final Site Plan Midas Auto Service Center 26420 North Dixie Highway

APPLICANT

Katz Management
1101 Monroe Street
Toledo, OH 43604

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1245.29 – SR25 Corridor Overlay
Chapter 1250 – Site Design Standards

PROPERTY LOCATION & DESCRIPTION

The subject property is located near the intersection of N. Dixie Highway and Eckel Junction Road, immediately south of the Circle K convenience store. It is located within the City of Perrysburg's Corridor Overlay district and is zoned C - 4 Highway Commercial. All adjacent properties are also zoned C-4. The subject site is a 1.217 acre parcel that was previously operated as Cook Motor Sales and features a small building (approx. 36' x 66'), a billboard post, and a substantial amount of impervious parking area. The

submitted plans for the Preliminary & Final Site Plan review indicate the current building is to be demolished and replaced with a new 5,500 SF building.

ANALYSIS

Land Use – The requested use has been reviewed and determined to be “Automotive Repair – Light” which is a permitted use in C-4 zoning districts. “Light” repair is limited to the repair or replacement of components for routine maintenance purposes, such as tires, mufflers, glass, etc. It does not allow work typically performed by a body shop such as engine rebuilding, frame straightening, or painting.

Dimensional Standards - The proposed building shown on the Site Plan is inconsistent with the dimensional standards of Chapter 1230 with regard to both building height (35’ max) and the minimum side yard setback (20’) along the southern property line. The applicant may correct these issues on the plans or apply to the Board of Zoning Appeals (BZA) for relief.

Building Materials – The building materials for the proposed building are of excellent quality and arrangement. The materials are within the required percentages and are consistent on all four sides which is a requirement of the Corridor Overlay.

Access – The subject location currently has 2 curb cuts onto Dixie Hwy. The site plan indicates that the southern curb cut will be removed and access to this site will be taken from a right-in / right-out at the northern curb cut to serve both the subject parcel and the parcel to the north of the subject parcel. The northern parcel (not part of this site plan request) will not be permitted to have an additional/separate curb cut off of Dixie Hwy. and will be required to use the shared driveway with the subject parcel which is why a cross access easement is indicated on the site plan.

Corridor Overlay – The corridor overlay requires a 38” – 42” screen wall which is indicated on the plan but materials and elevations have not been provided at this time. The code generally requires that the screen wall be of similar or compatible materials to the primary structure.

Parking – The parking requirement for this use is calculated at “One (1) for each employee plus reserve parking spaces equal in number to three (3) times the maximum capacity of service stalls provided at the facility.” The applicant has indicated there is to be 3 employees and 9 service bays which require a total of 30 parking spaces. It is recommended to require curbing throughout the entire parking lot area. Additionally, parking is not allowed to be located in the front yard without the approval of the Board of Zoning Appeals. Finally, the parking lot area shown in the northeast corner of the site does not meet the 5’ minimum setback from the property line. This issue can be revised on the site plan or the applicant may seek relief from the BZA.

Landscaping – A landscape plan has been submitted and appears to meet or exceed city requirements for quality and quantity. It is recommended to require that on site landscaping be irrigated due to the site being larger than 1 acre in size.

Street Trees – A street tree plan has been submitted and will be reviewed by the city's Street Tree Commission at the March 2, 2015 meeting.

Signage – A full review of signage will be conducted by the Planning and Zoning Division prior to the issuance of permits. Overall, there is more signage shown on the building than is permitted by code. Generally, the code permits one sign per façade on up to 3 facades. Typically this would result in one sign on the north, west and south façade. Also, the corridor overlay requirements only permit a free standing sign to be a maximum of 6' tall. Additionally, there is an existing freestanding billboard post on the site which is not permitted. It is recommended to have this billboard removed as part of any approval.

New Freestanding signage is limited to the following:

Height – 6'

S.F. – 48

Setback – 10'

New Wall signage is limited to the following:

Qty – 1 per façade (up to 3 facades)

S.F. – 10% of façade up to 75 S.F.

**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 – Sidewalks are shown along the entire frontage of the property but a sidewalk leading to the building entrance has not been provided and should be a condition of approval. A crosswalk needs to be added across the drive demarcating the crossing to the front entrance. This crosswalk should be demarcated with different pavement material as paint is not effective long term.

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 and the provided dumpster enclosure details do meet all of the necessary requirements.

RECOMMENDATION

The Planning and Zoning Administrator recommends that the Planning Commission disapprove the preliminary and final site plan for Midas Car Care due to the deficiencies identified below:

1. Building exceeds the maximum permitted height of 35'
2. Building side setback is shown to be less than the required 20'
3. Screen wall materials/elevations have not been provided
4. Permission for parking within the required front yard setback has not been obtained.
5. Un-approvable signage requests

6. Irrigation shall be provided to landscaped areas
7. Billboard post has not specifically been called out for removal
8. Dedicated sidewalk leading to building entrance has not been provided
9. Parking lot setback is less than 5' minimum (NE corner of site plan)
10. Parking lot shall feature curbing throughout

Mr. Walters reviewed the above Staff Report adding that he retracts his comment about the side property line. He said that the applicant submitted a revised Final Site Plan to address the remaining comments in the Staff Report. The building materials are excellent in quality and arrangement and they meet the requirements of the Corridor Overlay. The second curb cut will be removed and there are thirty parking spaces. The billboard will be removed as part of the approval process. The original plan had more and larger signage but the signage in the revised plan is acceptable. Mr. Walters stated that since the issues noted in the Staff Report have been resolved in the applicant's latest submission, he recommends that the Commission approve the Preliminary and Final Site Plan for the Midas Auto Service Center subject to approval by the Board of Zoning Appeals granting approval of parking in a front yard. The applicant previously received approval from the Board of Zoning Appeals, but it has expired.

Greg Feller of Feller, Finch and Associates stated that they feel they have addressed all the issues. Mr. Choka asked if a traffic study was done. Mr. Walters stated that the traffic counts are low enough that a traffic study is not required. Mr. Forquer clarified that the only outstanding issue is parking in a front yard. Mr. Walters said that is correct.

Mr. Forquer moved to approve the Preliminary and Final Site Plan for Midas Auto Service Center subject to approval from the Board of Zoning Appeals for parking in a front yard. Mr. Hudson seconded. Ayes: (6). Nays: (0).

Preliminary and Final Site Plan

Taco Bell

North Dixie Highway (between Lincoln Blvd. & Gloria St.)

APPLICANT/OWNER/DEVELOPER

George Kentris
G-Made, Inc.
2738 N. Main St., Suite A
Findlay, OH 45840

Dan Stone
Van Horn Hoover & Assoc.
P.O. Box 612
Findlay, OH 45839

Jeff Normand
Normand & Associates, Inc.
885 Commerce Drive
Perrysburg, OH 43551

Lane Williamson
Eastman & Smith, Ltd.
One Seagate 24th Floor
P.O. Box 10032
Toledo, OH 43699

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1245.29 – SR25 Corridor Overlay
Chapter 1250 – Site Design Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the east side of N. Dixie Highway, south of Lincoln Blvd. and north of Gloria Street. “Social” restaurant is the immediate neighbor to the north of this property. This application includes 16 parcels, with lots 705 and 754 only being partially used.

Property Size: .939 acres

Parcels: Q61-400-180303022000	Q61-400-180303015000	Q61-400-180303013000
Q61-400-180303021000	Q61-400-180303005000	Q61-400-180303012000
Q61-400-180303020000	Q61-400-180303014000	Q61-400-180303011000
Q61-400-180303019000	Q61-400-180303006000	Q61-400-180303010000
Q61-400-180303018000	Q61-400-180303007000	
Q61-400-180303017000	Q61-400-180303008000	
Q61-400-180303016000	Q61-400-180303009000	

BACKGROUND

This property was previously used for the parking lot of the DC Ranch/Rose Room. Additionally, this area also contained a “Water Shed” (NWWSD) that has since been removed and a large billboard sign that is still present. The property has been vacant for several years and has only been used for overflow parking of “Social” restaurant. This land was recently purchased by G-Made, Inc. to be utilized as a Taco Bell restaurant.

On July 31, 2014 the applicant requested preliminary site plan approval from the Planning Commission. This request was unanimously denied due to the exclusion of parcel # Q61-400-180303010000 and the failure to remove the existing non-conforming billboard. The current request for preliminary and final site plan approval now includes the previously excluded parcel (Lot 577). As part of this application the applicant has proposed two site plans, one which calls for the immediate removal of the billboard and a second version that seeks to allow the billboard to remain.

On August 28, 2014 the Planning Commission elected to table a previous request for preliminary and final site plan request due to missing/incomplete information.

ANALYSIS

The applicants have provided the necessary documents to conduct a preliminary and final site plan review for the proposed Taco Bell. This application will be reviewed according to the requirements for preliminary site plan, final site plan and Corridor Overlay requirements.

Preliminary Site Plan

- **Zoning:** C4 (Highway Commercial) with Corridor Overlay
- **Setbacks:** Front: 50 ft. *(this property has 3 front yards, one along each street)*
Side: 10 ft. minimum *(this property has no side yards)*
Rear: 30 ft.
- **Adjacent Zoning/Uses:**
 - North** – C4 Highway Commercial (Social)
 - East** – C4 Highway Commercial (vacant)
 - South** – C4 Highway Commercial (vacant, Café Marie Plaza)
 - West** – PBP/UVO (Levis Commons)
- **Land Use(s):** Restaurant Fast-Food
- **Site Layout:** The applicants propose to construct a Taco Bell in approximately the center of the property, with parking in the front and rear. Access to the site is shown to be from Lincoln and Gloria, not directly from N. Dixie Hwy and these curb cuts are well positioned away from Dixie Hwy as not to create stacking issues.

There is a drive-thru located along the rear façade of the building, facing away from S.R. 25.

The applicant has parking located within the required front yard setback and has received a variance from the BZA allowing these 21 parking spaces *(BZA case # 18-14, granted on July 14, 2014)*.

Also present on site is a dumpster enclosure located in the rear yard and the screen wall along SR25 that is required as part of the corridor overlay.

- **Roads and Access:** A Traffic Impact Study has not been submitted to the City for this project but a Traffic Impact Statement has been provided by DGL Consulting Engineers (Laurie Adams). In summary, it was determined that the proposed use will not generate the amount of “trips” to justify the completion of a full traffic study.

- **Parking:** The site plan identifies 44 parking spaces. The code requires 17 parking spaces to accommodate 1,983 SF of usable floor area and 7 employees. Parking spaces are shown to be 10' x 20' in size with 24' drive aisles.
- **Landscape Islands:** As the site plan indicates, the applicant has provided landscape islands in locations to break up parking lot rows into 10 cars or less which meets the requirement of the code which specifies that 1 landscape island be provided per each 10 parking spaces.
- **Parking Lot Landscape:** The parking lot landscape plan indicates that the minimum landscape requirement has been met and slightly exceeded at 6.3%.
- **Site Landscaping:** The site landscape plan indicates that the minimum landscape requirement has also been met and exceeded at 32.5%. It should be noted that all landscape percentages have been calculated by the applicant's architect rather than the landscape architect.
- **Sidewalks:** Public sidewalks are required across all frontages and are shown on the site plan. In the middle of the screen wall a sidewalk is shown that will provide pedestrian access to the front entrances of the proposed building.
- **Lighting:** A photometric plan has been provided which indicates light spillage, fixture height/style, and fixture location. In summary, five 25' tall downward facing lights are proposed, two in the front of the building and 3 in the rear.
- **Building Materials/Elevations:** The applicant has proposed a building which features EIFS, Brick, Aluminum Slats, Glass and stone. The revised building elevations do not indicate the individual percentages of each material but the materials do appear to meet the requirements of Ch. 1250.48. Additionally, the dumpster enclosure is shown to be constructed of brick (to match the building) with painted cedar gates.
- **Signage:** Signage is to be reviewed upon application of a sign permit. Additionally the applicant should be advised of Ch. 1245.34(a)(1) which states that 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.
- **Screen Wall:** Screen wall details have been provided and the wall has been found to be located properly. The overall wall detail has been revised to include brick and EIFS which is generally representative of the main building and also shows a top cap. Planning commission should verify/clarify the material of the top cap to ensure both attractiveness and durability.
- **Street Tree Plan:** The applicant has provided a street tree plan indicating the location, species, and size of all proposed street trees. This plan was reviewed and disapproved by the city's Street Tree Commission at their October 6th meeting.

Prior to the issuance of zoning permits for this project an approved street tree plan will need to be on file with the City of Perrysburg. This requirement does not require the denial of the final site plan.

- **General Engineering:** The applicant shall submit and obtain City of Perrysburg engineering approvals for site civil construction plans, including pavement and drainage, water, storm and sanitary sewer prior to a zoning permit being issued. A zoning permit is required prior to Wood County issuing a building permit. Additionally, a pre-construction meeting is required prior to permitting by the City of Perrysburg.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed both versions of the preliminary and final site plan and recommends the denial of the final site plan which does not indicate the billboard is to be removed (Site Plan #1). Further, it is recommended to approve the preliminary and final site plan version that specifically identifies that the billboard on Lot 577 is to be removed (TBR) (Site Plan #2).

Lane Williamson and Jeff Normand were present to represent the applicant. Mr. Walters reviewed the above Staff Report. Mr. Normand said that with regards to the screen wall, it will have the same cap as the dumpster enclosure. He said that because of the angle of the property he tried to keep the street trees away from the corner, but he will add those back in and the street tree plans will be resubmitted to the Street Tree Commission.

The Commission discussed the difference between the two site plans submitted by the applicant. Mr. Normand was asked, and agreed, that the only difference between the two plans is the TBR (to be removed) reference for the billboard on the site. There was discussion regarding the lease for the billboard. Mr. Choka asked when the lease terminates. Mr. Williamson said the initial date is in 2016 but there is an option to renew for an additional five years. Mr. Carry asked Mr. Williamson if the only date he can assure the Commission of in reference to the lease expiring is 2021. Mr. Williamson said that is a fair statement.

Mr. Forquer moved to approve the Preliminary and Final Site Plan of Taco Bell designated as Site Plan #1. The motion died for lack of a second.

Mr. Carry moved to deny the Preliminary and Final Site Plan of Taco Bell designated as Site Plan #1 on the basis of the existing billboard on the site. Mr. Hudson seconded. Ayes: (6). Nays: (0).

Mr. Forquer moved to approved the Preliminary and Final Site Plan of Taco Bell designated as Site Plan #2 that identifies the billboard on Lot 577 as TBR (to be removed). Mr. Carry seconded. Ayes: (6). Nays: (0).

Code Amendment

Ch. 1250.42 – Fence, Walls, Structural Screens, Hedges and Screen Plantings

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.42 – Fences, Walls, Structural Screens, Hedges and Screen Plantings

PROPERTY LOCATION & DESCRIPTION

The proposed code amendment to Chapter 1250.42 would affect all properties within the City of Perrysburg by modifying the criteria for the fencing.

BACKGROUND

The Planning and Zoning code currently provides 3 categories for the placement of fences; front yards, side yards and rear yards. Over the last several years the Board of Zoning Appeals (BZA) has heard several variance requests which seek permission to install 6' privacy fences in the small, rear portion of a side yard. Some of these requests have been due to preference, aesthetics, animal containment, infrastructure screening, etc. Due to the number of requests the Planning and Zoning Division receives for permission to install 6' privacy fences in the back portion of a side yard it is necessary to review our current fencing requirements.

ANALYSIS

THE CODE CURRENTLY READS

1250.42 FENCES, WALLS, STRUCTURAL SCREENS, HEDGES AND SCREEN PLANTINGS.

(a) The following regulations shall apply to fences, walls, hedges and screen plantings, except as specifically provided herein:

(1) A permit is required for the installation of any fence in a required yard.

(2) The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property owner installing the fence. Two (2) property owners jointly installing a fence along their common property line may choose to place the posts and other supporting portions of the fence on either side of the fence.

(3) The height and location of the fence, wall, structural screen, hedge and screen planting shall conform to the following requirements, except as otherwise provided in this Zoning Code.

- (4) Fences, walls, structural screens, hedges and screen plantings shall include all structures, shrubs, plantings or trees used to separate, enclose, restrict, screen or demarcate a boundary.
- (5) A fence that is an integral part of a swimming pool in compliance with Section 1250.58 is exempt from this section.
- (6) The Zoning Inspector shall charge such fees payable by the applicant at the time of filing a permit request as are determined from time to time by City Council.
- (7) The posts and all other supporting portions of fences shall not exceed the maximum permitted height of the fence by more than four (4) inches.
- (8) The measurement of the height of a fence shall be made from the ground surface at the bottom of the fence.
- (9) All fences, walls, structural screens, hedges and screen plantings within the Historic District shall require review and approval by the Historic Landmarks Commission in addition to any other approvals required prior to a permit issued.
- (10) Any areas used for shopping cart containment as may be provided, shall be fully enclosed and screened by a minimum of four foot (4') high masonry wall, berming and/or landscaping.
- (11) Mulch storage cannot displace any portion of the site development intended for parking access, landscaping, or loading and shall be screened with berming and/or landscaping.
- (12) Non-enclosed areas for the storage and sale of seasonal inventory must be "permanently defined" and screened (or covered) with walls or fences of the same materials and colors of the building.

Fences, Walls and Structural Screens														
		Front Yard				Side Yard				Rear Yard				
	Max. Height (feet)	Zoning				Zoning				Zoning				Minimum distance Lot Line (1)
		A	R	C	I	A	R	C	I	A	R	C	I	
Wire Mesh	4	P	*	Z	P	P	P	P	P	P	P	P	P	4 inches
	6	*	Z	Z	P	Z	Z	Z	Z	P	P	P	P	4 inches
Wire Mesh With/Without Barbed Wire	8	*	*	*	*	Z	*	Z	Z	*	*	Z	Z	12 inches
Wooden Fence or Structural Screen	4	P	P	P	P	P	P	P	P	P	P	P	P	4 inches
	6	*	Z	Z	P	Z	Z	P	P	P	P	P	P	4 inches
	8	*	*	*	Z	*	*	Z	Z	*	*	Z	Z	12 inches
Masonry Wall	4	P	P	P	P	P	P	P	P	P	P	P	P	4 inches
	6	*	Z	Z	P	Z	Z	P	P	P	P	P	P	4 inches
	8	*	*	*	Z	*	*	Z	Z	*	*	Z	Z	12 inches
Hedge or Screen Planting	3	P	P	P	P	P	P	P	P	P	P	P	P	36 inches
	6	Z	Z	Z	P	Z	Z	P	P	P	P	P	P	60 inches
	6+	*	*	Z	P	*	Z	P	P	P	Z	P	P	96 inches

PROPOSED CODE AMENDMENT LANGUAGE

1250.42 FENCES, WALLS, STRUCTURAL SCREENS, HEDGES AND SCREEN PLANTINGS.

(a) The following regulations shall apply to fences, walls, hedges and screen plantings.

(1) A permit is required for the installation of any fence.

(2) The posts and all other supporting portions of fences shall be placed on the side of the fence facing the interior of the property owner installing the fence.

(3) The height and location of a fence, wall, structural screen, hedge or screen planting shall conform to the style/dimensional chart.

(4) Fences, walls, structural screens, hedges and screen plantings shall include all structures, shrubs, plantings or trees used to separate, enclose, screen or demarcate a boundary.

(5) For fencing purposes the side yard shall consist of the area between the front of the house to the midpoint of the side yard. Any portion of yard between the midpoint of the house and the rear façade of the home shall constitute a rear yard for fencing purposes only.

RECOMMENDATION

The Planning and Zoning Administrator recommends that Ch.1250.42 of the Planning and Zoning code be amended as proposed in this report.

Further, it is recommended that a public hearing be set before City Council for April 7, 2015 at 6:05 p.m.

Mr. Walters reviewed the above Staff Report. Mr. Choka asked for clarification on the chart as to what the P, Z and * mean. Mr. Walters stated that the Code has a footnote explaining that P is permitted, Z indicates you can go to the Board of Zoning Appeals, and * is not permitted. He said that the footnote will also be in the amendment. Mr. Choka asked about the different styles of fence not being included in the new chart. Mr. Walters explained that he has taken the stance that a fence is a fence, and we should not be as concerned about the style with the three exceptions he has included in the amendment: no chain link fence in a front yard, no barbed wire, and electric fence only in A1 zoning districts. Mr. Forquer said that he thinks the chart should say maximum height, not just height. He also said that he does not think there is any place for electric fence within the City. There was discussion regarding electric fencing, including whether that includes invisible fencing. Mr. Walters said that invisible fencing is not included as no permit is issued.

Mr. Carry recommended that the proposed Code Amendment to Ch. 1250.42 of the Planning and Zoning Code be approved with the following additions: “above ground” be added before “Electric fencing”; the word “maximum” be added before height in the title of the chart; and the footnote explaining P, Z and * be added, and that a public hearing be set before City Council for April 7, 2015 at 6:05 p.m. Mr. Hudson seconded. Ayes: (6). Nays: (0).

Code Amendment

Ch. 1250.61 – Accessory Buildings and Uses

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1250.61 – Accessory Buildings and Uses

PROPERTY LOCATION & DESCRIPTION

The proposed code amendment to Chapter 1250.61 would affect all properties within the City of Perrysburg by modifying the criteria for the placement of accessory structures.

BACKGROUND

The Planning and Zoning code provides for strict requirements for the placement of accessory structures on a lot. Generally, Ch. 1250.61 regulates the size, height, use and placement of accessory buildings. Over the last several years there have been different interpretations of the code requirement that regulates the size (SF) of accessory buildings and it is believed that it is necessary to clarify and/or revise this code section to provide a clearer understanding of the size limitation that the code seeks to provide.

ANALYSIS

Currently the Planning and Zoning code regulates the size of accessory structures through the following language:

Ch. 1250.61

(f) No accessory building shall exceed seventy-five percent (75%) of the area of the living area of the main structure.

Previous interpretations of this code language have included using 75% of the “footprint” of the main structure to determine the maximum square footage of the accessory building while others have understood this language to include the total square footage of the main structure that is under roof. It is believed that using a proportion between a current building and a future building is both challenging and inappropriate in many instances. Typically, it is easier and seemingly more appropriate to base a size ratio on the size of the lot rather than the size of the structure that is built upon it. This basic logic would suggest that the bigger the lot you have the bigger the accessory structure you can have.

Under either interpretation of the existing code language it is possible to have a 5 acre property with a smaller, maximum sized accessory structure on it than a house on ½ of an acre (depending on the size of the house).

Example

<u>Size of Lot</u>	<u>Max. Permitted Size of Accessory Building at 5% Coverage</u>
¼ acre	545 SF
⅓ acre	719 SF
½ acre	1,089 SF
¾ acre	1,634 SF
1 acre	2,178 SF
5 acres	10,890 SF

RECOMMENDATION

The Planning and Zoning Administrator recommends that Ch. 1250.61(f) of the Planning and Zoning code be amended to read:

Ch. 1250.61(f) “No accessory building footprint or combination of accessory building footprints shall exceed 5% of the size of the lot on which it is to be placed.”

Further, it is recommended that a public hearing be set before City Council for April 7, 2015 at 6:10 p.m.

Mr. Walters reviewed the above Staff Report. Mr. Walters said that this change would break the correlation between the size of an accessory structure and the principal structure and instead make it related to the size of the lot. Mr. Forquer said that he read the definition of accessory buildings and the use is clearly incidental. He said that the proposed change does not sit well with him for the larger lots because it sounds like the primary use would change and the use will not be incidental. Mr. Carry said that he disagrees with capping it at 5% for the larger lot sizes. He said that a 2,000 square foot structure on a one acre lot is not that big. Mr. Choka asked if the wording in the Code was originally written so the accessory buildings would be smaller than the principal structure and if that is the case, why not just change the wording to clarify it. Mr. Walters said that the interpretation of the Code is not the only issue. In addition, this change would address the practical need or want of homeowners with regard to a larger accessory structure. He said that the Planning and Zoning office has received several requests from property owners who have larger lots and would like to construct larger accessory structures than what is currently allowed. Mr. Carry noted that you could have a three car attached garage but if it were detached, it would count against you.

Mr. Carry moved to recommend approval of the proposed Code Amendment to Ch. 1250.61(f) per the above Staff Report and that a Public Hearing be set before City Council for April 7, 2015 at 6:10 p.m. Seconded by Mr. Nicely. Ayes: Carry, Nicely, Olmstead (3). Nays: Choka, Forquer, Hudson (3).

Mr. Beredo said that the Planning Commission can recommend to approve, approve something different, or deny, but there has to be some recommendation by a majority vote.

Mr. Carry moved to recommend approval of the proposed Code Amendment to Ch. 1250.61(f) and that a Public Hearing be set before City Council for April 7, 2015 at 6:10 p.m. Seconded by Mayor Olmstead. Ayes: Olmstead (1). Nays: Carry, Choka, Forquer, Hudson, Nicely (5).

Code Amendment

Ch. 1230.03 – Provisions Governing Maximum Unoccupied Height

APPLICANT/OWNER/DEVELOPER

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

REQUEST

Chapter 1285 – Changes and Amendments
Chapter 1230.03 – Provisions Governing Maximum Unoccupied Height

PROPERTY LOCATION & DESCRIPTION

The proposed code amendment to Chapter 1230.03 would affect all properties zoned A1, C3, C4, OS, I1, I2, INS and PBP within the City of Perrysburg. Properties zoned R1 – RM, C1, C2, P, or S1 are not included in this request.

BACKGROUND

The Planning and Zoning code includes strict maximum height requirements for buildings per Ch. 1230 “Intensity & Dimensional Standards.” Additionally Ch. 1230.03 allows the Board of Zoning Appeals (BZA) to grant height variances for unoccupied portions of buildings. According to Ch. 1230.03(a) the BZA can permit an unoccupied portion of a building to be up to 15% taller than the maximum permitted height specified in Ch. 1230.

Recently, the PZ Division has been asked to provide a code amendment proposal that would allow the occupied portion of buildings to exceed the maximum height requirements of Ch. 1230.

ANALYSIS

There are 2 ways to provide additional flexibility in terms of building heights:

1. Amend the individual maximum height dimensions of Ch. 1230.
2. Provide the ability for an applicant to request a variance from the BZA for additional height of an occupied or unoccupied portion of a building.

Currently Ch. 1230 specifies the maximum height of each zoning district as follows:

<u>Zoning</u>	<u>Max. Height</u>
A1	35'
R1 – R5	35'
RM	45'
C1 – C4	35'
OS	35'
I1	35
I2	45'
PBP	45'
P	35'
INS	45'

THE CODE CURRENTLY READS

1230.03 PROVISIONS GOVERNING MAXIMUM UNOCCUPIED HEIGHT.

The following provisions shall apply in the respective zoning district with the exception of within an Urban Village Overlay (UVO), where other height provisions may apply:

- (a) Structures located within the C-1, C-3, C-4, OS, 1-1, 1-2, INS and PBP may exceed the maximum building height with enclosed unoccupied building elements by no more than fifteen percent (15%) with the approval of the Board of Zoning Appeals provided that when the subject property adjoins a residence district, that

for each additional foot building height, there shall be provided one (1) foot of additional setback for all required yard areas, and where no yard requirement exist, the additional building height shall be provided as the minimum setback.

(b) The height regulations prescribed within any zoning district or overlay herein shall not apply to television and radio towers, antennae or aerals, church spires, belfries, finials, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smoke stacks, conveyors, structures used in the processing of minerals, campaniles and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

PROPOSED CODE AMENDMENT LANGUAGE

1230.03 MAXIMUM BUILDING HEIGHT

The following provisions shall apply to buildings located in A1, C3, C4, OS, I1, I2, INS and PBP zoning districts within the City of Perrysburg.

- (a) The Board of Zoning Appeals may grant a height variance for any portion of a building that is taller than the maximum permitted height specified in Ch. 1230 “Intensity & Dimensional Standards” providing the variance does not exceed 50% of the maximum height specified in Ch. 1230.
- (b) The height regulations of Chapter 1230 “Intensity & Dimensional Standards” shall not apply to communication towers, monuments, water/cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smoke stacks, conveyors and other similar items as determined by the Planning and Zoning Administrator.

The chart below provides an example of the relief this code amendment could provide:

<u>Zoning</u>	<u>Max. Height</u>	<u>Max. BZA Approval</u>
A1	35'	52.5'
R1 – R5	35'	N/A
RM	45'	67.5'
C1	35'	N/A
C2	35'	N/A
C3	35'	52.5'
C4	35'	52.5'
OS	35'	52.5'
I1	35'	52.5'
I2	45'	67.5'
PBP	45'	67.5'
P	35'	N/A
INS	45'	67.5'

RECOMMENDATION

The Planning and Zoning Administrator recommends that Ch.1230.03 of the Planning and Zoning code be amended as proposed in this report.

Further, it is recommended that a public hearing be set before City Council for April 7, 2015 at 6:20 p.m.

Mr. Walters reviewed the above Staff Report. He stated that the origin of this request is from Ramesh Patel who would like to build a hotel very close to Candlewood Suites on Lakevue Drive. Mr. Walters said that Mr. Patel explained that franchise requirements have changed and they are no longer approving one and two story hotels; they prefer four or five stories, but in limited circumstances will approve three stories. Mr. Walters said that this proposed change would allow our Code to be competitive to allow hotels to come into the City, at least on an individual basis. Mr. Walters added that the proposed relief of 50% does not provide Mr. Patel the full relief he was seeking but seemed to be the maximum appropriate height variance.

Mr. Nicely asked if this change would set the maximum height. Mr. Walters said the proposed amendment does not change the maximum height, it changes the process and it loses the distinction of occupied and unoccupied. Mr. Forquer asked if C1 was dropped intentionally. Mr. Walters said that it was because that is neighborhood commercial. Mr. Forquer asked about the additional setback that is currently required in the Code. Mr. Walters said that the Board of Zoning Appeals can consider this on an individual basis. Mr. Forquer stated that he feels this Code change is substantial. Mr. Walters said that it is intended to provide more flexibility to development but it does not permit it by right which he would not want to do. Mayor Olmstead reiterated that it would not be permitted by right and said that it seems to make sense to make us competitive. Mr. Carry asked if the Fire Division has any issues with it. Mr. Walters said that several years ago when dealing with the Kingston Residence issue we found that the Code was antiquated regarding the height issue. Mr. Forquer said that if this change is approved, whether or not Board of Zoning Appeals approval is required, we will be affecting maximum height. He said that it seems to him that maximum heights should be reviewed and it not be handed off to the BZA.

Mr. Hudson moved to recommend approval of the proposed change to Ch. 1230.03 of the Planning and Zone Code and that a Public Hearing be set before City Council on April 7, 2015 at 6:20 p.m. Seconded by Mayor Olmstead. Ayes: Carry, Choka, Hudson, Nicely, Olmstead (5). Nays: Forquer (1).

Other Business

The Commission had a brief discussion regarding the continued approval of preliminary plats that were approved before the Code was changed in 2006.

Mr. Carry welcomed Mr. Nicely to the Planning Commission.

There being no further business, the meeting adjourned at 9:04 p.m.

Respectfully submitted,

Mary Jo Sutton